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SENATE—*Thursday, August 4, 1994*

(Legislative day of Wednesday, July 20, 1994)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

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

Let us pray:

In a moment of silent prayer, let us remember Vivian Eney, whose husband, a Capitol Police officer, was killed in the line of duty 10 years ago and whose father died 10 years later almost at the same time.

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

Eternal God, sovereign Lord of history, at a time when it seems like the weight of the crises of the world and the Nation rests upon Congress, remind our leadership of the wisdom of Solomon: "Righteousness exalteth a nation: but sin is a reproach to any people."

Under the pressure of crime and education legislation, health care and welfare reform, serious crises in a number of nations, and the fall election, patient God help the Senators to hear the words of Calvin Coolidge, 30th President of the United States:

"The foundations of our society and our government rest so much on the teachings of the Bible that it would be difficult to support them if faith in these teachings would cease to be practically universal in our country." (August 3, 1923, swearing in.)

"We do not need more material development; we need more spiritual development. We do not need more intellectual power; we need more moral power. We do not need more knowledge; we need more character. We do not need more government; we need more culture. We do not need more law; we need more religion. We do not need more of the things that are seen; we need more of the things that are unseen." (From "What The Country Needs," by Calvin Coolidge.)

In His name who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 4, 1994.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

VA-HUD APPROPRIATIONS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 4624, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4624) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, I have been advised that shortly the Senator from Alaska [Mr. MURKOWSKI], will be offering an amendment which I believe has some merit, but I question very seriously the method of funding, because it will have a major impact upon three projects, and one is a medical facility in Hawaii.

On a per capita basis, there are more veterans in the State of Hawaii than in any other State. More men and women have put on the uniform of this great Nation and told the world that they were willing to stand in harm's way for our people. And yet, of the 50 States, there are only two States without veterans hospitals, and one happens to be Hawaii. In addition to that, Hawaii is the only State without a veterans home.

So we do not have a veterans hospital nor do we have a veterans home for long-term care. Yet we have more veterans in the State of Hawaii on a per capita basis than any other State.

Mr. President, we have waited a long time, and the hospital facility in Hawaii is a unique innovation. We will be using one wing of the Tripler Army Medical Center. We are going to make use of an old military hospital. We will have a new facility, and this will be for long-term care, exactly what the Senator from Alaska is proposing to do.

If the amendment of the Senator from Alaska is presented to the Senate, considered, and passed, it will be an unfair and devastating blow to the men and women from the State of Hawaii who have waited all these years for what all other States take for granted.

So I hope that when the time comes this body will reject the amendment of the Senator from Alaska.

I thank the Chair very much.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from North Dakota [Mr. DORGAN].

Mr. DORGAN. Mr. President, I ask unanimous consent to be able to speak for 9 minutes as if in morning business.

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

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

PRESCRIPTION DRUGS

Mr. DORGAN. Mr. President, I ask unanimous consent to use some information that I used in the committee to demonstrate the price of prescription drugs on the floor.

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

Mr. DORGAN. Mr. President, Senator PRYOR and I recently held a hearing in the Governmental Affairs Committee on the issue of international prescription drug prices. We are in the throes of trying to figure out how to deal with escalating, ever-increasing prices in the U.S. health care system. As you know, we have plan after plan out here for debate. We are under enormous pressure to do something on health care reform, and the central engine of this is to do something about skyrocketing prices that are pricing health care out of the reach of too many American people.

There has been little discussion about one component of skyrocketing costs which I want to call to the attention of colleagues.

Senator PRYOR has done an enormous amount of valuable work in this area, and I have assisted him when I was on the House side and now on the Senate side. We jointly chaired a hearing last week that I want to bring to the attention of the Members of the Senate.

Prescription drugs are enormously valuable to those who take them to deal with some health problem or another. They save lives. They extend lives. They are very valuable.

We want to encourage new research and development into prescription drugs. We do that in many ways—tax breaks, very generous tax credits, and other ways. The Federal Government does an enormous amount of research and development on new drugs and so do the prescription drug manufacturers. This is not about whether prescription drugs are good. They are. They help people. The question is, how are they priced? Prescription drugs are not a luxury. They are a necessity for those who have been prescribed the drug by their doctor.

I want to tell you about a woman in her mid-eighties who I met in North Dakota. She is a women with a low income. She said:

> I have heart disease and diabetes, but I cannot afford the drug that my doctor tells me I need to take to stay well. I just don't have the money, so what I do is I buy the prescription the doctor asks me to buy and I take only half the dose so it will last twice as long. It is the only way I can afford it.

Prescription drug prices have increased dramatically in recent years.

We asked a very simple question in last weeks hearing. Why is it that we pay such a much higher price for drugs in this country versus other countries?

I want to show my colleagues a couple of demonstrations of that. The General Accounting Office compiled some data—which I do not have with me on a large chart—that shows 20 of the top 100 selling prescription drugs in the United States. It has the manufacturers wholesale prices for the same dosage, of the same drugs, from the same manufacturer in the United States, Canada, Sweden, and the United Kingdom. The price for almost every drug is highest in the United States, sometimes several times as high. At the hearing, GAO presented data that shows that drug prices in the United States are higher than those in Canada, England, Sweden, Germany, Italy, France, and I could continue. Why is it that we pay more, not just more, but much more, for exactly the same drugs? Let me demonstrate this.

This is Premarin, the top-selling drug in this country. Premarin is an estrogen drug. This bottle of Premarin, produced by the same company, put in the same bottle, in the same quantity and in the same dose, sold for the prices on this chart.

That bottle of Premarin is sold in Sweden for $93, in the United Kingdom for $100, in Canada for $113, and in the United States for $297. Same bottle.

This is a bottle of Xanax. Xanax, of course, is used to treat ulcers and is the second biggest selling drug in this country.

Let us take a look at the price for Xanax. This is GAO information for the same drug. If you bought this bottle, same dose, same manufacturer, you pay $10 for it in Sweden, $15 in the United Kingdom, $20 in Canada, and $56 if you were in the United States.

Why do we pay so much more for the identical drug?

Zantac, this bottle, same drug, same manufacturer, same dose. In Sweden, $64; United Kingdom, $84; Canada, $102; the United States, $133. Why? What would give rise to asking Americans to pay so much for the same drug.

Let me show you one last bottle, something a lot of Americans are familiar with. Valium. Many say Americans take too much of this. Valium deals with anxiety.

This bottle, exactly the same drug, produced by the same company, is sold in various countries. If you buy this bottle of this identical drug in this dosage, you pay $4 for it in Sweden, $4 in England, $9 in Canada, and $49 in the United States.

By what justification would this bottle be sold by the same company for $4 in Sweden and $49 in the United States? By what authority, by what justification, are drug manufacturers overcharging in the United States, not just double, not just triple, but in some cases 10 times for the same product produced by the same company, in many cases an American company?

Well, we held a hearing on this question. The answer is the drug companies do not know. They did not send their executives to the hearing. They sent a trade organization executive who told us he does not know.

I think I know. In virtually every other country in the world, they say you can make a profit, you can recover all of your costs, plus make a profit. But in our country, we say we do not care what you charge. Katie bar the door. Prescription drug manufacturers charge whatever they want to the American consumer. Therefore, the American consumer pays 50 percent, 100 percent, 200 percent, 1000 percent more for exactly the same drug made by the same company.

Now if we go through health care reform and say this does not matter to us, there is something fundamentally wrong.

Do you know if the American consumer had bought the same menu of prescription drugs but did not buy them here they would have saved billions of dollars. If they went to Canada to buy all their prescription drugs, the same drugs, they would have spent $7 billion less. Or, if the American consumer could have gassed up the car and gone to the drugstore, but actually had driven to the United Kingdom, they would have paid $11 billion less for purchasing exactly the same drugs?

Now, when we finish health care reform, we ought to address this question. Is there justification to have these companies put the same pill in the same bottle with the same label at the same strength and say:

> You, American consumers, line up over here. All the of the rest of you, we are going give you a sale price, but you Americans, we are going to gouge you. You get the privilege of paying the highest price in the world for your drugs. And when you are done, thank us for all the research and development we use to justify it.

Well, it is not justified. We pump billions into research and development in lucrative tax breaks and tax credits. The U.S. Government pumps billions in to Government supported research and development, and the drug manufacturers do as well. But these medicines ought to be priced fairly when they are sold across this world.

Let me make one final point. I appreciate the indulgence of my friends.

I was at a restaurant last Saturday night in Minot, ND. I ordered some walleye pike and mashed potatoes. The waitress, as she delivered the food, said:

> I know this is unfair of me, but you are Senator Dorgan and I have got to say this to you. I am 23 years old and I have seizures, not a lot of them, but it affects my health. I cannot get insurance anyplace, and this restaurant does not offer health insurance. I know that you are lobbied by all kinds of organizations and they are putting things on TV that I see.

She said:

> Just remember when it is quiet, when you are thinking about this health care issue, remember there are people like me out there

who are not making a lot money and simply cannot purchase health insurance.

As we go through this health reform issue, let us remember people like that. Let us remember the people who, every day, are buying prescription drugs. Let us remember the low-income individuals whose doctor prescribed a prescription drug, and who are driving to the corner drugstore and are now paying double, triple, or 10 times what the consumers in the rest of the world are paying.

And it is for the woman I described before, from a central North Dakota town, at the age of 85 or so, who has heart disease and diabetes, who decides she can only take half the dose her doctor prescribed so her medicine will last twice as long because she simply cannot afford it. That is wrong.

Let us address health care generally. Let us deal with prices and access and quality health care. We should do that.

I commend the President, I commend Senator MITCHELL, and I commend the Democrats and Republicans who say this is an issue we need to address. But let us not address it and forget this issue, either. Let us decide in the next couple of weeks to ask difficult questions on this floor.

I hope to bring a proposal to this floor that says: By what justification would we allow corporations to continue to overcharge American consumers for needed prescription drugs?

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Mr. ROCKEFELLER. Mr. President, I am very interested and agree very much with what the Senator from North Dakota said.

It also interests me that those same drug companies that are charging so much more to us than they do to others for the same prescription drugs, that in addition to that, they get enormous tax breaks from the taxpayers of the United States, because so many of those drugs are produced in Puerto Rico. They get billions of dollars of tax breaks for making drugs not on our continental shores, and yet they still do that.

That reminds me of another thing. And this is interesting because this deals with something that the Senator and I were working on recently, product liability. The Senator from North Dakota was primary in causing me to take the Food and Drug Administration part out of product liability.

But what was fascinating to me in that whole debate, I say to my friend from North Dakota, was that those, of course, were drug companies we were talking about for a large part, but they never in any way lobbied for the position which I was trying to maintain for them. There was no help whatsoever. They never showed up. I never saw them. They were never there.

It strikes me as ironic, and the answer is in your charts. They are making so much money. They say they want to do research, but when it came to somebody on the floor trying to get them a chance to do more research, they were disinterested. So I think they must be making enough money.

Mr. DORGAN. I would say to the Senator from West Virginia, in 1992 the pharmaceutical manufacturers made triple the average rate of profits of all the top 500 companies in this country, and the head of one drug company made more money than the combined salaries of every Member of the U.S. Senate.

With respect to this question of drug prices in other countries, I am reminded of the old Tom Paxton song, "I Am Changing My Name to Poland."

The solution? Some on this floor would stand up and argue until they are blue in the face that they would not accept any price controls under any conditions. Maybe we ought to allow some sort of purchasing co-op to go over and buy these drugs in Germany and resell them here at half the price.

What is wrong with that? If it is a global market, maybe we ought to be able to go over and purchase the same drug in Germany at half the price and ship them back here and sell them to the American consumer. We should not have to go that route, but maybe that is one of the suggestions we ought to talk about in the next couple of weeks.

Mr. ROCKEFELLER. I thank the Senator.

VA-HUD APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Alaska [Mr. MURKOWSKI] is now recognized to offer an amendment, with a time limitation thereon of 90 minutes, to be equally divided and controlled.

Senator MURKOWSKI.

AMENDMENT NO. 2450

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2450.

The amendment is as follows:

On page 13, line 4, after the colon, insert the following: "*Provided further*, That no funds provided under this head may be used for the construction of acute care, inpatient hospital capacity:".

Mr. MURKOWSKI. Mr. President, my amendment is a very simple one. It would prohibit fiscal year 1995 funding to construct three VA inpatient hospitals. The amendment would make $87 million allocated by the committee to low priority inpatient projects available instead for outpatient care and long-term care patients of a nursing home or domiciliary type.

I offer the amendment for a simple reason, that is the need for veterans' outpatient care facilities exceeds dramatically the need for inpatient care facilities. So what we have here is a question of what are the veterans' most important needs?

The Department of Veterans Affairs agrees with the assessment that, indeed, the emphasis and priority should be on outpatient care. The Department's system for setting construction priorities assigns the lowest weight to inpatient projects or hospitals and the highest weight to outpatient projects.

It has been observed by some that it takes 1 to 2 miles to stop a freight train, 3 to 5 miles to stop a moving tanker at sea, but it is almost impossible to stop VA hospital construction once it is proposed. A VA hospital involves Members in individual States—in this case California, Tennessee, Hawaii—and obviously they can say they brought back a VA hospital to their State. That is a worthwhile and justifiable goal. But the question we must ask ourselves is, Is it needed? Is it the highest priority for the veterans?

As we address our obligation to America's veterans, we can never properly repay them for the sacrifice they made. Our job is to take the funding available and prioritize how it is used as veterans' needs change. And needs are changing. The Appropriations Committee agrees that it is unwise to proceed with more inpatient hospitals. I quote from their report as follows:

The committee does not believe that it is prudent to begin design and construction of new medical center hospitals at this time, pending enactment of health insurance reform legislation. VA's future is unclear. Demographic information statistics are likely to change under a reformed health insurance system.

The committee report uses those words to discuss a proposed new hospital in Florida, a hospital requested by the administration but not funded by this bill in reality. I believe those words also apply to the hospital projects which are funded by this bill in Hawaii, Tennessee, and California.

My amendment says wait. Wait and see how the VA is going to fit into the national health care system. We might have some idea in a relatively short period of time. No one knows what will be in the health care bill approved by Congress this year. Thus, no one knows the health care environment within which the VA will soon be competing for patients. I want to stress that because reform is a departure, an expansion, if you will, of the thought process associated with the VA: That you have

veterans out here and you have a VA system here and the two are locked in together.

After we adopt national health care, that is not necessarily going to be the case. Veterans are very likely going to have the alternative of selecting other medical care facilities, hospitals in their community. So the VA is going to have to compete and it is going to be very difficult for the VA to compete initially because they are not geared up to compete. They are a cost-plus Government facility and have been since they were initiated.

So, with the VA having to compete with the private sector, very likely, one wonders the justification of building new hospitals at this time. Again, as I intend to reflect further, I am going to stress the need—are new hospitals indeed a priority? What is the greatest need? Is it hospitals? And the answer is clearly no, it is outpatient facilities.

I believe there is universal agreement that the VA must expand its ability to provide outpatient care if it is going to meet its responsibility to American veterans. That change to an outpatient focus must come in either the current health care system, as I said, or under a reform system.

My amendment would make the policy decision to focus VA construction on outpatient care rather than inpatient brick and mortar. As we look at the VA entering the potential field of competing under a national health care plan, let us look at what American medicine has done. They have made a transition to outpatient care and the VA also must make that transition.

I know many Members of this body are fearful of offending the veterans organizations or the veterans themselves because there is always the implication that somehow we are reducing the VA health care system when we question any expenditure or any projects. Yet, what we have to do is attempt to meet the changing needs of our veterans and those changing needs are not the tremendous acute care system we have built up to respond to the need for reconstruction of veterans after injuries from war. We now need outpatient care in their communities. We need domiciliary and nursing home care as they age.

It is interesting to note, the average age of the Second World War veteran: 72 years old; Korean veteran, 62 years old; Vietnam veteran, 48 years old. These veterans need domiciliary care, they need outpatient care, and they do not need new hospitals.

My amendment does not specify which outpatient projects would be funded. I simply seek a change in policy. I leave it to the VA and the appropriators to implement. As I said, as a practical matter this amendment as it stands now will affect three projects.

Let us look at these three projects.

There is a new hospital in Honolulu. I am very sensitive to that because the proposal is to name the hospital after the late Sparky Matsunaga, a former Member of this body who was a good friend of mine.

But nevertheless, there is a legitimate question as to whether or not this is a needed hospital. And there is a new hospital at Travis Air Force Base in California and a replacement bed tower in Memphis, TN. I would like to talk about these projects one at a time.

First of all, we have three proposed hospitals: Honolulu, Travis, and Memphis. Starting with Honolulu, we find we have vacancy rates, roughly 43 percent at Tripler Army Hospital, where veterans are now treated, and in the private sector in Honolulu, on the Hawaiian Islands, a 33-percent vacancy rate.

The $171 million Honolulu project would add a new wing to the existing Tripler Army Hospital.

Let us look at the treatment that Hawaiian veterans are receiving at Tripler under a sharing agreement with the Army.

Hawaii takes great pride in its health care system which provides, I might add, universal coverage to Hawaiian citizens, including Hawaiian veterans. The Hawaiian experiment is something we have observed as we have looked at our national health care system.

The VA project draft environmental impact statement confirms that the Honolulu area has 2,643 acute care hospital beds to meet an existing demand for 1,779. That leaves 864 beds currently available for inpatient care. Do we need more? Clearly, we do not.

By the year 2010, demand for beds is projected to increase only to 1,954, still almost 600 beds less than existing capacity.

If this VA project is built in Hawaii, the Federal Government will be adding 105 acute care hospital beds in a community that is projected to use only 73 percent of the beds it already has. It would build new VA hospital beds in a State where veterans already have universal access to care. They can go anywhere and they probably will.

The cost if this project is built will be paid not just from taxpayers' dollars. The real cost of the project will be paid by veterans nationwide who will very possibly be turned away by the VA because outpatient clinics remain unbuilt. These clinics will remain dreams if unneeded inpatient hospitals and other buildings consume VA's limited construction funding. I might add, in this bill, there are only two outpatient clinics newly requested by VA.

Let us turn to Memphis. It is rather interesting. The VA justifies a second project, a $94 million bed tower in Memphis on the basis of perceived risk of earthquake exposure. Let us take a look at this relative to the vacancy rate. In Memphis, the vacancy rate is 43 percent. In the community, the private sector, they have a vacancy rate of 30 percent.

If we go over to Travis, which I will touch on later, we have in the area of San Francisco, Palo Alto, and Livermore basically three VA hospitals. We are proposing to build a fourth one. Look at the vacancy rates: 23 in San Francisco, 22 in Palo Alto, and 30 in Livermore, and 30 percent in the private sector. We could probably accommodate the veterans' needs with two hospitals based on the current vacancy rate. So you have to look at the reality associated with need, not just the mandate to respond to the question of bringing a hospital home.

Let us look at Memphis. This is rather interesting because the VA hospital in Memphis is perceived to have an earthquake risk. But we note that the VA's hospital in Martinez, CA, was identified as an earthquake risk and the VA closed that hospital, as they appropriately should have. The VA did not choose to close the hospital in Memphis.

If this hospital really places the lives of veterans and staff at risk, I think the VA ought to close it now. The fact that it is still open speaks, I think, eloquently to the VA's assessment of the actual danger in an area where the last major earthquake was in 1812. We probably have in Alaska 10 earthquakes a day.

I note when my staff asked if the VA had considered contracting for the use of existing vacant beds in private Memphis hospitals, they were told that those beds were unsuitable because they did not meet VA seismic standards, yet those private hospitals remain open with no plans for replacement.

I also note that the independent budget prepared by the veterans' service organizations asked the VA to change its standards for seismic safety because these standards are more stringent than private sector standards. These standards compel the VA to spend limited resources to conform to a standard that the rest of the Nation's health care system does not even attempt to meet. I also note that the occupancy rate of the VA medical center in Memphis is only 57 percent and that the community, private sector hospitals have a vacancy rate of 30 percent.

So, Mr. President, if this project is funded, the VA, again, will build excess hospital beds in a community that already has more beds than it uses.

Again, this hurts the private sector, and under the national health care plan, the veterans are going to have the option to go wherever they wish anyway. So I suggest that it may reduce the requirement for VA hospital inpatient care.

So, again, I note that this is an unneeded project, imposing a double

cost to our Nation. Taxpayer dollars would be spent on unneeded hospital beds and, again, veterans will be turned away by the VA because the expenditure of limited dollars on unneeded hospital projects. Inpatient facilities will prevent the use of those dollars to build urgently needed outpatient projects.

Let us go to Travis Air Force Base, CA, which is the third project, which will be a $163 million wing to an existing Air Force hospital. This project would replace the hospital in Martinez that was closed due to the earthquake danger.

The proposal sounds fine up to that point. The hospital was closed several years ago, but it is interesting to note what happened to the veterans who were using that hospital. The veterans who had been treated in the closed hospital are now being treated on a contract basis in private hospitals, at the existing Travis Hospital, and other VA hospitals in the San Francisco Bay area. Some of these veterans are certainly put out or necessarily inconvenienced by this change.

There are now three VA medical centers in the San Francisco Bay area: Palo Alto, San Francisco, and Livermore, probably within 60 miles of one another. These hospitals are treating the veterans who used to be treated at the now closed Martinez hospital. They are not overcrowded. The occupancy rates ranged from 70 to 78 percent in 1993.

If the VA were designing a system of care from scratch, I do not think they would put four hospitals in an area knowing that the VA's greatest unmet need is outpatient clinics rather than hospitals. I acknowledge for veterans in central and northern California, a new hospital at Travis would be more convenient, but, again, our resources are limited. And I will say again, we have entered an era when our Nation has too many hospitals. The private hospital occupancy rate in the Travis area is only 70 percent. Hospitals are consistently closing in the private sector, and we should not be building new ones at taxpayers' expense.

We all know we can never build enough hospital beds convenient to all our veterans, but if we continue to build hospitals instead of outpatient clinics, we will never make a medical care system, as opposed to a hospital system, accessible to America's veterans, and the VA health care system will die on the vine if it is left in the position of competing with the private sector without the convenience of the outpatient centers.

I know that I will hear the argument that it is already too late for this amendment. I will hear the argument that ground has been broken at Travis and money has been spent on engineering work in Memphis, but construction at Travis is for auxiliary buildings and has just begun. If we do not stop now, Travis will be back next year for $156 million in addition to the $7 million in this year's bill. Memphis is still in the paper stage. If we do not stop now, Memphis will be back for another $20 million. If we do not stop now, VA inpatient construction will be like a 300-pound man's plan to lose weight—a good intention topped off by a hot fudge sundae for dessert.

We cannot wait for tomorrow to change the VA's course. There will always be the special case calling for just one more inpatient hospital, just like there is always a reason to put a diet off until tomorrow. Now is the time to change the VA's course.

Mr. President, one might say, well, the Senator does not have a hospital in this bill. He does not have a bone to pick, so to speak. Let the record note that this Senator last year attempted to strike 18 beds from a new Department of Defense hospital in my State of Alaska at Elmendorf Air Force Base. We simply did not need it. People of Alaska understood that. The veterans in Alaska understood that. This Senator understood that. So I am trying to practice what I preach when I suggest that these hospitals are simply not needed.

Mr. President, now is the time to change the VA's course. This appropriation is the camel's nose under the tent for these projects. If we do not change the course now, next year we will see the entire camel inside the tent, and that camel will consume VA construction funding for years to come.

This bill appropriates $87 million for inpatient projects, but the future cost of these projects is an additional $316 million at least. Once the camel is in the tent, these projects will consume all of the money available for major construction for almost 2 years unless the VA construction budget is substantially increased, which I doubt. I believe that such an increase is unlikely.

If my amendment is rejected, we will postpone for 2 years the day when the VA can again begin to address the pressing need for more outpatient clinics. Rejection of the amendment would mean that the Senate will be trading away, trading away, Mr. President, outpatient clinics and long-term care facilities that can be constructed quickly and which could meet pressing current needs. Instead, veterans will get inpatient hospitals that will not be open until the turn of the century. These hospitals will provide excess hospital beds to communities that are already burdened with more beds than they need.

I would again remind my colleagues of the action taken by the Appropriations Committee in striking the Florida hospital which was authorized by the Veterans Committee but Appropriations said no; they felt it was not needed. So these may be subject to that at some point in time in the future.

Mr. President, a few weeks ago the Washington Post reported that the George Washington University Hospital here in Washington, DC, was abandoning a project to rebuild its hospital and instead would build a large new outpatient clinic. This change in plans reflects reality and responds to the changes in the practice of medicine in our country today. A private hospital must respond to changing conditions or go out of business. Congress can use appropriations to shield the VA health care system from the realities of modern medicine for a while but only for a while. In the end, even the VA must conform to standards of practice for modern American medicine. And that means outpatient rather than inpatient care.

The more time that passes before the VA makes this change, the less the VA will be able to meet the health care needs of America's veterans as they change. That outcome will defeat the purpose of the health care system that Congress has created to serve America's veterans. That is the reason, Mr. President, I urge my colleagues to join me in support of this amendment.

You have seen the charts. You have seen the examples. You know what the need is. You know what the occupancy rate is. So let us really put America's veterans first, not just the bricks and mortar of unneeded hospitals.

I know some Members will come to me after the vote and say, "Well, Frank, we were with you in spirit. You are probably doing the right thing, but we cannot be seen as voting against veterans' needs or the veterans' organizations." I know that the staffs that are working and listening and watching this debate are probably thinking, what kind of an effect would a vote to halt these additional inpatient hospitals have. How would it look to the veterans and their organizations and how would it impact the support that the individual Members of this body enjoy from veterans?

Well, I think it is better that those staffs ask the question: What are we doing today to meet veterans' changing needs, and can we best meet those needs by building more hospitals or more outpatient facilities? The answer is clearly outpatient facilities.

Finally, Mr. President, my amendment is grounded on two principles: First, VA construction should focus on critical needs for delivering VA care in the century to come. We must focus on ambulatory care and long-term care, not brick and mortar and more hospitals. Second, because resources are scarce, veterans will suffer if money is spent on lower priority projects.

Mr. President, I urge adoption of my amendment, and I look forward to the debate about to ensue.

Mr. ROCKEFELLER. Mr. President, first of all, I bring greetings of the

morning to Senator MURKOWSKI and John Moseman and Chris Yoder. I listened with great interest to what they said.

I wish to say in the beginning that I am going to oppose Senator MURKOWSKI's amendment, but I cannot think of a committee chairperson who has a greater honor to work with somebody so good as Senator MURKOWSKI and the people who work with him for veterans in our country. I admire the Senator greatly, and I admire his staff greatly. I would care to say before I oppose his amendment, which I will now do, that at the proper time I am going to move to table his amendment.

As chairman, Mr. President, of the Committee on Veterans' Affairs, I am in fact very pleased that the committee has supported the projects that are the subject of Senator MURKOWSKI's amendment. I am not neutral on them. I am pleased. I am very glad about it. And that the Appropriations Committee requested funding for the projects that Senator MURKOWSKI now opposes.

This amendment would prohibit the use of funds for VA medical facility projects that were carefully evaluated, and I can go into that well, and that were determined to be needed by the Veterans Administration, by the Committee on Veterans' Affairs, and by the Appropriations Committee. These were not haphazard decisions. They were carefully thought through. With one exception, the projects were requested in the President's budget for fiscal year 1995.

While the hospital at Tripler Medical Center in Honolulu was not in this year's budget, it received design funds in 1993 and had been scheduled to receive construction funding in 1997.

The projects in Honolulu and Travis, CA, will provide access to acute care for large numbers of veterans in the areas to be served. Without them, veterans in these areas will not have access to VA inpatient services.

These projects also afford opportunities for joint ventures with the Army and the Air Force. I would say, Mr. President, that increasingly we have hospitals where there is cooperation between the military and the VA. I visited one in Albuquerque. They are superb. Cooperation between the services and the veterans hospitals is a very good combination. It is the wave of the future. Both the Department of Defense and the Department of Veterans Affairs have determined that the facilities at Travis and Honolulu are needed.

The project at Memphis, TN, involves the correction of serious seismic deficiencies and will, in fact, result in a reduction of the number of beds at the facility. It will not create new beds, but rather will make the Memphis facility safe.

I was interested in the graph about the 1811–1812 earthquake involving Memphis and radiating out, even covering my own State of West Virginia. I really need to say for the record, Mr. President, that I think in the East there is no site, no place, no terminus which is more vulnerable, more dangerous, more thought to be imminently dangerous, than the terminus in the Memphis, TN, area. It is talked about frequently, and it is the eastern danger point, not perhaps on the level of Alaska or other places. But in the East it is a place which the professionals worry about.

I frankly agree with Senator MURKOWSKI that the Veterans' Administration must adapt to changing health care practices and demographics. I think he is totally right. The criteria used by VA to select projects for construction do in fact, in my judgment, reflect transit health care and the transit veterans population. While we must look toward the future, we cannot overlook the veterans in need of health care today.

It was interesting to me that the Senator from Alaska referred to the need for inpatient facilities. That is the mantra of our Veterans' Committee meetings. We have a lot of inpatient facilities. But we need outpatient facilities. The care they offer can be much more efficient and convenient. Technology in medicine has made this possible.

I point out to my friend from Alaska that in the President's —it is no longer the President's; it is the Mitchell bill in the health care reform effort. Outpatient facilities are emphasized in the so-called investment fund which the Veterans' Committee voted for. The Senator from Alaska did not vote for that, and I have to say that I think it was more or less a party line vote, and therefore, can reflect some nuances in that sense. But outpatient is in part what the investment fund is trying to provide for.

That is a lot of money, over $3 billion, that we are asking for in health care reform so we can in fact make the veterans hospitals more competitive with nonveterans hospitals.

We need to be able to offer better services particularly for women veterans. There are a lot of women soldiers. While there are relatively fewer women veterans, that number is growing. We need to be good at competing with non-VA hospitals in general and in women services, preventive care, and things of that sort.

So I think that we are trying to reflect future needs and our needs for today. All indications are that these projects are needed today and that they will contribute to VA's ability to compete in a reformed health care environment tomorrow.

The Appropriations Committee considered the issues now raised by Senator MURKOWSKI during the appropriations process and, on that basis, chose not to fund an inpatient facility in Brevard County, FL.

The Appropriations Committee concluded, however, that the projects that are the subject of this amendment are needed. I listened to Senator MURKOWSKI's remarks carefully, and he has not shown that the proposed projects are unnecessary. He does not want them, but he has not shown that they are unnecessary. Nor has he offered alternatives to the care that the veterans in those areas do, in fact, need.

The level of funding provided for construction of VA medical facilities is already minimal. It is a fight for every dollar every year. Budget authority for major projects has declined from $369 million in fiscal year 1994 to $208 million—a $160 million decrease—in fiscal year 1995.

The projects to be funded will not create excess capacity or facilities that are inconsistent with VA's mission under health care reform.

I strongly urge my colleagues to reject the proposed amendment and will have more to say at the proper time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. Mr. President, I yield the distinguished Senator from California 10 minutes, or more if she needs it.

The PRESIDING OFFICER. The Senator from California [Mrs. FEINSTEIN], is recognized.

Mrs. FEINSTEIN. I thank the Senator. I thank you, Mr. President.

I rise today in strong opposition to the amendment offered by the Senator from Alaska.

On the eve of our effort to put together a health care package, to make health care accessible to everyone, this amendment would simply make acute medical care less accessible to our Nation's veterans. For the men and women who have served this Nation in times of war, and have stood ready in times of peace, this amendment would simply leave them out in the cold. Mr. President, that is wrong.

Let me discuss the facility in California, the funds for which would be eliminated as a result of this amendment. Included in the bill before us is $7.3 million for initial work on a replacement facility which would be located at the David Grant Medical Center at Travis Air Force Base in Fairfield, CA.

Mr. President, north of the San Francisco Bay area, and the Livermore facility, this would be the only veterans hospital in the entire northern California catchment area of over 420,000 veterans and a geographical area that is bigger than most States.

The military has, for years, had a strong presence in northern California, with Mare Island Naval Shipyard, McClellan Air Force Base, Beale Air Force Base, the Alameda Naval Air Station Complex, Oak Knoll Naval Hospital, the Presidio of San Francisco,

Castle Air Force Base and others. These bases have been welcome neighbors to the communities of the bay area, and have been a true asset to the State of California and I fought hard for them to remain open, but many of them are being closed.

As result of the military presence, though, northern California will remain home to more than 420,000 veterans.

I would like to submit a list, or table 1A1, of the Martinez medical-surgical population by county for the RECORD, if I may.

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

TABLE 1.A.1.—MARTINEZ MEDICAL/SURGICAL DPPB BY COUNTY

[1990 revised population estimates]

County	1990 Veteran population estimate	Percent of county in Martinez DPPB	Martinez 1990 estimate DPPB
Alameda	127,881	43.07	55,083
Alpine	169	8.70	15
Amador	5,158	60.19	3,104
Butte	23,773	58.69	13,951
Calaveras	5,778	43.75	2,528
Colusa	1,575	75.00	1,181
Contra Costa	92,978	87.88	81,708
El Dorado	19,005	45.92	8,726
Glenn	2,654	70.00	1,858
Humboldt	15,056	8.92	1,342
Lake	8,615	48.68	4,194
Lassen	4,015	6.17	248
Mendocino	10,532	11.86	1,249
Merced	15,659	5.31	832
Modoc	1,477	7.58	112
Napa	15,550	38.30	5,956
Nevada	12,392	24.32	3,014
Placer	22,981	50.14	11,522
Plumas	3,321	7.19	239
Sacramento	132,955	83.54	111,073
San Joaquin	48,947	30.14	14,755
Shasta	20,605	64.47	13,284
Siskiyou	6,689	10.53	704
Solano	46,243	85.90	39,724
Sonoma	46,638	9.73	4,536
Stanislaus	35,556	20.26	7,202
Sutter	7,922	64.75	5,130
Tehama	6,928	66.67	4,619
Trinity	2,277	58.49	1,332
Tuolumne	7,697	23.38	1,799
Yolo	13,580	76.80	10,429
Yuba	7,571	65.54	4,962
Total	772,177	53.93	416,411

Source: Population from revised 1990 census. Percent of veteran population provided by Planning Systems Support Group, Gainesville, FL.

Mrs. FEINSTEIN. Mr. President, this documents a large number of counties in which veterans are a substantial part of the population.

Unfortunately, the Martinez VA Medical Center in Martinez which served much of this population, was closed in March 1991 due to seismic deficiencies. Because of the closure, the region's veterans were left without acute medical care. Medical services for area veterans previously offered by the Martinez VA Medical Center could not be adequately met by redirecting patients to other area hospitals. Waiting periods and appointments were too long and found to be unacceptable for effective health care, and the travel to San Francisco—the closest VA medical center—was too difficult and too long for many of the patients.

In November 1992, after much deliberation, the VA announced plans to build a new 243-bed hospital adjacent to the David Grant Medical Center at Travis AFB to replace the sorely missed Martinez facility. This facility is a very unique joint venture between the Air Force and the VA.

It is the goal of both departments to combine and colocate staffs and resources to provide cost-effective, quality care. Today, the Senator from Alaska is making the argument that this facility is unnecessary. I want to explain why it is necessary.

The area that was served by the Martinez facility, and will be served by the Travis facility, and it is one of the largest—as I have pointed out, in terms of geography and population—in the entire Nation. Over a quarter of the population in this service area live in Sacramento County, which is over a 2-hour drive from the nearest VA acute-care facility.

I do not know how many of my colleagues have ever visited northern California, but there is a lot of area north of San Francisco, and it requires a lot of driving time from one place to another. And having no hospital to serve this region, those distances are only increased.

According to the VA, northern California is one of the most underserved areas in the entire VA system. It is the only catchment area in the country in which emergency services are not available 24 hours per day, and on weekends and holidays.

To compound this situation, there have been recent base closures of Oak Knoll Naval Hospital in Oakland, the Letterman Army Hospital at the Presidio, and the Letterman Army Institute of Research. So all of the facilities in the San Francisco Bay area, essentially, are slated for closure.

Since Martinez closed, the VA has gone to great lengths to provide for the health care of the region's veterans, but hospital beds have been lacking, and the need for the new facility is long overdue.

Mr. President, I, my colleagues in the House, Congressmen HAMBURG and FAZIO, as well as Senator BOXER, have appealed to the VA and argued that the region's veterans deserved better. Secretary Jesse Brown and the Veterans' Administration heard these appeals and included $7 million in this year's budget.

Construction efforts, up until late last year, had been at a standstill. But I was pleased to join Vice President GORE and my House colleagues in June at a groundbreaking ceremony for this hospital. The Travis hospital should be open by the end of 1998. But more important than the ceremony, and the work that will soon begin, was the opportunity I had to meet with some of the area's veterans that will benefit from this facility.

The funds in this bill are a big step in returning quality acute medical care to the veterans of northern California, care that many of them need and, to a great extent, care that we are obligated to provide.

Anyone that thinks that the Travis facility or any of the other hospitals are Government largess only need to speak and talk to some of these veterans to know the need for these hospitals.

We should be sending a clear message to our Nation's veterans that they will not be forgotten, having served so bravely for our country. But this amendment sends just the opposite message.

I urge my colleagues to oppose this amendment and support the motion to table.

I thank the Chair and yield the floor.

Mr. ROCKEFELLER. Mr. President, I yield 10 minutes to the Senator from Hawaii.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Hawaii [Mr. AKAKA] is recognized.

Mr. AKAKA. Mr. President, I rise to oppose the amendment offered by the junior Senator from Alaska, which would strike funding in this bill for all new inpatient construction projects, including the long-planned Spark M. Matsunaga VA Medical Center in Hawaii.

Mr. President, the $33 million provided in this bill for the Hawaii hospital would simply allow VA to continue work on this long-awaited facility. Congress has already appropriated $37 million in design, planning, and construction funds for the facility in previous appropriations bills. The funding in this measure would keep the hospital on track to meet the anticipated 1998 completion deadline, and help avoid further delays in this long-overdue project.

Mr. President, the issue here can be stated simply: Unlike virtually every other State, Hawaii does not have a veterans hospital. Although VA operates 171 medical centers throughout the Union, including a hospital in Puerto Rico, the Department has never established a medical center in the Aloha State. Consequently, Hawaii's 120,000 veterans, and thousands more veterans who live throughout the Pacific basin, lack fundamental access to an integrated health care system that is devoted solely to their special needs.

Hawaii veterans, like so much unwanted baggage, are shuffled among several, often incompatible health care providers. This highly fragmented health care system—consisting of private contract providers, a VA outpatient clinic, and Tripler Army Medical Center—is not conducive to the provision of top-quality health care. To make matters worse, at Tripler, which currently provides most inpatient care to veterans, veterans are assigned the lowest priority of care—behind active duty personnel, their dependents, and military retirees. In addition, as a

military facility that is designed for a younger, active duty population, Tripler does not offer the type or range of services, such as geriatric care, required by an older, sicker veterans population.

VA itself has long recognized the inadequacy of the current arrangement in Hawaii. Twenty years ago, VA promised to establish inpatient beds in the E-wing of Tripler that would be devoted solely to the needs of veterans. An agreement was signed between VA and the Department of Defense in 1981 to this effect. However, because the military delayed making the E-wing space available to VA, this initiative was eventually abandoned.

In 1987, this broken promise, plus reports of unsatisfactory, even abusive, treatment of veterans at the military hospital, impelled my predecessor, Spark Matsunaga, to convene the first of several congressional hearings in Hawaii. That hearing revealed major deficiencies in services provided veterans at Tripler, and led to the formation of a blue-ribbon VA task force to assess the adequacy of Hawaii veterans health care. The task force confirmed the hearing results, and strongly recommended that a 165-bed, freestanding VA medical center be established in Hawaii to address these shortcomings. This recommendation was initially supported by VA's chief medical director, the Department's top health care expert, and eventually endorsed by Administrator Turnage, Secretary Derwinski, and, most recently, Secretary Brown.

The results of the 1987 hearing, as well as the findings of the VA task force, have been confirmed by subsequent congressional hearings and departmental reviews. The one inescapable fact that arises from these investigations is that Hawaii veterans do not have equitable access to VA services. This is why VA has supported establishing the Matsunaga VA Medical Center, and why Congress has, through periodic appropriations, and by the simple expedient of naming the facility after my predecessor, encouraged development of this project.

Ever since it was first proposed in 1987, the Hawaii project has been threatened and delayed by frequent internal reassessments, and by at least six major design and scoping changes. These changes have incrementally delayed the operational date of the hospital by least 5 years, from 1993 to 1998. Consequently, even if VA manages to adhere to the latest construction schedule, Hawaii veterans will have waited 12 years since this particular project was first authorized. Incredibly, if one counts the original Tripler E-wing initiative that was proposed in the 1970's, veterans will have waited a quarter of a century for the Government to fulfill its pledge to bring a veterans inpatient facility to Hawaii.

Thus, Mr. President, to cancel the project now, as this amendment would do, after all Hawaii veterans have been forced to endure, after all the studies and reviews and hearings that have been conducted on this subject, after all the promises that have been made and broken, would be unspeakably cruel, pointless, and wasteful.

Mr. President, the Senator from Alaska has referred to the need to move toward outpatient modalities and away from inpatient care. In his "Dear Colleague," he states:

> Health care reform would make VA's transition to ambulatory care even more important because a VA still imprisoned by its hospital buildings will be unable to compete successfully for patients.

Mr. President, I have no quarrel with this statement. I agree with my friend from Alaska that ambulatory care is the wave of the future. However, all of the viable health care reform plans before us call for significant additional resources to establish outpatient clinics. The Clinton health plan, for example, as well as the blueprint offered by the majority leader, proposes a special $3.5 billion investment fund, above and beyond funding for current construction projects, to help VA to adapt to a competitive environment. Everything that I have read indicates that by far the largest component of this investment fund will be earmarked for new outpatient facilities. Therefore, it seems we already have plans to deal with the ambulatory care issue; there is no need to divert funds from the fiscal year 1995 major medical construction account for this purpose.

Moreover, with specific regard to Hawaii, it should be kept in mind that outpatient clinics traditionally function as satellites of medical centers. That is, the services they offer are designed to complement and supplement the inpatient services offered through medical centers. In Hawaii, there is no shortage of VA outpatient care; what is lacking is the full range of hospital-based services that support outpatient clinics. Thus, ironically, the Senator from Alaska's call for more ambulatory services actually supports the need to establish a VA medical center in Hawaii.

My colleague from Alaska has also referred to a 1992 GAO study that recommended against building additional VA inpatient beds in Hawaii. The GAO report supported this conclusion with two assumptions. The first was that new VA inpatient beds were not necessary because Hawaii's near-universal health care coverage would reduce demand for VA services.

Mr. President, this is a false assumption, because Hawaii's health insurance system would not improve access to care for veterans who typically use VA programs and facilities. These include veterans who need rehabilitation, long-term care, and many forms of specialized care that VA routinely provides, such as care for the elderly and those who require mental health care or spinal cord injury treatment. I should also point out that while Hawaii veterans are eligible for state health care benefits like any other resident of the State, the State will not reimburse VA any costs associated with VA expenditures on behalf of a veteran. If the State were to undertake additional, unplanned responsibility for veterans care, the viability of the entire State insurance system could be undermined. In any case, it would be patently unfair to ask Hawaii residents to foot the bill for health care services that are the statutory responsibility of the Federal Government, and for which they already help fund through Federal taxes.

Mr. President, the GAO report's second assumption was that so-called underused inpatient bed capacity at Tripler Army Medical Center could be used to treat veterans. My question is, who would operate these beds, VA or Tripler? If Tripler, then implementing the GAO's recommendations would effectively result in supporting the status quo, under which veterans are forced to seek treatment through a highly fragmented care offered through multiple, autonomous providers. Aside from ignoring years of exhaustive congressional and VA investigations, this option dismisses the testimony of veterans themselves about the inadequacy and low priority of care they receive at Tripler. On the other hand, if VA itself is expected to operate and staff these excess beds itself, we would face the impossible problem of administering a hundred beds located in many different parts of the military hospital complex. Establishing an identifiable VA presence would be very difficult under such circumstances.

Mr. President, let me conclude this point by saying that the House and Senate Veterans' Affairs Committees received strong and convincing testimony opposing the GAO's conclusions, from both the Department of Veterans Affairs and veterans service organizations.

On another issue, the Senator from Alaska has alluded to the fact that funding for the hospital was not requested in the administration's fiscal year 1995 budget. This is strictly true; however, VA requested funds for the Hawaii hospital, and included the facility in its 5-year plan, but was overridden by OMB in the final budget submission. This does not vitiate the fact that the agency charged by statute to promote the welfare of veterans supports the hospital. We have been told on many occasions by Secretary Brown and his predecessors that the hospital is an important and medically necessary project.

In any event, Congress has its own obligation to decide how best to spend

scarce resources with respect to veterans, as well as to correct past inequities. By naming the hospital after Senator Matsunaga, and by previously appropriating funding for the medical center, Congress has already gone on record as supporting the need for a veterans hospital in the 50th State.

So, in conclusion, Mr. President, I urge my colleagues to oppose this amendment. At least with respect to the Hawaii project, this amendment is terribly misguided. The need for the hospital has been well documented by VA and Congress. The project has been endorsed on a bipartisan basis by Secretary Brown and his predecessors. Congress has previously appropriated funding for the hospital, and, 4 years ago, unanimously voted to name the unbuilt hospital after our late colleague, Senator Matsunaga. Let us not insult his memory, or the good judgment and compassion of this body, by denying health care equity for Hawaii veterans, as this amendment would do.

Thank you, Mr. President. I would like to express my appreciation to Senator MIKULSKI, the manager of this bill; Senator ROCKEFELLER, the chairman of the Veterans' Affairs Committee; and, my senior colleague, Senator INOUYE, for their unyielding support and leadership on this issue.

I yield my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER Mr. President, I might inquire from my colleague. I have two relatively short sets of comments that I wish to make, and that would be pretty much it for me.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wonder if the Chair would advise us of the remaining time on each side.

The PRESIDING OFFICER. The Senator from Alaska retains 18 minutes 50 seconds; the Senator from West Virginia has 17 minutes and 55 seconds.

Mr. MURKOWSKI. Mr. President, let me respond to my good friend from West Virginia. I anticipate at least one other Senator speaking on behalf of my amendment, and I would imagine we will probably use close to 12 minutes or so of our remaining 18 minutes. But I would reserve the remainder of my time to accommodate our side.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, let me talk a little bit about BARBARA MIKULSKI, the Senator from Maryland.

I need to say, first of all, that I was enormously pleased with the fiscal year 1995 appropriations for the Department of Veterans Affairs.

Yesterday, we were talking on another subject that had to do with ethanol and methanol, and I made reference to the fact that the Senator from Maryland has a very, very complex sort of interstitching of agencies' requirements that she has to balance and try to do the best by the people of the United States and the people that she represents in Maryland so well.

In fact, over the years, the chair of the VA-HUD subcommittee, who is Senator MIKULSKI from Maryland, has shown absolutely unfailing support for veterans, and I cannot help but be grateful for that.

This year is no exception. Her strong commitment to veterans is clearly exhibited in print in the appropriations bill which comes from her sense of priorities of where money ought to go.

She deserves tremendous credit for what went into this bill. It has been a particularly difficult year fiscally for her. The Senator's subcommittee allocation was, in fact, $316 million below that of her House counterpart. So she had less to work with than her House counterpart. It was $729 million below the President's request. So she was already scrambling as she began this process.

That she paid such close attention to the priorities in the Veterans' Affairs Committee was very, very important and, in particular, I want to acknowledge the increased funding in the bill for VA medical research. Senator MIKULSKI clearly recognized the importance of veterans medical research.

With respect to VA medical care, I note that her bill provides increased funding for medical care for women veterans, which is a subject she is very strong on; expanding programs for homeless veterans, something she cares about, as we all do in the committee. Defer the waiting time for the blind. That would not spring out to the casual observer, but it did for her, and it causes untold good for veterans needing that kind of service. Establishing up to five centers of excellence in the area of mental illness at existing VA facilities. And something very small, but very big, putting up more money to install phones at the bedsides of our veterans.

It is really quite amazing when you go to a veterans hospital. If you go to any nonveterans hospital, beside every bed is a telephone. If you go to a veterans hospital, beside every bed there is no telephone. You think of veterans in a long-term care capacity in the hospitals. Their years are declining. They feel cut off from their families. They cannot communicate. They are isolated. So their self-esteem and morale goes down. When you put in a telephone, you cannot correct that entirely, but you can do magic, and I have seen it. I have seen it myself, because of the money that the Senator from Maryland has made available.

So, in fact, our program and our goal is to put a telephone by every single bed in every single VA facility in the United States of America.

If I wanted to, and I will not do this because I do not have the time to do this, but there was a memo that my chief of staff, Jim Gottlieb—who I can spend many hours praising, too, as well as Valerie Kessner—Jim Gottlieb and his staff wrote me a memo, and in fact it is very interesting because it is a memo to me. It is not to be shared with my colleagues.

But it was written really sort of in awe at what Senator MIKULSKI was able to do. It just goes one item after another saying, "In your letter to her, you requested this, and this is what she did." Time after time after time after time, she came through. There is no way that veterans can understand what a champion they have in the Senator from Maryland.

So I applaud Senator MIKULSKI. I applaud her committee for their extraordinarily good work under very difficult financial circumstances. I look forward to working with Senator MIKULSKI on veterans issues in the future. Veterans just need to know, whether they reside in Maryland or wherever they may reside in this country or across the world, that they really have a champion in BARBARA MIKULSKI.

Ms. MIKULSKI. Will the Senator yield?

Mr. ROCKEFELLER. Yes.

Ms. MIKULSKI. I know it is not for a question, but I would like to thank the Senator for his enormously kind and generous words and to his staff that has worked so cooperatively. And real kudos to the authorizing committee, both to you and to Senator MURKOWSKI.

Because what we tried to do was follow the authorizing committee and then, in anticipation of what you and Senator MURKOWSKI pass, then for us to fund it. But because the policies were rational and compassionate, because the funding limits again were not a wish list but an achievable and affordable list, we were able to make these significant gains, and we looked forward to it.

I feel the debate today, again, was in the spirit of the way the committee operates. These are very serious policy decisions that will be debated both this year and next year.

I thank the Senator for his kind words and the effective leadership and stewardship that he provides, as well as the ranking Republican member on the bill.

Mr. ROCKEFELLER. I thank the Senator very much in many, many ways.

Does the Senator wish to speak?

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I certainly want to commend my colleagues, the Senator from West Virginia and his staff, and the comments made by the Senator from Maryland,

who I have the most affection for and who has been so kind and accommodating to the Senator from Alaska.

I would like to again point out to my colleagues that what we are attempting to do here is to change the priority from building three hospitals that are not needed to what is needed; and that is outpatient facilities. This Senator is trying to focus in with the appropriate committees to direct the construction of what is needed by America's veterans. So I hope we understand each other. I hope we recognize that, as I attempt to point out the realities, Mr. President, that are reflected in these charts that address average utilization.

In San Francisco, in the VA hospital, 23 percent underutilized; Palo Alto, 22 percent. These are vacancies. These are the vacancy rates—30 percent, Livermore; and in the private sector around Sacramento and in the general area, 30 percent. Those are facts.

Now one could quickly see we could close two hospitals and accommodate the veterans, not perhaps as well, but we certainly would have the beds. Now I am not suggesting we do this.

The same thing is true in Hawaii, 43 percent vacancy rate; the community has a 33 percent vacancy rate.

And in Memphis, TN, we have not heard from anyone from Tennessee. But these are factual realities—43 percent vacancies, 30 percent in the community.

Now there is not a city in this Nation, Mr. President, that does not need more outpatient clinics. Why are we not giving them to them? Because we are hellbent on bringing back hospitals for inpatient care that is not the priority of the veterans.

How many outpatient clinics could we get for the $400 million total cost of these three hospitals? How many could we get?

Well, Mr. President, when we closed the Martinez, CA, hospital, they put up a new outpatient clinic, put it out in about 18 months. Do you know what the cost was? Twelve million dollars.

For the money for these hospitals in this bill we could pay for 34 clinics like Martinez—clinics that would be available in a few years, not at the turn of the century. That is what the Senator from Alaska is appealing for our colleagues to consider as they reflect on this upcoming vote.

My good friend from West Virginia mentioned the earthquake exposure associated with the proposed hospital in Memphis. I point out to you a rather curious thing, and that is in this area where the intensity of the last New Madrid earthquake was. Seven or greater, there are approximately six other VA hospitals. They are not proposing that they should close those hospitals because of the earthquake exposure; they use earthquake risk just to justify the new hospital in Memphis itself.

Now in the intensity level 6 area of that quake, which obviously has less intensity associated the further out you go, VA has eight more hospitals.

But the point is, the VA and others are looking to justify a new hospital, so they are saying it is of great exposure for a earthquake. I will not dispute that in general terms. But the reality is there are other hospitals in the same area that are exposed to the same intensity and we are not rebuilding those, and some of them are of similar construction.

So it is not appropriate to argue that they were built necessarily with all the latest earthquake engineering that would ordinarily go into them. So we have an inconsistency.

Mr. President, as we look at Travis, the necessity of a fourth VA medical center in the San Francisco Bay Area, I recognize it would be convenient to have another hospital in the area. But it is more convenient to have outpatient clinics.

Now, the good Senator from California spoke about reduction in the military facilities in California. Everybody knows that. Bases are closing.

Do you know what is also closing with those bases? Department of Defense hospitals. Every major base in California has a hospital. What is going to happen to those hospitals?

Well, I assume they will be declared surplus. The better ones, perhaps, will be turned over to the communities. So we are going to have more beds.

So, on one hand, in California we are about to build a new hospital, while we have the Department of Defense closing bases, we have excess hospitals, we have excess hospital capacity. It simply does not make sense.

The private sector would look at it and make very simple decision: Let us wait and see what comes up in the Department of Defense disposal, how many of those medical facilities can we use as opposed to building a new hospital.

And to suggest that those veterans are not being served now does not reflect reality. There is no shortage of beds in the Travis area. The hospital vacancy rate in the Vallejo-Napa area is 29 percent and 30 percent in Sacramento. And remember, only 9 percent of America's veterans look only to the VA for their health care and the VA provides only 30 percent of Federal dollars spent on veterans health care.

So one could make a good argument, Mr. President, that we should wait until this thing settles down; that we should wait until we can make a determination just how, under the national health care plan, the VA is going to fit in. Because it is going to have to compete and veterans are going to have a choice.

I know what we are up against here. We are up against a tough lobby. We are up against a sensitive issue that says VA is sacred. We do not touch VA hospitals. We do not touch matters affecting individual Members. But I would urge the Members that have spoken—my friends from Hawaii, who I have the greatest respect for, the senior and junior Senators; the Senator from California—as we reflect on the need. The needs are there, but the needs are not hospitals. The needs are outpatient. For heaven's sakes, let us meet those needs.

Further, Mr. President, as we look at Hawaii—and the staff has provided me with a GAO report from a House hearing on May 6, 1993.

It reads as follows:

> The administrator of Hawaii's Health Care Planning Agency states that there is no shortage of acute care beds in Hawaii. Excess capacity is so prevalent that local officials estimate it could take as long as 15 years before a certificate of need is approved by the Health Planning Agency for construction of additional acute care capacity.

I ask unanimous consent that an excerpt from this GAO report delivered 11 o'clock, Thursday, May 6, 1993, under the title "Veterans Care" be printed in the RECORD.

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

> In Hawaii, about 25 percent of the veteran population lives on the outer islands. Because there is no VA hospital in Hawaii, veterans are authorized to use either the Tripler Army Medical Center, which was renovated in the late 1980's with adequate capacity to meet VA's current and anticipated needs, or community hospitals on Oahu and the outer islands. The administrator of Hawaii's health planning agency told that there is no shortage of acute care beds in Hawaii. Excess capacity is so prevalent that local officials estimate that it could be as long as 15 years before a certificate of need is approved by the health planning agency for construction of additional acute care capacity.

Mr. MURKOWSKI. Under "Appendix 1, VA Health Care in Hawaii: Construction of Additional Acute Care Beds Not Needed," the GAO report, VA's planned medical center in Hawaii, page 17:

> The renovated Tripler facility was constructed with adequate bed capacity to meet present and future acute care needs of Hawaii's veterans. * * * Tripler has enough acute care beds in currently closed [Mr. President, currently closed] medical, surgical, and psychiatric wards to meet VA's projected workload, even under VA's inflated bed needs projections. * * *
>
> As a result, construction of additional acute care beds would create additional excess capacity in an already underutilized hospital.

Is that justification for a new hospital? I want to see an appropriate memorial to the late Sparky Matsunaga as well as every other Member. But what is the need in Hawaii?

In addition, Tripler has 68—right now—68 unused beds suitable for the care of veterans located in renovated wards that are fully equipped but closed off because of low demand and staff shortages. I quote from the GAO:

"Demand for VA-sponsored care at Tripler has consistently been well below the 69-bed constructed capacity, averaging about 40 patients per day."

We should not be building hospitals for long-term care. We should be building nursing homes, domiciliaries, but not hospitals. The cost per bed and the return to the veterans simply is not there.

Again, I reflect on the age of the veterans: Second World War, 72; Korean war, 62; Vietnam war, in the mid-40's.

The needs of the veterans are changing. We must change with those needs and provide what is necessary and that is outpatient care.

Now is not the time to build hospitals. Now is not the time as we transition into the national health care system where the VA is going to have to be competitive, to move on a $400 million commitment. We should look at the needs of the veterans as they relate to outpatient care. And we should be looking to the closed Department of Defense hospitals which are coming up to evaluate how they can be fitted in to meet veterans' care needs as well.

Mr. President, I reserve the remainder of my time to accommodate Senator STROM THURMOND who I understand is on his way to the floor at this time.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Alaska controls 7 minutes.

Mr. MURKOWSKI. Mr. President, in order to accommodate my friend, 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. ROCKEFELLER. 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. ROCKEFELLER. Mr. President, I will just conclude my wrap-up, which will not take long, and then the Senator from South Carolina can speak and then we can proceed to a tabling motion and a vote.

The Senator from Alaska has made some thoughtful and interesting points. It is true there is excess inpatient capacity in the VA system today. But while there is excess inpatient capacity on a systemwide basis, it does not mean that it exists in each and every area. Reducing care in underserved areas is not going to be helpful in solving any kind of problem. Now, and in a reformed health care environment, VA will have to provide access to acute care. In the health care reform movement there is $3 billion put aside—more than that—which will be used to increase the availability of outpatient care. I encourage the Senator from Alaska and others to support the veterans' part of health care reform so that $3 billion can be used to increase outpatient care. That is the whole point. That is the whole point.

We cannot, however, in underserved areas, just stop providing inpatient care where that is needed. I agree in principle that VA needs to direct resources to outpatient and long-term care. That is absolutely true. I think the answer to insufficient funds for outpatient and long-term care is to increase the funds available for that as in health care reform, not to eliminate funding for needed inpatient facilities.

Just a word on the three projects and I am finished. With respect to the Travis, CA, project, the projected need by the year 2005, in terms of beds in the area served by the proposed Travis project—is for 243 beds. The project will add 203 beds to the David Grant Medical Center Hospital and will transfer use of 40 existing beds from the Air Force to the VA. It replaces a 359-bed facility at Martinez. In this sense, VA is limiting the creation of new beds.

The Air Force maintains a high vacancy rate at the David Grant Medical Center, and they do that for a very special reason which has to do with potential conflict. They have excess capacity there and it is needed because in the event of conflict and casualties, they need to have that excess. We build that kind of formula into our thinking for potential conflict.

VA's costs for fee-based care increased from $1.8 billion in 1991 to $9.3 billion in 1993, after the Martinez Hospital was closed. The Senator from California [Mrs. FEINSTEIN] made reference to this.

Veterans testified at a House Veterans' Affairs Subcommittee field hearing about having to wait 6 months for appointments; having to wait 6 hours to see a doctor; having to travel all day, and stay overnight to get treatment. Clearly, there is not sufficient access to inpatient care for the 400,000 veterans in that area. Hence the need for Travis.

With respect to Honolulu, as both Senators from Hawaii indicated, there is no VA hospital in Honolulu and no veterans home. The acute care provided to veterans through agreement with the Tripler Army Medical Center and contracts with private hospitals is dependent on the willingness of those hospitals to continue caring for veterans. VSO's, Veterans Service Organizations, have complained that the care given to veterans by these facilities is inadequate and that these hospitals do not have the expertise in geriatric care that VA hospitals can provide. I cannot speak to that from personal experience, but that is what they say.

People say Hawaii has universal health care, and it is approaching it.

Universal health care in Hawaii or elsewhere will not preclude the need for VA health care services. I strongly defend the Hawaii project.

Finally, Mr. President, with respect to the Memphis project, the project will replace the existing bed tower with a seismically safe one containing fewer beds than are in the existing tower, thereby reducing the inpatient capacity of the hospital by almost 300 beds, moving in the right direction.

As chairman of the Veterans' Committee, I do not want to be the person to say that the facility located in the New Madrid fault zone is safe enough. I do not care when the last earthquake was, it is a projected hot spot. I do not want to say it is safe enough when the Department of Veterans Affairs has a structural safety committee comprised of experts to make those decisions and to make recommendations, as they have, and we have followed them.

If we can increase safety and reduce inpatient capacity at the same time, I think that is a worthwhile project.

So I think we have covered our bases on this, Mr. President. I hope our colleagues will support my motion to table, but I will not make that motion to table until the Senator from South Carolina, who wishes to speak, has done so.

Mr. MURKOWSKI. Mr. President, I believe this side has 7 minutes left. I yield 3 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Alaska controls 6 minutes 40 seconds, and he is yielding 3 minutes to the Senator from South Carolina?

Mr. MURKOWSKI. Four minutes. I need a couple minutes to wrap up.

Mr. THURMOND. Mr. President, I rise in support of the amendment of my colleague from Alaska regarding a moratorium on the construction of acute care, inpatient hospital capacity. I know the distinguished ranking member of the Senate Committee on Veterans' Affairs has given thoughtful consideration to this issue, and I applaud him for his leadership in this area.

As we consider the future medical facility needs of veterans, I am concerned that facilities may be constructed that may not be fully utilized. The Department of Veterans Affairs must give greater consideration to outpatient treatment centers, clinics which provide greater accessibility, and nursing home care facilities.

The Veterans' Affairs Committee has received reports from the General Accounting Office and the VA inspector general on areas where improvement can be made in the execution of the major construction program. Last year, the committee expressed its dissatisfaction with the VA construction planning and management process. The committee directed the Secretary to request an independent review of the construction program and to report the findings of this review to the committee prior to the submission of the fiscal year 1995 budget. To the best of my knowledge, Mr. President, this report

has not been received by the committee. I believe the prudent course of action for the Congress and the Department is to not begin new construction for acute care facilities until improvements can be implemented. I further urge the Department to comply with the committee directive before undertaking new in-patient projects.

The Annual Report of the Secretary of Veterans Affairs for fiscal year 1993 has this statement on its cover—"Putting Veterans First." While I support the Secretary in this view, I fear that too often when it comes to major construction, the Department of Veterans Affairs takes the approach of putting buildings first. That report indicates an overall inpatient bed vacancy rate of 23 percent. I would note that Memphis has a vacancy rate of 43 percent.

In the Independent Budget for the Department of Veterans Affairs, a proposal prepared by a consortium of veterans groups, there is a recommendation for increasing the major construction appropriation. However, that document states that the majority of the Independent Budget recommended appropriation is for leases for outpatient clinics and nursing homes. It states "In these uncertain times, the Independent Budget co-authors believe that leasing is preferable to new construction. [This] offers an affordable * * * solution to the immediate need for VA capacity in the outpatient and nursing homes venues." Thus, Mr. President this demonstrates the veterans groups understand the uncertainties of the role of the Veterans Affairs medical system under health care reform and the wisdom in not beginning new construction of inpatient facilities. They also recognize the need to move resources to out-patient and long-term care. The amendment would address both of these concerns.

Let me emphasize that I have supported the Veterans Affairs medical care system, and will continue to do so. I have encouraged the Department of Veterans Affairs to take measures that will result in the most prudent use of our scarce Federal resources. I encourage my colleagues to join me in supporting the amendment.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska has 2 minutes 20 seconds remaining.

Mr. MURKOWSKI. Mr. President, I want to thank my good friend from South Carolina, who truly is a veteran and has supported veterans' benefits. He is a World War II veteran, having gone into Europe in a glider, and probably has had more reflection on the Second World War than any Member of this body.

In the brief time I have, I think the Senator from West Virginia had made a point to the Senator from Alaska relative to the situation in California where you have to stand in line for 6 hours. If we had outpatient facilities, veterans would not have to stand in line for 6 hours, and that is the point that the Senator from Alaska is attempting to make.

The cost of the Memphis project alone, $94 million, would fund high-priority, VA-requested outpatient clinics in Fort Myers and Gainesville, FL; Hampton, VA; and San Juan, PR. These are the needs. The VA suggests those are the needs. The outpatient clinics are projected to provide over 330,000 outpatient visits a year. That is almost 1,000 veterans served each day for the same cost as replacing a building that is treating only 368 veterans.

So my amendment would prohibit spending money specifically on new inpatient-care hospital capacity. It would have the effect of transferring to outpatient and long-term care construction the $87 million that would otherwise be spent on inpatient hospitals in Honolulu, Travis, and Memphis.

These hospitals are going to require an additional $316 million in the future to complete. Are we going to change our minds now or later? The amendment is necessary because the VA has an enormous, unmet need for additional outpatient capacity. The outpatient facilities are a higher priority than the inpatient hospitals, and the amendment is good policy because the hospitals in question are currently not needed and the capacity of the existing hospitals is not being met.

Mr. President, as we attempt the realities of rolling uphill on veterans' issues, let us start where the real need is by supporting the amendment of the Senator from Alaska in getting on with the business of providing outpatient facilities for America's veterans. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROCKEFELLER. Mr. President, I move to table the amendment of the Senator from Alaska, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. SIMPSON. Mr. President, I would applaud my colleagues on both sides of the aisle for their hard work and dedication to veterans' programs and benefits. They have also worked diligently and carefully to preserve adequate funding for the Housing and Urban Development Agency, and the other agencies covered in this bill.

I would simply like to focus some of my comments on the VA portion of this bill, and to point out that this bill provides for a total of $37.4 billion for the Department of Veterans Affairs, including $19.3 billion in mandatory programs.

That is an increase of approximately $1 billion over the current budget, and $314 million over the budget request.

This amount will cover increases for veterans' compensation and pension programs, for medical care, and for VA major and minor construction projects.

It is the VA construction portion of the bill that I would like to address. There is $362 million in this bill for VA construction projects. Many of these projects are surely worthy and necessary. But, I question whether we should appropriate such large sums of funding for a VA health care system when we stand on the verge of our full debate about national health care reform.

Whether the VA system evolves into a group of health plans or whether it contracts with other providers remains to be seen. Regardless of what shape the VA takes, the VA will have to compete with other health plans to deliver services. I have called on the VA Department to describe for the Congress just exactly what is needed in order to make the transition from a provider of services to a payer for services. I foresee the VA acting as a managed care delivery system under national health care reform. In order to do that, the VA should start focusing less on physical structures—such as the construction projects contained in this bill—and start moving toward an emphasis on paying for care and services for veterans. I believe that this would increase and improve access and quality of care to veterans. Surely, that is what all of us would like to see.

Accordingly, I will support Senator MURKOWSKI's to increase funding available for outpatient and long-term VA health care by $87 million. These resources will be paid for by reducing funding for low priority inpatient hospitals by an equal amount. This amendment is necessary to demonstrate to the VA that it must begin the transition now to providing access and outpatient care to all veterans deserving of it. We must stop focusing on new buildings and increased construction projects and start focusing on caring for veterans, whether that care be in a VA hospital or in another quality hospital in a community. The Murkowski amendment will ensure that the veterans' care and needs come first. That is why I support it.

In closing, let me simply reiterate—I feel this is a fine piece of legislation that will give full adequate care to deserving veterans as well as to provide for other agencies. I do hope that it can be modified to better deal with the concerns I have outlined in support of the Murkowski amendment.

Mr. SASSER. Mr. President, I rise today in opposition to the amendment offered by the junior Senator from Alaska. This amendment would eliminate the already very modest funding for Veterans' Administration inpatient construction.

The Senator from Alaska argues that the projects targeted by his amendment would unnecessarily increase the

VA's inpatient capacity. But the majority of the funding his amendment would eliminate is for vitally needed seismic corrections at the VA medical center in Memphis, TN. This project does not increase inpatient bed capacity, but rather would bring the Memphis center into compliance with current seismic standards. In fact, this project will decrease the center's inpatient capacity from 763 beds to 453 beds. The 453 bed capacity meets the minimum requirement established by the Veterans' Administration using a methodology developed jointly by the VA and GAO.

The VA can not fulfill this Nation's obligation to veterans in Tennessee and surrounding States without this project. There are no other VA medical centers in the area which can take on the mission of the Memphis center. The medical center provides all levels of medical, surgical and psychiatric care, as well as serving as a referral center for eight States for both chronic and acute spinal cord injury patients. The center also provides extended care in intermediate and nursing home settings to a population based of over 200,000 veterans. However, the medical center must be brought into compliance with seismic standards in order to safely continue its mission into the next century.

I strongly urge my colleagues to vote to table the Murkowski amendment.

Mrs. BOXER. Mr. President, I urge my colleagues to vote against the Murkowski amendment, which would prohibit funding for the construction of new inpatient Veterans' Administration hospitals. Among the projects this amendment would terminate is the 243-bed Travis VA Medical Center.

This vitally needed facility will benefit more than 400,000 veterans in Northern California who have been without an acute care medical facility since the Martinez Hospital was closed in 1991. The Travis Medical Center is not really a new hospital, but a replacement for the Martinez facility.

This May, Vice President GORE broke ground on the Travis facility. The hospital is a joint venture between the Air Force and the VA and will cost far less than building separate VA and Air Force hospitals. For that reason, it was hailed by Vice President GORE as an example of reinventing government in action.

I want to make very clear to all Senators that the Travis VA Medical Center is not a frivolous, unneeded, Congressional add-on project. It was included in the President's budget and is a high priority of the VA. This hospital is the culmination of a four-year community effort to bring a VA facility to northern California to serve the more than 400,000 veterans residing there.

Building this facility will also jump-start California's ailing construction industry. Construction of the hospital will generate over 1,000 badly needed jobs. This region of the State has been battered by economic hard times and base closures. The closure of nearby Mare Island Naval Shipyard is expected to result in 10,000 additional layoffs. The unemployment rate for the building construction and trades union membership in Solano County is over 30 percent.

The corollary benefits to California's economy are important, but ultimately, I believe that this project should be supported to fulfill the promise our government made to the veterans of northern California. Over 400,000 veterans currently lack access to an acute care facility. That is not fair and it is not right.

I urge my colleagues to oppose this amendment.

Mr. ROCKEFELLER. I yield back the remainder of my time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

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

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

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

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 256 Leg.]

YEAS—62

Akaka	Feingold	Mathews
Baucus	Feinstein	Metzenbaum
Biden	Ford	Mikulski
Bingaman	Glenn	Mitchell
Bond	Graham	Moseley-Braun
Boren	Gramm	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Breaux	Hollings	Pell
Bryan	Inouye	Pryor
Bumpers	Jeffords	Reid
Byrd	Johnston	Riegle
Campbell	Kennedy	Robb
Conrad	Kerrey	Rockefeller
D'Amato	Kerry	Sarbanes
Daschle	Kohl	Sasser
DeConcini	Lautenberg	Shelby
Dodd	Leahy	Simon
Domenici	Levin	Wellstone
Dorgan	Lieberman	Wofford
Exon	Mack	

NAYS—36

Bennett	Dole	Kempthorne
Brown	Durenberger	Lugar
Burns	Faircloth	McCain
Chafee	Gorton	McConnell
Coats	Grassley	Murkowski
Cochran	Gregg	Nickles
Cohen	Hatch	Packwood
Coverdell	Helms	Pressler
Craig	Hutchison	Roth
Danforth	Kassebaum	Simpson
Smith	Stevens	Wallop
Specter	Thurmond	Warner

NOT VOTING—2

Heflin Lott

So the motion to lay on the table the amendment (No. 2450) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 2451

(Purpose: To provide that none of the funds made available in this Act to the Department of Housing and Urban Development may be used to provide any individual assistance or benefit to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States)

Mr. REID. 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 Nevada [Mr. REID], for himself, Mr. BRYAN, and Mrs. FEINSTEIN, proposes an amendment numbered 2451.

Mr. REID. 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 new section:

SEC. . None of the funds made available in this Act to the Department of Housing and Urban Development may be used to provide any individual assistance or benefit to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States: *Provided*, That in no case may a Federal entity, official, or agent of any Federal entity or official discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, national origin, citizenship status or form of lawful immigration status: *Provided further*, That for purposes of this section, the term "individual assistance or benefit" does not include search and rescue, emergency medical care, emergency mass care, emergency shelter, clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services, warning of further risks or hazards, dissemination of public information and assistance regarding health and safety measures, the provision on an emergency basis of food, water, medicine, and other essential needs, including movement of supplies or persons, or reduction of immediate threats to life, property, and public health and safety: *Provided further*, That,

notwithstanding any other provision of this section, a homeless individual may, for a period not to exceed 45 days, receive assistance from funds made available under this Act to assist homeless individuals pursuant to the Stewart B. McKinney Homeless Assistance Act, regardless of the immigration status of such individual.

Mr. REID. Mr. President, in this morning's Washington Post, there were two stories probative of this matter before us. One story deals with the fact that the world may have, by the year 2030, 3 billion people more than now exist.

In addition, Saturday's New York Post newspaper indicated that Immigration and Naturalization's hands are tied as alien thugs laugh at deportation laws. It goes on to state that that is what is actually happening. They do not bother to show up. Immigration does not have agents to go get them. They just disappear into the woodwork. One of the INS agents says: "Morale at the Immigration and Naturalization Service is at an all-time low and other agents are defecting in droves to other Federal agencies."

I have here a letter from Michael Antonovich, who is supervisor of the Board of County Supervisors in Los Angeles, which says in one paragraph, referring to the vote that took place earlier this year dealing with immigration: "The decisive vote for this reform demonstrates the need for a HUD policy revision which would permanently bar illegal aliens from residing in our scarce and critically needed public housing."

Mr. President, we have reached a crisis as a result of our failed immigration laws. Twenty-five percent of the Federal prison inmates are foreign born. Taxpayers are being stuck with literally billions of dollars in costs for people who are not legally within the country for their health care, education, public housing, and other social benefits. For example, In L.A. County, 70 percent of the babies that are born there are born to illegal immigrant mothers.

Mr. President, we in the United States cannot take in the rest of the world. Billions of people would like to come here. We have to do the best we can with the people that are here. Even in spite of the fact that we are doing the best we can, we still have the highest rate of growth of any modern industrialized nation in the world. Our infrastructure is deteriorating. Sewer and water systems are at capacity. Highways, roads, and bridges are in need of repair. Our system of public recreation is at a breaking point. Our public parks—parts of them—are being closed because they are in a state of disrepair. We do not have money to repair our national parks. People have to get tickets or numbers so that they can go through our wilderness areas because they are so overcrowded.

Mr. President, this amendment, which I will speak very briefly about, is as a result of the fact that the chairman of the Appropriations Subcommittee, the manager of this bill, the Senator from Maryland, has agreed to accept this amendment, for which I am grateful.

I want to state that this amendment does just a few things. It requires Federal authorities to take reasonable action to determine whether recipients of housing benefits are of lawful immigration status. Currently, there are no regulations requiring the agency to make any verification determinations before benefits and assistance are distributed. A significant number of unlawful immigrants end up in our public housing, taking housing that people who play by the rules are not able to get because the funds run out.

With our homeless shelters, even though my amendment takes care of emergencies—that is for 45 days—there are really no questions asked. There are no regulations requiring that Housing and Urban Development make any verification and determinations before benefits and assistance are distributed.

This should be of interest to Congress, because 14 years ago, in 1980, a law was passed requiring the implementation of regulations. In 1986, 8 years ago, a law was passed requiring the implementation of a regulation. We still do not have one, even though I received a telephone call today from the Secretary of Housing and Urban Development saying they were going to issue one today. I do not have it yet. I understand that one is out, and I am happy about that.

This, Mr. President, is something that should have been done years ago. This amendment simply requires that a reasonable standard be instituted when distributing housing benefits; that is, that reasonable actions be taken to determine that an applicant is of lawful immigration status. That is not asking too much. It puts into law a protection against discrimination and the distribution of these funds by including a clear nondiscrimination clause. We have done it before. We did it in the emergency supplemental earthquake bill. We did it in the agriculture appropriations bill. There is no reason we should not do it today.

This amendment would require HUD to implement a modest policy of enforcement with respect to the distribution of housing benefits. Again, under current law, no such regulations exist covering the distribution of funds to illegal immigrants.

I say to my friend from Maryland—and she is a veteran legislator, as am I—I understand the difficulty the chairman will have holding this amendment in conference. I understand that. But I want my friends in the other body, and those in this body, to understand that I will be back. If we do not get this in conference—and I know that my friend, the esteemed Senator from Maryland, can only do so much—there is going to be a housing authorization bill coming through this body later this year.

I will be back because this is only fair. This is a modest approach. This is not immigrant bashing. This is making those people who play by the rules get what they are entitled to.

I yield the floor.

The PRESIDING OFFICER. Is there additional debate on the amendment of the Senator from Nevada?

Mr. SIMPSON. Mr. President, I support this amendment. I am not a cosponsor. I would like to do so and ask unanimous consent that that be the case.

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

Mr. SIMPSON. Mr. President, I think that Senator REID is on the right track. This amendment will require HUD to make a reasonable effort to determine the lawful status of persons applying for housing assistance. This is a consistent tack of his approach, and I think he has finally jarred the bureaucracy at HUD that has existed through several administrations.

In 1986 Congress told HUD not to give housing benefits to illegal aliens. HUD did not respond during the Reagan administration, nor did it respond during the Bush administration. Now apparently, I ask my friend, have they now responded with the regulations that they were supposed to do 8 years ago?

Mr. REID. Mr. President, I respond, through the Chair, to my friend from Wyoming that yesterday I was told there would be a regulation issued in the next few weeks. Toward the end of the day, I was told it was only a matter of days until OMB was going to authorize the issuance of regulations.

This morning I got a call from Secretary Cisneros. And, I would like to add that I believe his leadership has been instrumental to moving forward with a regulation. He was on a plane flying someplace, but he said that the regulation was issued last night. My staff has informed me the regulation is on its way to our office, but I have yet to see it.

I do not know if it has been issued. If it has been finalized, I hope it is fair and reasonable. After 14 years I hope they had plenty of time to work on it.

I would say on the record I appreciate very much the assistance of my friend from Wyoming for his support for this amendment. In particular, I appreciate the support of his staff. His staff has been involved in immigration matters for many years and his staff was like having an encyclopedia for my staff. They were willing to assist when issues were raised and, through the Chair, I say to my friend from Wyoming that I express appreciation for the assistance his staff gave my staff in arriving at the point where this amendment is now being accepted.

Mr. SIMPSON. Mr. President, I do appreciate those remarks and I know better than anyone the remarkable work this staff does for me and gives me the ability to function in this area fraught with emotion, fear, guilt, and racism.

I applaud the Senator from Nevada. He put this amendment on the earthquake relief bill and the agricultural supplemental appropriation. It is also appropriate here.

I do hope it will be held in conference. I do know our chairman, Senator MIKULSKI, will make that effort, as she does with all the work we do here in the Senate.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. Mr. President, I rise in support of the Reid amendment, as manager of the bill.

It requires HUD to take reasonable steps to make sure that recipients of HUD funds are legal residents of the United States.

The language is comparable to that which we included in the Northridge earthquake supplemental and in several other appropriations bills.

I believe it is a good amendment and consistent with sound housing policy and good immigration policy.

We have a significant waiting list for housing and housing subsidies, particularly where we want to reward work, and they should go to those people who are American citizens, and in terms of immigration policy we need to reward those who are willing to stay around the world and not come in under illegal auspices.

Therefore, I intend to support the amendment. It has been cleared on both sides of the aisle. I, therefore, urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 2451) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Maine [Mr. COHEN] is recognized.

Mr. McCAIN. Mr. President, I ask unanimous consent to speak for a few minutes or so and then yield the floor.

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

The Chair recognizes the Senator from Arizona.

HAITI

Mr. McCAIN. Mr. President, in this morning's New York Times, there is an article which I ask unanimous consent to be printed in the RECORD at this time.

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

TOP U.S. OFFICIALS DIVIDED IN DEBATE ON INVADING HAITI

GOAL IS TO REMOVE JUNTA—MILITARY AND DIPLOMATS WEIGH THREAT VS. BRIBE—CLINTON SAYS FORCE IS AN OPTION

(By Elaine Sciolino)

WASHINGTON, August 3.—Despite winning approval of the United Nations Security Council for an invasion of Haiti, the Administration is split over whether to set a deadline for carrying it out, senior Administration officials said today.

This division became evident, officials said, at a meeting of Mr. Clinton's top national security advisers on Tuesday at the White House. The meeting had been called to draw up recommendations for the President.

Defense Secretary William J. Perry opposed a recommendation that would set a deadline for an invasion if the Haitian military leaders do not leave, the officials said. Mr. Perry and much of the United States military want to avoid an invasion and are willing to explore ways to induce Haiti's leaders to leave for a comfortable life in exile.

But Deputy Secretary of State Strobe Talbott, who has emerged as the State Department's chief policy maker on Haiti, argued that offering incentives to the leaders was morally repugnant, senior officials said, Mr. Talbott was said to favor an early invasion.

In a sharp exchange, Mr. Perry countered instead that Mr. Talbott represented a strange morality. He argued that it would be immoral for the United States not to do whatever it could to avoid the loss of lives of American soldiers and the expenditure of taxpayers' money, officials said.

At a news conference tonight, President Clinton laid out the "fundamental interests" that he said would justify an invasion, saying he was keeping his options open.

"We have kept force on the table," he said. "We have continued to move it up as an option as the dictators there have been more obstinate. But it is permature in my judgment to go beyond that now."

He also said that while he welcomed Congressional support for a decision to invade, lack of it would not prevent him from acting. The Senate today passed a non-binding resolution requiring Congressional approval before an invasion.

"I would welcome the support of the Congress and I hope that I will have that," Mr. Clinton said. "But like my predecessors in both parties, I have not agreed that I was constitutionally mandated to get it.

A number of participants at the meeting on Tuesday agreed with Mr. Perry's analysis, senior officials said.

The views of the two officials reflect the extremes of the Administration's thinking on how best to restore Haiti's exiled president, the Rev. Jean-Bertrand Aristide.

Mr. Talbott is said by his colleagues to favor an invasion soon, within the next several weeks; Mr. Perry, while not opposed totally to the use of force, wants to exhaust all other steps first, even if that means promising Haiti's top three military officials that they will not be punished for their repression.

RELUCTANCE MAY RUN DEEP

There is little consensus within the Administration on whether Haiti's leaders will accept any offer to depart. Many senior State Department and intelligence officials, as well as William Swing, the United States Ambassador to Port-au-Prince, do not believe the men will leave, but add that the Administration must exhaust every possibility before an invasion.

Mr. Perry declined to comment on Tuesday's meeting, saying through a spokesman, Dennis Boxx, "We're not going to get into a discussion of the conversations at principals meetings."

In a brief telephone conversation, Mr. Talbott also declined comment.

In Tuesday's meeting, Mr. Perry argued most strongly against a deadline for invasion, saying that would artificially constrain the Administration's room for maneuver. "Perry felt that it put the United States into a box," said one senior Administration official. "And the Pentagon doesn't like boxes."

But even Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, was said by Pentagon officials to be resigned to the fact that an invasion was becoming more likely.

Secretary of State Warren Christopher also attended Tuesday's meeting, but he allowed Mr. Talbott to take the lead for the State Department in the discussions, a senior official said.

FIRST, TRY THREATS

Although the officials were unable to come up with a plan, analysts are refining different possible tactics. One is to induce the peaceful departure of the military leaders—Lieut. Gen. Raoul Cédras, the leader of the ruling junta; Col. Michel Joseph François, the police commander, and Gen. Philippe Biamby, the army chief of staff.

According to one idea, the Administration would send an envoy to warn the three men that if they did not leave voluntarily within a specified time, an American-led coalition would remove them, senior officials said.

Under that plan, the men would be told that Washington would arrange their departure, providing transportation, visas, safe havens in third countries and assistance in withdrawing their assets from frozen bank accounts. The men and their families would be given guarantees that they would not be prosecuted either in Haiti or in the country that agreed to take them.

THEN, TRY MORE THREATS

According to a second plan, the United States envoy would simply inform the three officials that they had to leave or risk an invasion. If the officials agreed but asked for help, a meeting would be arranged to discuss arrangements for their departure.

One senior official said the Administration planners had not ruled out a pay-off to get the men to leave, but other senior officials insisted that the Administration has rejected any such bribe. If the Administration decides to use secret United States funds to induce the men to leave, it would require a formal Presidential "finding" in advance.

Such a finding, a formal statement of the national security justification for a covert activity, is required before the Central Intelligence Agency can pay for it. The Administration is also required by law to inform Congress of any such finding.

One official said that the Administration could not even open discussions about financial inducements without a finding.

LOOKING FOR A MEDIATOR

A third plan would encourage the United Nations or another country or countries to take the lead in easing the departures of the three men, senior officials said.

Venezuela and some other Latin countries, uncomfortable with the idea of a United

States invasion of Haiti, are discussing sending a mission to Haiti to urge the military leaders to leave.

A complication may have arisen in the case of the Dominican Republic. Although President Joaquin Balaguer opposed the return of Father Aristide to Haiti, he was pressed by the Administration to close his border with Haiti and accept military help in monitoring the border to prevent shipments of gasoline and other embargoed products.

Mr. Balaguer was re-elected in May, but the results were disputed. On Tuesday, Dominican election officials finally declared him the winner, but Washington has charged that the election was tainted by fraud and has called for new elections.

A State Department spokesman, Michael McCurry, today predicted a deterioration in relations with the Dominican Republic. "Those who are calling for new elections seem to us to have a very good and strong argument," he said, adding that the decision to certify the election would be a "detrimental factor" in ties between the two countries.

But Mr. McCurry said the Administration did not link the election dispute to Dominicans' cooperation in sealing the border, and other officials said the Dominican Republic could provide a safe haven for one or more of the Haitian leaders.

Mr. McCAIN. Mr. President, the article in the New York Times describes a dispute in the highest councils of this Government between the Secretary of Defense and the No. 2 person at the State Department, Mr. Strobe Talbott. I have no reason to believe that this account is inaccurate.

Mr. President, the dispute is described as Secretary of Defense Perry having strong misgivings about setting a date for an invasion of Haiti. He reflects not only his own views but that of the military establishment whose task it will be to carry out this onerous mission.

Mr. President, according to this news report, Mr. Talbott said that it was morally repugnant to talk with the Haitian dictators, that it was wrong to attempt to persuade them to leave, and that we should go ahead and set a date for an invasion and indeed invade Haiti.

Mr. President, I am deeply disturbed. I am terribly alarmed that at the one of the highest positions of our Government an individual who chose not to serve himself in another unpopular war has decided that we will not exhaust every avenue before risking the lives of young Americans in conflict in Haiti.

Mr. President, I opposed Mr. Talbott's nomination the first time. I got 9 votes. The next time I got 31 votes. I believe the next time Mr. Talbott's name comes before the body there will be a sufficient number to reject whatever position that he is nominated for.

Mr. President, we should exhaust every possible avenue before we send our young men and women into conflict where they may die or suffer injury. Mr. Talbott's disregard for exploring every option indicates a fundamental misunderstanding of what is at risk when people go into combat.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

VA-HUD APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order the Senator from Maine [Mr. COHEN], is recognized to offer an amendment.

Mr. COHEN. Mr. President, I ask unanimous consent that the underlying committee amendment be set aside.

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

AMENDMENT NO. 2452

(Purpose: To eliminate funding for section 8 housing subsidies financed by pension funds)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] for himself and Mr. MACK proposes an amendment numbered 2452.

Mr. COHEN. 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:

SEC. . On page 18, line 19, strike "$10,600,000,000" and insert "$10,250,000,000".

On page 20, line 8, strike all after the comma, and all through line 11 before the semicolon.

Mr. COHEN. Mr. President, last year the Congress appropriated $100 million for this demonstration project. In an attempt to encourage pension fund investments in what I believe to be traditionally high-risk public housing projects. The Department of Housing and Urban Development requested this set aside as a means of subsidizing pension fund investments in multifamily housing projects. Essentially this project transfers the risk from pension managers to taxpayers.

It is my understanding, Mr. President, that to date, there has been no reporting back on the project from GAO, as was required in last year's bill. And I would repeat that again. It was required in last year's bill that GAO report back to us. There is no data available to bolster our confidence in expanding this demonstration project, yet this bill triples the funds appropriated for this experiment and further exposes the Federal Government to liability if the project goes sour.

The decision to triple the funding—without any evaluation of the risk associated with this expansion—borders on recklessness in light of the serious policy implications of economically targeted investments.

I do not think it comes as any surprise to anyone of us that cash-strapped municipalities, States, and now even the Federal Government are looking to the assets of pension funds—totaling in the trillion of dollars—as an attractive resource of capital for a variety of projects. Many see this pot of money as a lucrative and untapped source of funding for infrastructure projects.

I tell you I am very concerned, Mr. President, about the long-term implications of this growing use of public and private pension funds to meet political and social goals. First and foremost, I am concerned that Government-dictated investments such as this may not be in the best interest of the current and future retirees who are the beneficiaries of these pension funds.

To illustrate, a 1983 study by Alicia Munnell, the current Assistant Secretary of the Treasury for Economic Policy, found that public employee plans participating in targeted investments earned from 2 to 5 percentage points less than funds without these investments. In testimony presented to the Joint Economic Committee last month, the chairman of the Cato Institute pointed to a 1993 study which found that "the greater the political influence on public-employee pension fund investment decisions, the lower the return."

At the same hearing, Olena Berg, Assistant Secrtary of Labor for Pension and Welfare Benefits even stated that "we cannot deny there are risks associated with economically targeted investments [ETI's]." She further acknowledged "that there may be pressure to do these projects for reasons other than their attractiveness as investments."

I wonder if the architects of this demonstration project have paused to ask themselves why there are trillions of dollars of assets in pension funds. The strict fiduciary standards of ERISA have required pension fund investment managers and trustees to invest prudently and for the exclusive benefit of plan participants. This standard should not be compromised.

The Clinton administration has never shied away from the fact that they view pension funds as a convenient source of public funding. In fact, in his book "Putting People First," President Clinton proposed a $20 billion investment program funded by pension funds. The administration has been roundly criticized for this proposal.

As David Sertner of AARP noted in a Washington Post article "when you talk about using pension funds for broader social purposes, you create an inherent conflict between what is good for the retirees and what may be good for some social policy." Despite considerable opposition to the idea of using pension funds for Government spending the administration apparently has not abandoned its plans.

In a letter just this week from HUD Secretary Cisneros to the Senate Banking Committee he praises the demonstration project for among other reasons, "encouraging pension funds to invest some of their $4 trillion in assets which make up one-third of all assets in America, back into the economy."

This statement is telling and revealing in several respects:

First, where does Mr. Cisneros think pension funds are invested now? They are invested in the U.S. economy already. Pension funds are not stuffed in some bureaucratic mattress in Washington; they represent working assets in every town and city in America. Highjacking pension funds for Government spending will simply take money from where it is currently invested. There is no free lunch. Redirecting pension investments is a zero-sum game. Mr. Cisneros statement also confirms the worst fears of many that the administration has not abandoned its desires to tap pension funds.

The fact that this bill triples funding for last year's so-called demonstration project before any evidence that this project works or could work shows quite clearly that those of us who saw last year's $100 million appropriations as the nose under the camel's tent were not overreacting.

We have gone from $100 million to now over $300 million. We should also expect, that when this bill comes back from conference, we could be higher than we are right here in the Senate proposal.

This bill and Mr. Cisneros' letter demonstrates beyond a reasonable doubt that we are moving quickly down the path of targeting pension funds for Federal spending.

If we do not stop this dangerous course of action now, we will rue the day. And I assure you that we will be hearing from the thousands of pensioners in this country.

There is already tremendous and understandable anxiety about the solvency of our Nation's pension system. As Mark Ugoretz of the leading association of large employer pension funds, The ERISA Industry Committee stated,

> We're very leery of it because pension funds are the last big pot of money in the country, people are nervous about the sanctity of pension funds.

The pension system is already under assault. We ought not further undermine confidence in the system by looking wistfully or lustfully at pension funds as the way to bolster the Government's coffers.

I would also suggest, Mr. President, that this program not only establishes a dangerous precedent in terms of Federal pension policy—it sets an equally dangerous precedent in terms of Federal budget policy.

I am very concerned that next we could even be asked to mandate that pension funds must invest in infrastructure. If we permit this new form of off-budget spending, we will have created a huge loophole on how to get around budget rules.

Directing pension funds for public purposes would be yet another example of a long line of spend-now, pay-later policies that the Federal Government has regretfully adopted over the years. Using pension funds to finance public spending would seriously undermine the integrity of the spending caps established in the 1990 budget agreement and renewed last year. If such a breach is permitted on this appropriations bill, we will have opened the floodgates to another means of circumventing what little budget discipline that currently exists.

Tim Fergusun of the Wall Street Journal recently wrote that "Broader objectives for pension moneys other than simply maximum return are a bud always waiting for a political bloom." My concern, Mr. President, is that if we triple the appropriations for this program without first adequately evaluating the success of its first phase, this bud could grow into a beanstalk that reaches far beyond our fiscal control. I urge my colleagues to support this amendment.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I am taken aback by the statement made by my good friend from Maine, with whom I have served for many years in the Congress, first in the House of Representatives and then here in the Senate. I have known the Senator from Maine ordinarily to be very careful in his utterances and statements, and I do not find that in his statement today.

Let me just mention two or three items. First of all, the Senator from Maine referred to Government-dictated investments. However, this program will be entirely voluntary. No pension fund will participate in this unless the fund makes the decision to do so.

He then indicated that this program would strip fiduciary responsibilities of pension funds required under ERISA. The pension fund demonstration statute specifically requires that all ERISA standards apply to every pension fund investment made in this demonstration. The Secretary can further require all investments of the program to meet specific standards with respect to securitization and underwriting.

I have read the Senator's books and I have never, even in his novels—I have to confess that I have not read his poems—but even in his novels, I do not find the kind of overstatement that I heard here. I believe the Senator referred to this program as one that would hijack pension funds.

And then, finally, the Senator's argument is, "Well, this is a slippery slope. The next thing that is going to happen is that you are going to be mandating that pension funds invest in social purposes." That is certainly not in this legislation.

This legislation is voluntary. It requires the application of ERISA standards. There is certainly no hijacking of pension funds. I must say, I am somewhat taken aback and even disappointed by the Senator's kind of purple language.

Congress enacted the Community Investment Demonstration as part of the legislation we passed in 1993. This gave to the Secretary of HUD the flexibility to test new approaches in addressing the need for affordable housing. What we are seeking to do is to leverage additional resources by entering into unique private-public partnerships.

What is authorized is the use of project-based section 8 assistance to encourage pension funds to invest in affordable housing. Section 8 makes it possible to invest safely and profitably in affordable housing.

In setting up this legislation, we carefully considered the concerns that the Senator has raised about the interests of pensioners. Obviously, it is an important concern. Indeed, first and foremost, the pension fund managers are under fiduciary responsibilities to address those very concerns and interests, and nothing in this legislation abridges or compromises those fiduciary responsibilities.

Now the use of the section 8 assistance is important with respect to the economics of the investments in affordable housing. Those subsidies, of course, provide a Federal guarantee for the rents on some of the units in the project—a maximum of 50 percent of the units in the project. The statute requires, as I have said, that no investment will be permitted unless it meets the requirements of the Employee Retirement Income Security Act of 1974.

Furthermore, HUD has set up the demonstration to ensure that pension fund applicants or their partners have demonstrated experience in the development of affordable housing. It is all designed to ensure that the investors who undertake this are sophisticated and that they are protected under the legal requirements of ERISA. We also limit how much funding can go to a particular pension fund.

The Secretary of HUD, Secretary Cisneros, has just announced the first six recipients of the pension fund demonstration funding. These recipients will finance affordable housing in 20 different States and over 100 different communities.

I have here the list of those pension funds or real estate investment companies that are participating. Some of our largest pension funds, or retirement systems, are doing so. They are managed, of course, by highly sophisticated investment managers. Their decision to participate was entirely voluntary.

Now, the Senator referred to a letter from Secretary Cisneros. I just want to quote a part of the letter that he did not quote. Secretary Cisneros writes:

The pension program has attracted the interest of many pension funds across the country. Just 30 days after the Department began accepting applications for participation in this program, requests for assistance have far exceeded the funds available. We have received hundreds of phone calls from pension fund representatives interested in participating in this first funding round, and many of those who felt unprepared to apply now inquired about the possibility of applying in the future.

Of course, what the demonstration does is, in response to the Federal commitment, attract additional funds for affordable housing. So you are leveraging the amount of money that is going into affordable housing. It does involve the use of Federal resources, obviously. There is an appropriation in this bill in order to do that. The use of those Federal resources is then matched by the private investment undertaken by these funds. This significantly enhances the ability to address the affordable housing issue well beyond what could be achieved using the Federal funds directly, without endangering the pension funds.

These pension fund managers have to make sure that investments meet ERISA standards and satisfy their fiduciary responsibilities. The Senator has raised the question, "Where is this going to go?" It is going to go right where it is. We are not mandating that pension funds participate.

The Senator raised that possibility. I am against that possibility. I do not think that possibility would have any chance whatever of being adopted and I do not support it. You can raise it as a scarecrow to try to, in effect, taint this program. But that is not this program—that is not this program. This program is not about hijacking pension funds. This program is not about Government-dictated investments. This program is not about stripping ERISA and fiduciary responsibilities.

This program is a terrific opportunity to get at the affordable housing issue—in effect, to maximize our resources—at the same time that it represents a prudent investment for the pension funds. And for the life of me, we ought to be welcoming this. We ought to perceive this as an important step—as an imaginative and innovative step forward. What in the world is wrong with a program that helps us to move against the affordable housing issue and at the same time protects, through its requirements, the safety of the pension investment funds? It seems to me it represents a very constructive line of thinking.

The fiduciary's investment duties under ERISA are not affected. The demonstration will generate new construction and help to meet the affordable housing problem through the incentives in the program. The program represents a Federal outlay—there is no question. But the outlay will enable many funds to seriously consider this as a wise and prudent investment.

So, I am very much opposed to this amendment. I really have difficulty understanding why it is here, because it seems to me we have a program in which the investments can earn competitive risk-adjusted rates of return. With this program, we have a way of boosting the economy, and we have a way of getting at our affordable housing problem.

The demonstration is entirely voluntary on the part of the pension fund managers who have to make the prudent judgments. There is no compromising of those standards. If pension funds voluntarily decide to participate, and if they are required to adhere to prudent investment rules, and if we can get a significant additional expansion of activity addressing the affordable housing program, why should we not be for it? It seems to me there is every reason to be for this demonstration and I very much hope the Senate will reject the amendment.

The PRESIDING OFFICER. Is there further debate?

Ms. MIKULSKI. Mr. President, I, too, rise to oppose the Cohen-Mack amendment. The proponents of this amendment argue that we have appropriated too much money for this program.

First, let me set some facts straight. No. 1 we cut the President's budget request for the program by $164 million, or 32 percent. We are also, in this legislation, $75 million less than what was proposed by the House.

The Senator from Maine is correct, we did increase the funding in the appropriation, but I want the record to show we cut the President's request by 32 percent and we are also $75 million less than the House.

What we followed was the authorization framework, which we anticipate will be passed in a matter of days. The authorizing framework provided in the bill $350 million. Less than 3 weeks ago the Banking Committee—chaired by Senator SARBANES who just spoke, with the ranking minority, Senator D'AMATO—reported a bill to the full Senate with the same amount as proposed in the VA-HUD appropriations. So we are not trying to puff anything up.

The other point I want to make is the language on this particular program in the VA-HUD bill says, "up to $350 million." So we are providing flexibility so if a housing authorization gets enacted—and we believe that it will—less than $350 million can be spent. It can be adjusted downward but it cannot be adjusted upward. So we have that ceiling there.

Second, in terms of the fiduciary requirements, the other Senator from Maryland, who chairs the Housing and Banking Committee, made the point that this program needs to follow all the fiduciary rules and make the same independent determinations based on factors such as prudence and diversification as would be done by any other pension funds.

We have a letter spelling out that criteria from Olena Berg, who is the Assistant Secretary for Pensions at the U. S. Department of Labor.

I ask unanimous consent that letter be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
August 1, 1994.

Hon. BARBARA A. MIKULSKI,
Chair, Subcommittee on VA, HUD, and Independent Agencies, Appropriations Committee, Hart Office Building, Washington, DC.

DEAR CHAIRPERSON MIKULSKI: I am writing in support of the Community Investment Demonstration Program under section 6 of Public Law No. 103-120, the "HUD Demonstration Act of 1993," and the President's 1995 budget request to increase the authorized and appropriated funding for this Program. The Senate is currently considering an increased authorization under the VA, HUD and Independent Agencies appropriations bill.

As the Assistant Secretary of Labor charged with administration and enforcement of significant provisions of the Employee Retirement Income Security Act of 1974 (ERISA), I am responsible for the protection of the retirement savings of over 40 million private sector pension plan participants. Generally, ERISA requires that private sector pension plan managers and trustees invest plan assets prudently and for the exclusive benefit of plan participants.

This Program, which provides incentives for pension funds to invest in affordable multifamily housing through the use of targeted Section 8 subsidies, does not affect a fiduciary's investment duties under ERISA. Each pension fund or intermediary that participates in the Program does so voluntarily. Moreover, before making any economically targeted investment, the fiduciary must make the same independent determination based on factors such as prudence and diversification as must be made in connection with any other investment by a pension fund.

The Program is designed not only to expand the investment opportunities available to pension funds, but it will also generate the new construction and rehabilitation of affordable multifamily housing that is critically needed in our communities. These activities will also create construction jobs, and further stimulate the kind of meaningful economic growth the Department vigorously promotes.

Most pension funds do not invest in multifamily housing at all; many will seriously consider doing so as a result of the incentives of the Program and an increase in the Program's subsidy. The Program will encourage pension fund investments in affordable multifamily housing for American workers and their families.

Today, pension fund assets exceed $4 trillion and represent more than 20 percent of all U.S. financial markets. The capital allocation decisions of these funds have a dramatic impact on the nation's economic vitality. Furthermore, in my view, pension investments that can both earn competitive,

risk-adjusted rates of return and promote a healthier economy over the long-term such as the Program, will especially serve the interests of pension plan participants.

Congress should be commended for showing leadership in the creation of this project, and I urge you to continue the Program. If you have any questions about my views relating to the Program, or my agency's enforcement of ERISA, please let me know.

The Office of Management and Budget advises that this report is in accord with the program of the President.

Sincerely,

OLENA BERG.

Ms. MIKULSKI. Now, we acknowledge the validity of the concerns of both the Senator from Florida and the Senator from Maine that taxpayer dollars be used—but also pension funds be used—in a wise and prudent way. The Senator from Maine has an outstanding record on identifying issues related to waste, fraud, and abuse. And when he raises a question I think we need to look at the validity of that. Before we take action on the bill, I am going to suggest the absence of a quorum so perhaps we can talk and arrive at some other type of resolution to this other than a straight up or down vote.

Excuse me, I did not realize the Senator from Florida has joined us. I know he has been involved in Whitewater. Let me withhold my request until the Senator from Florida has his day—or 15 minutes—or whatever he chooses. Then I suggest we have a quorum call and see if there is another way of accommodating it.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I thank the Senator from Maryland for withholding that request. I also express my appreciation to her for the work she has done on this bill. It is only that I feel so strongly about the direction of housing policy that I felt the need to offer, with Senator COHEN from Maine, this amendment.

This is a demonstration program that was enacted less than 1 year ago, which has real problems in the way it is being implemented. First of all, it is not a competitively awarded program. Rather, the contracts are essentially being given out on a first-come first-served basis. That is not smart. We do not need to be giving this money to this program in this manner.

We appropriated $100 million last October. The pension funds selected to participate were only announced on Monday of this week. HUD has a huge unobligated balance of $32.3 billion in prior fiscal year funding that it is carrying forward. They cannot handle the money they already have been given for existing programs. What makes us think that they will do a better job this year?

The current appropriation more than triples the funding for this pilot program to give it an additional $350 million. The House, by the way, has already appropriated an additional $414 million. Many of us on the Banking Committee thought this would be a one-time-only appropriation. We wanted to take a careful look at this program and determine whether or not it was going to work well. The original legislation calls for a GAO report at the conclusion of the demonstration. With this funding, it looks as if there will never be a conclusion; therefore, never a GAO report and never really an analysis of the program.

With this renewed emphasis on project-based assistance and long-term contracts, we take power away from the individual. We say to them that we would rather give the money to developers, not to tenants. That leaves the people who are in need of housing without a choice when their units are not maintained, and they can either leave the unit and lose the rental assistance or put up with substandard housing.

We know from past experience that this is not the direction in which we want to go with our housing policy. The Congressional Research Service agrees that this is not a good idea, and I quote:

> The demonstration returns the basis of rental subsidies to the projects, i.e., developers, and it takes away from the targeted population of low-income housing.

I suspect that each of us involved in this debate has taken the time to go out and visit public housing communities throughout our States. I can still see those faces of those people and the anger and frustration they feel at being locked into a project-based facility. They have no other resources and they are, in essence, being told they are going to stay in that unit because they do not have any other resources.

If the resources were focused to the individual, when the developer failed to carry out his or her responsibility, the tenant, empowered with a voucher, as opposed to a project-based certificate, could say, "Fine, I will go find some other place to live." I think that is the kind of emphasis and kind of direction we ought to be giving to our housing program.

Moreover, there is no reason to target pensions as a source of capital for investment in low-income housing. What makes their money any different than other sources of capital? What troubles me is that this is being seen as a model for a great deal of expansion into the realm of socially correct investment for pension funds. To me, that spells CRA for pension funds.

Given that we are dealing with the safety and security of our retirees, I do not think this is wise, and neither does CRS. CRS writes that to the extent that scarce section 8 subsidies are earmarked for project-based rather than tenant-based use, it may be more useful to restrict them to specific types of projects than to specific types of funding, or funding sources.

At a minimum, housing policy would benefit from an explicit discussion of the rationale that motivates the demonstration's use of project-based subsidies. I understand from HUD most of the applicants for the $100 million we have already appropriated are public employee pension funds. They are not subject to the strict guidelines of ERISA, which aim to protect the beneficiaries of those funds. To me, that raises the question of how advisable these investments really are.

The point there, what concerns me, is that we are targeting this to pension funds. For years, there has been a hesitancy for lending institutions to involve themselves in long-term rental units. The reason they have done so is because of the risk that they believe is connected with that. It seems to me one could make the argument that a $100 million pilot project makes sense, to see whether it works or not. But to go from where we are today to a program that will probably be somewhere in the neighborhood of a half billion dollars by the time this appropriations bill works its way through the Congress is just the wrong thing to do.

Nobody has truly assessed the risks that are related to this kind of an investment for a pension fund. You are talking about employees and companies who have set aside their resources for retirement. And it is interesting; as I understand it, I believe only five out of the six that have been approved for this $100 million—in fact, five out of the six are not covered by ERISA, which says that most of the pension funds, in essence, see this as a risk.

So, Mr. President, I just urge my colleagues, I think this is a terrible mistake. I can spend time talking about where to put the money. I have some priorities that are of deep interest and concern to me. But the reality is that this is a bad idea, and even those who believe we ought to go forward, I believe, ought to stick with the pilot project.

Let us see how it works. Let us get that report. Let us make a determination about its risk. Let us really get into the debate about how we can help the people who want help the most. Is it to go out and build more federally financed projects under these vouchers, these certificates? Is it reasonable that we ought to go in that direction, or should we spend the money in giving vouchers to the individual, empower that individual, give them the opportunity to make the choice? Why should we say that that ought to go to the developer?

Again, I just stress to my colleagues, I can remember talking with the people in my hometown who lived in project-based facilities. They were desperate to get out. I suggest there is not a soul in this Senate, Member or staff, who would want to spend one night in some of those facilities, and those people have no option, no choice, no way to get out. I just think it is wrong for

us to kind of steamroll another $350 million here for a project that has not been tested and was established as a pilot project to begin with.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President will the Senator from Maryland withhold a few moments? I want to make a couple of comments.

Mr. President, the senior Senator from Maryland apparently was offended by my use of "purple language." I might also say I am concerned about red ink.

Mr. SARBANES. Will the Senator yield?

Mr. COHEN. In just a moment.

Mr. SARBANES. I was not offended; I was surprised.

Mr. COHEN. Nothing is to be taken as a surprise any longer. In any event, I think the implication was that I was quoting something out of context from a letter from the Secretary of HUD.

Mr. SARBANES. I did not make that implication.

Mr. COHEN. I would like to submit the full letter for the RECORD, so there is no perception on my part to just quote a part of the letter in order to come to a different conclusion than is warranted. So I ask unanimous consent that the letter be printed in the RECORD.

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

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT
Washington, DC. August 1, 1994.

Hon. CHRISTOPHER BOND,
Ranking Minority Member, Subcommittee on Housing and Urban Affairs, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR BOND: I am pleased to inform you that tomorrow HUD will be announcing the selection of pension funds to participate in the Section 8 Community Investment Demonstration. The following are the selected pension funds and the amount of project-based rental assistance setaside they are approved to receive:

Board of Pensions and Retirement of the City of Phiadelphia, in partnership with the Redevelopment Authority of the City of Philadelphia—$10 million.

California Public Employees Retirement System—$10 million.

Fund for Affordable Housing, based on Boston, MA—$10 million.

NYC Comptroller's Office, representing the New York City Employees' Retirement System, the New York City Police Pension Fund, and the Teachers' Retirement System of the City of New York—$10 million.

Equitable Real Estate Investment Management, Inc. representing the California Community Mortgage Fund (composed of CalPERS, the Los Angeles Fire and Police Pension Fund, and possibly other California-backed funds) and the Community Works Fund (composed of the Massachusetts Bay Transportation Authority Retirement Fund, the St. Louis Carpenters Fund, and possibly other Taft-Hartley funds)—$10 million.

AFL-CIO Housing Investment Trust—$50 million.

ATTACHED ARE FACT SHEETS THAT DETAIL THE RECIPIENTS' PROPOSALS

This program has attracted the interest of many pension funds across the country. Just 30 days after the Department began accepting applications for participation in this program, requests for rental assistance far exceeded the $100 million in funds available. We have received hundreds of phone calls from pension fund representatives interested in participating in this first funding round and many of those who felt unprepared to apply now inquired about the possibility of applying in the future.

As you may know, this initiative is beneficial to the American economy for a number of reasons. [For one, the demonstration has fostered the formation of public-private partnerships that are bringing new sources of capital to meet the significant need for housing in this nation. Second, this initiative leverages federal resources to attract private dollars to investment in affordable housing for low- and moderate-income Americans. Third, it encourages pension funds to invest some of their $4 trillion in assets—which make up one-third of all assets in America—back into the U.S. economy.]

Thank you for supporting this program.

Sincerely,

HENRY G. CISNEROS,
Secretary.

Mr. SARBANES. Mr. President, I say to the Senator, there was certainly not that implication.

Mr. COHEN. I thank the Senator from Maryland.

Mr. President, I am not sure whether this is a good or bad program. I am in the ironic situation where I support section 8 housing; it has worked very well in the State of Maine. This may, in fact, be a valid way of creating more opportunities in the housing market.

I have several, however, with this appropriation. First this demonstration project required the GAO to file a report analyzing its prospects. There has been no review of how the contracts were awarded. As my friend from Florida pointed out, none were awarded on a competitive basis, but on a first-come-first-serve basis.

Second, many of these contracts are, in fact, public pension funds which are not subject to ERISA. With this in mind, Mr. President, the question I have is, why are we going from $100 million to $350-million-plus in 1 year without having some kind of an outside analysis as to the validity of the projects?

Finally, I will say, if these investments really make sense, the pension programs, be they private or public, could invest in them now. They can invest in them right now, subject to the standards set up by ERISA for the private programs. Why are they not doing that? Presumably, because there is some risk involved.

Why do we need to add a taxpayer subsidy to these managers to encourage them to go into this project? I think if they make sense on their own merits, they would invest in them. But, obviously, they are not. So now we have the taxpayers being asked to come up with $300-million-plus to, in effect, subsidize the investment. While admittedly there are some protections in here for the pensioners under this legislation, I do not believe we should expand this program without a full understanding of all the risk.

But I might point out that the legislation says, "The mortgages secured by the housing assisted under this demonstration shall meet such standards regarding financing and securitization as the Secretary may establish." It does not say he "must" establish, but he "may" establish.

Second, not all of these pensions are subject to ERISA. As Senator MACK has pointed out, most of these are public pension plans which are not subject to the standard.

So I just think that we are moving awfully quickly, and it may be a good idea. It may be a good idea. But we are moving from 1 year, we are tripling the funding here, and I think it makes sense to at least adhere to last year's level until we have more information about the viability of this particular project.

I would yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Mr. FORD). The Senator from Maryland.

Mr. SARBANES. Mr. President, I want to answer the Senator from Maine because he raised some important questions.

First of all, I will concede up front that if you do not have the section 8 involvement from the Federal Government, you will not get the investment in affordable housing. Affordable housing is a tough thing to do in terms of its economics. So on that basis, standing alone, the pension fund would not invest in affordable housing.

The question then becomes, since the Federal Government wants to do affordable housing, if the Federal Government provides a certain amount of contribution to achieve the affordable housing, does the section 8 assistance change the economics of the project in a way which meets the requirements of the pension fund? That is what this demonstration will do. The pension fund is not investing in a risky enterprise. The pension fund is investing in an enterprise which makes economic sense because of the Federal contribution to it.

Then you say, "Well, there is Federal money going into it." But if we are trying to build affordable housing, this is a way to get more affordable housing for the amount of the Federal investment without endangering the pension funds in any way.

Now, it is true that some of the initial recipients are State retirement systems. They, of course, are governed by State requirements, which in some instances are stricter than ERISA requirements. I would point out to my

colleague that one of the funds to get an initial grant is the California Public Employees Retirement System—the most successful retirement system in the nation, public or private. CALPERS is regarded as a model with respect to investment plans.

Now, when HUD proposed the expansion of the program, one of the problems was—and it is a reasonable question—why are you back now? The Banking Committee reported out an authorization bill, as my distinguished colleague from Maryland has indicated, which increased the authorization to $350 million. That bill came out of the Banking Committee on a 15-to-3 bipartisan vote, although the distinguished Senator from Florida, who is proposing this amendment, was opposed to the legislation. The overwhelming majority of the committee supported that legislation which is now pending on the calendar.

Now, at the time we considered last year's proposal, the questions were: Will pension funds take an interest in this program? Will the pension funds analyze it and reach the conclusion that it makes economic sense, meets their fiduciary responsibilities and represents a prudent investment of the funds that they are required to manage? So one of the concerns with the demonstration was that we would set it out there and no one would come calling. After all, as I indicated earlier, the funds have to make a voluntary judgment. They have to conform to their fiduciary responsibilities.

Now, what has happened, as the Secretary has indicated in his letter, is that the program has attracted the interest of many pension funds across the country. He has now indicated that pension funds have expressed an interest far in excess of the available funds. It seems to me this is an opportunity to move forward in a very positive and constructive way with adequate protection for the pension funds and with an opportunity to get affordable housing for our people. I very much hope the Senate will reject the amendment.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I move to table this amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is the Senator moving to table the amendment?

Ms. MIKULSKI. I move to table the Cohen-Mack amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment.

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 Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 257 Leg.]

YEAS—55

Akaka	Exon	Mikulski
Baucus	Feinstein	Mitchell
Biden	Ford	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Harkin	Murray
Boren	Hatfield	Pell
Boxer	Hollings	Pryor
Bradley	Hutchison	Reid
Breaux	Inouye	Riegle
Bryan	Johnston	Robb
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Campbell	Kerry	Sasser
Conrad	Lautenberg	Shelby
D'Amato	Leahy	Simon
Daschle	Levin	Wellstone
DeConcini	Lieberman	Wofford
Dodd	Mathews	
Dorgan	Metzenbaum	

NAYS—43

Bennett	Glenn	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Nunn
Chafee	Grassley	Packwood
Coats	Gregg	Pressler
Cochran	Hatch	Roth
Cohen	Helms	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Specter
Danforth	Kempthorne	Stevens
Dole	Kohl	Thurmond
Domenici	Lugar	Wallop
Durenberger	Mack	Warner
Faircloth	McCain	
Feingold	McConnell	

NOT VOTING—2

Heflin	Lott

So the motion to table the amendment (No. 2452) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I believe that the Senator from New Hampshire has an amendment, and we are ready to begin the debate if he is ready. If not, we can take a few minutes for a quorum call.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I know that the Senator wishes to have other issues that he wishes to bring up on the bill. I wonder if the Senator from New Hampshire would enter into a time agreement of perhaps 20 minutes equally divided.

Mr. SMITH. On this particular amendment?

Ms. MIKULSKI. Yes, on this particular amendment.

Mr. SMITH. The Senator from New Hampshire will be glad to do that. Unless others wish to speak, and I have no indication that anyone does, 10 minutes on my side is more than ample.

Ms. MIKULSKI. That would be acceptable. I know of no one. I think others are at policy conferences and will be listening to this on TV.

Mr. SMITH. I would say 20 minutes between the two sides. I will not use all of that.

TIME LIMITATION AGREEMENT

Ms. MIKULSKI. I ask unanimous consent that the Smith motion to recommit be limited to 20 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. I further ask unanimous consent that there be no other amendments to it.

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

The Senator from New Hampshire is recognized for 10 minutes.

MOTION TO RECOMMIT

Mr. SMITH. Mr. President, I have a motion to recommit which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the motion.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] moves to recommit H.R. 4624 to the Committee on Appropriations with instructions to report the bill to the Senate, within 3 days (not counting any day in which the Senate is not in session) with an amendment reducing the total appropriation provided therein to a sum not greater than the fiscal year 1994 level.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for up to 10 minutes.

Mr. SMITH. Thank you, Mr. President.

Mr. President, this is an amendment that is exactly along the same vein as several others that I have offered on all the appropriations bills as they have come before the Senate.

My intention here is to try to bring to the attention of my colleagues and to the American people that there is no way that we can reduce the deficit and the debt in the United States of America if we are not willing to at least draw the line on appropriations bills. There are 13 of them, 13 appropriations bills, and this is the 5th one that is now over last year's appropriations.

I do not see how we can realistically look at where the national debt is going, which is now $4.7 trillion. The deficits are in the $200 billion range.

And yet here we are with another appropriation bill, this one about $1.4 billion over last year.

We cannot balance the budget by limiting the growth of these appropriations bills. I know that. All of my colleagues know that. But we have to start someplace.

I remember the debate on the balanced budget amendment in which some of my colleagues who took the opposite position said, look, we do not need a balanced budget amendment. All we have to do is balance the budget. All we have to do is just exercise fiscal restraint when matters come before us. Of course, that is true. But we do not.

Let us talk specifics: The amount of the Senate bill is $89,750,637,061. The amount that was enacted in fiscal 1994 is $88,313,837,932. You subtract A from B and you get $1,436,799,129. That is the increase, $1.4 billion-plus in this appropriations bill over last year.

How in the world can we balance the budget, or even talk about balancing the budget, if we are not willing to take a stand on these appropriations bills?

We hear it time and time again, Mr. President. There is always a good reason to increase spending. There is always a thousand different things the money can be spent for. Nobody ever wants to cut the budget around here. I am trying to get the wake-up call. Hey, it is me again—SMITH—standing up before the Senate. You know what? You cannot reduce the debt, you cannot reduce the deficit unless you are willing to draw the line on spending. I am trying to get the message out.

Let me tell what happened. When the legislative branch appropriation bill came before the Senate it was $91 million over. I lost.

The Treasury-postal bill was $1 billion over. I brought that to the attention of my colleagues in the Senate. I lost.

The transportation bill was $740 million over budget. I brought that to the attention of my colleagues here on the Senate floor. We debated it. I lost.

We came to the Commerce, Justice, State appropriations bill. That one was $4.1 billion over fiscal 1994. I brought that to the attention of my colleagues here on the floor of the Senate in debate, and I lost.

Now, here we come again with this one, the VA–HUD agency appropriations of $1.4 billion.

Let us add them up: $91 million, $1 billion, $740 million, $4.1 billion, $1.4 billion, total $7.4 billion.

So far, with the appropriations bills that have been before this body, we now have five of them that are over budget to the tune of $7.4 billion collectively.

All this talk about cutting spending is falling on deaf ears, because we are not cutting spending. Anybody out there in America who thinks the U.S. Senate is cutting spending is simply dreaming, because the Senate is not cutting spending. They have increased it $7.4 billion just on these appropriations bills.

Now some say, well, you know that is a little unfair. We cannot balance the budget just dealing with these appropriations bills. But as I said before, you have to be willing to draw the line. You have to be willing to set the example. You have to be willing to say here is what we have control over, right here. This is discretionary spending. This is not entitlements.

It is a joke to hear people talk about reforming entitlements. Who in the world is going to reform entitlements, and have the courage to do it, if you cannot even vote to cut $91 million out of the legislative branch appropriations bill, which is what funds us here in the Congress. God forbid, we could take a few bucks out of what we spend in our own legislative appropriations. They have all gone down, $7.4 billion in total.

You know what is interesting about it, as I conclude this debate. What is interesting about this is, this is not $7.4 billion sitting up there somewhere in a fund and we are just going to spend it out, and spend it, pass it around. This is borrowed money. As you may recall, we have a debt of $4.7 trillion. We have a deficit. So we are borrowing money. This is not sitting up there in the fund.

How much does it cost to borrow that $7.4 billion that in the last month or so the Senate of the United States has spent more than it did last year? How much—$555 million in interest alone on what we are borrowing. That is just the interest. So you now have a half-billion dollars more in interest on that borrowed money. And yet time after time, vote after vote, we bring this matter to the attention of the Senate, and we lose.

Then Senators go back home and say the first thing we have to do is cut spending. I tell you folks, cutting spending is my No. 1 priority.

Look at the votes; look at the votes and see who has the No. 1 priority of cutting spending around here. The most votes I got on any of these proposals was 38. I do not know how that happened because most of them were a lot less.

So, the bottom line is, every Senator ought to ask himself or herself one question before voting, and this is it: Should Federal spending on the VA–HUD and independent agencies be increased by last year's level and, furthermore, should it be increased to the tune of $1.4 billion? And are you willing to borrow that $1.4 billion at 7.5 percent interest and add that to the total of the other appropriations bills that I have already outlined and already have been defeated on?

If you are, then vote "no" against Smith; do not vote to recommit the bill.

I want to point out, I am not asking the managers to cut any specific programs. I think the Senator from Maryland understands that. I am not singling out any program. I am willing to work with her or anyone else to see to it that we do this in a fair and equitable manner.

But the point is, should we increase spending over last year to the tune of $1.4 billion? I say we should not, because we ought to set the example and say that we are willing to deal with these appropriations bills in an honest way.

My motion is simple. It sends the bill back, sends it to the Appropriations Committee, with instructions that they report a bill that does not exceed last year's spending. No conditions. You work it out. If I can help, I am more than happy to do it.

Again, Mr. President, I am sending the same message that I have sent in the past, trying to bring to the attention of my colleagues and to the American people that it is impossible to cut spending if do you not vote to cut spending. It is impossible to bring down the deficit and the debt if you are not willing to stop spending or to reduce spending. Figure it out. Think of your own situation at home. If you spend more than you take in, how long can you do it in your household, and so forth?

So, Mr. President, at this point, I yield back any time that I may have remaining or yield it to my friend on the other side if she wishes it.

At this point, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. Mr. President, before I comment on the impact of the amendment of the Senator from New Hampshire—this is a process question—I know the Senator from New Hampshire wants a recorded vote on his motion to recommit; am I correct?

Mr. SMITH. Yes.

Ms. MIKULSKI. It is anticipated that after we dispose of the Senator's amendment, the Senator from New Jersey [Mr. LAUTENBERG], wishes to offer a sense-of-the-Senate resolution on the issue of violence in abortion clinics, a topic that I know the Senator is keenly interested in.

I wonder if we could have a time agreement on that and then do the two votes stacked back to back, because there are Senators, I know, who are off the Hill. If the Senator wants to go ahead, that is OK with me, too.

Mr. SMITH. Let me see if I understand. Is the Senator expecting a vote on the abortion clinic amendment of Senator LAUTENBERG?

Ms. MIKULSKI. The Senator from New Jersey has advised me he, too, seeks the yeas and nays.

Mr. SMITH. So the intent would be to have my vote——

Ms. MIKULSKI. That we complete the debate on this and we set it aside with time designated for the vote; we then move to the Lautenberg debate; and then after the Lautenberg debate, we have both those back to back.

Mr. SMITH. That would obviously be a convenience to our colleagues, and I do not object to that.

Ms. MIKULSKI. I, therefore, ask unanimous consent that, upon the conclusion of the debate on the Smith amendment, it be laid aside and that debate be undertaken on the Lautenberg amendment relating to violence at abortion clinics. How much time would the Senator want?

Mr. LAUTENBERG. Mr. President, I would say 20 minutes, equally divided, would be sufficient.

Ms. MIKULSKI. I ask the Senator from New Hampshire, would 30 minutes equally divided be acceptable?

Mr. SMITH. Thirty minutes on the Lautenberg amendment? I have no indication from any Member.

Ms. MIKULSKI. I withdraw my unanimous-consent request.

Mr. SMITH. I will check on that, and I will get back to the Senator.

Ms. MIKULSKI. Let me move ahead with my debate. I think we are now just ironing out the details. I think we understand the framework. It is just the matter of the time.

Mr. SMITH. There is one Senator who may wish to speak on this. I need to check with him.

Ms. MIKULSKI. Yes; and I, too, wish to speak on that subject.

I will now return to debating or discussing the impact of the amendment of the Senator from New Hampshire.

What I would like to bring to my colleagues' attention is the impact of recommitting this bill.

No. 1, VA pension funds would go from a 500,000 backlog claims to over 1 million because the staffing and technological improvements would not occur.

No. 2, I want to be sure that everyone understands that these are service-connected vets who are forced to wait as long as 6 months for claims to be adjudicated. VA staffing would be cut by 400 people. VA would have to cut back more than 800,000 outpatient visits and 36,000 inpatient visits, again because of its impact on staffing and the ability to use technological innovation to expedite workload.

In the area of the environment, EPA wastewater construction would be cut $1 billion. It would mean a loss in construction jobs but, also, further deterioration of our Nation's water supply. Today, there is a $100 billion backlog of wastewater construction needs. One of the most significant number of requests that this Senator receives in terms of special earmarks or report language is in the area of wastewater construction because of the significant backlog. When we do wastewater construction, we do two things. We generate real jobs in the construction industry and, at the same time, we are dealing with wastewater and therefore improving our environment.

Also, EPA would not be able to fund things like climate change, the environmental technology initiative, and also begin to get a discipline on runaway contractor spending and be able to deal more effectively with waste and abuse and even fraud in these areas.

For the National Science Foundation, it would be forced to cut senior researchers, assistance to graduate students, and, even more importantly, it would mean that over 4,000 teachers would not be retrained in terms of being able to be far more effective in the classroom to teach science and math.

For Federal Emergency Management, it would cut State grants, meaning States and local governments would not get needed assistance to train and prepare for hurricanes, earthquakes, and other disasters where Americans are at risk.

As you know, we have tried to make substantial gains, despite the stonewalling of the FEMA administration, in moving it to a risk-base strategy. For homeless programs, HUD would be cut $300 million, meaning 100,000 homeless would be denied shelter.

Forty thousand families who are on the waiting list for public housing would not get into public housing, and the maintenance of public housing would further deteriorate.

The Presiding Officer, a prosecutor, a former DA, knows that often our public housing has become incubators for drug dealers. Our legislation makes important anticrime and security improvements. Finally, there would be cuts in affordable home units due to cutting the home program.

I think my colleagues get the picture. In my bill are public investments. There are public investments in housing, in cleaning up the environment, in making America safe in the area of emergencies that affect it, and also it keeps our promises to veterans. We have not just galloped ahead in a cavalier way with our spending. We faced a very tough allocation through the 602(b). I acknowledge the validity of the concerns of the Senator from New Hampshire to get a handle on Government spending, but I do think that a motion to recommit back to last year's funding levels would be misguided.

When a vote is taken on this amendment, I hope that it would be defeated.

Now, if there are no other Senators who wish to speak on this amendment, I ask unanimous consent that this amendment be set aside and that a vote occur after the debate on the Lautenberg amendment on abortion violence.

The PRESIDING OFFICER. Without objection, it is so ordered. All time is yielded back by the Senator from Maryland. The amendment is set aside, and the Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the committee amendments be laid aside so we can take up my amendment.

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

Mr. LAUTENBERG. Mr. President, I thank the distinguished manager of the bill and appreciate her enabling us to get to this at this point.

AMENDMENT NO. 2453

(Purpose: To express the sense of the Senate condemning the murder of a doctor and escort serving a reproductive health clinic in Pensacola, FL, and urging the administration to take steps to protect persons who work at, and women who wish to use the services of, such clinics)

Mr. LAUTENBERG. 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 New Jersey [Mr. LAUTENBERG], for himself, Mr. PACKWOOD, Mr. FEINGOLD, Mrs. MURRAY, Mr. DECONCINI, and Mrs. FEINSTEIN, proposes an amendment numbered 2453,

The amendment is as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 518. It is the sense of the Senate that—

(1) the murders of a doctor, his escort, and the wounding of another escort outside a reproductive health clinic in Pensacola, Florida, on July 29, 1994, were reprehensible acts of violence and terrorism;

(2) the Department of Justice, Federal Bureau of Investigation, and Bureau of Alcohol, Tobacco, and Firearms should undertake all enforcement and investigative activities under the Freedom of Access to Clinic Entrances Act, and any other applicable laws, that are necessary to ensure the safety of women seeking reproductive health services, their doctors, and escorts and clinic workers and to demonstrate to future potential perpetrators of such violence that these laws will be strongly enforced nationwide;

(3) The Attorney General should utilize the full extent of her authority to provide adequate protection to women obtaining reproductive health services, their doctors, and escorts and clinic workers; and

(4) all investigative and law enforcement activities undertaken by the Government in accordance with this section should be conducted in a manner that is fully consistent with the first amendment to the Constitution.

Mr. LAUTENBERG. Mr. President, on July 29 two men were killed, shot to death, while on their way to work. One was John Bayard Britton, a 69-year-old physician. The other, James Herman Barrett, was a 74-year-old retired Air

Force lieutenant colonel whose mission that morning was to try to make sure Dr. Britton got to work safely.

Every morning, before he went to work, Dr. Britton put on a bulletproof vest. Every morning, Dr. Britton had an escort whose job it was to protect him as he went to work. Dr. Britton did not practice medicine in some far off, war torn country. No, Dr. Britton wore a bulletproof vest and had an escort, and feared for his life because he worked in Pensacola, FL, and because he performed abortions.

The man charged with the brutal and senseless murders of Dr. Britton and Colonel Barrett is Paul Hill, a local leader of a radical antiabortion group known as Defensive Action. Mr. Hill and his views were well-known. He had circulated letters among radical antiabortion groups espousing his personal philosophy that killing doctors who perform abortions was justifiable.

Mr. President, like it or not, abortion is a legal medical procedure in this country. There is no reason for women who seek this procedure to be harassed.

They have been protected by decisions made by the Supreme Court. Other courts have moved the demonstrators further from the facilities they visit so that they can be free to come and go in a lawful manner as they do. There is no reason for doctors who provide legal abortion services to be threatened. But they are, routinely, day and night. And their families are harassed. And there was no reason for Dr. Britton to be shot down, but he was. He was because Paul Hill and others like him do not respect the laws of of our country.

Mr. President, Colonel Barrett's wife, June Barrett, was also shot that day. By God's grace, she was only wounded. I have not met Mrs. Barrett, but by her words and deeds I know her to be a courageous and strong woman.

I have seen her interviewed. I have read her statements.

Mrs. Barrett has vowed that she will return to work as an abortion clinic escort. She has said:

> My husband died for the cause of a woman's right to choose * * *. I'm not going to sit back in a corner and not do anything. Somebody's got to stand.

Mr. President, we in this great body have to stand. We have to do all that is within our power, the power of the Federal Government, to ensure that our doctors do not fear for their lives because they are willing to perform legal medical procedures. We need to do all that is within our power to ensure that the women of this country have access to legal medical procedures without fear of harassment and personal violence.

Mr. President, earlier this year President Clinton signed the Freedom of Access to Clinic Entrances Act or what is known as FACE. This bill made it a Federal crime to block, obstruct, or intimidate a woman seeking reproductive health services or a doctor trying to perform them. But it is clear that this law will not be enough to protect doctors and the women of our country.

That is why I applaud Attorney General Reno's decision, announced Monday, to take preemptive action across the country by posting U.S. Marshals outside of clinics that have been threatened.

Mr. President, I also compliment her decision to investigate whether RICO statutes apply to militant antiabortion groups.

Finally, I was pleased to read in this morning's New York Times that the FBI is now actively investigating whether or not there is a conspiracy among antiabortion militants to inflict violence upon doctors who provide abortion services.

We have seen the television pictures of people who hold up signs saying that the killing is justified; that this is the way to defend these unborn children. No persons can take the law into their own hands and claim to be law abiding citizens. Violence against abortion providers and women seeking abortion services is on the rise.

Unfortunately, the coldblooded killing of Dr. Britton and Mr. Barrett was not an isolated incident. Violence against abortion providers and women seeking abortion services is on the rise. Since 1984, there have been over 1,500 acts of violence near abortion clinics. Furthermore, there have been 146 arson attempts or bombings of abortion clinics since 1982.

Mr. President, let me summarize the amendment for my colleagues.

It condemns the murders of Dr. Britton and Mr. Barrett.

It urges the Justice Department, the FBI, and the BATF to undertake all enforcement and investigative activities necessary under the FACE law to prevent further abortion clinic violence.

It urges the Attorney General to use whatever authority she has to protect women and doctors who are visiting or working in abortion clinics. And finally, it states that all such actions shall be consistent with the first amendment of the Constitution.

Mr. President, let us send a signal to all women, doctors, escorts, and health care workers in these clinics across the country that their rights to obtain and perform legal medical procedures and the ability to do so safely will be protected.

I hope that my colleagues will support the amendment.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from Maryland.

TRIBUTE TO RETIRED LT. COL. JAMES H. BARRETT

Ms. MIKULSKI. Mr. President, I rise in support of the Lautenberg amendment. I think any decent American finds violence repugnant, and regardless of how one feels about the abortion issue, I know people of good will who truly support life find what happened in Pensacola to be repugnant.

As a Senator from Maryland, I pay particular tribute to retired Air Force Lt. Col. James Barrett. He was from Maryland. He lost his life while serving others.

Colonel Barrett was tragically killed on that day of July 29, 1994, outside of something called the Pensacola Ladies Clinic while escorting Dr. John Britton—who was also killed—to work the clinic.

Dr. Britton was killed, Colonel Barrett was killed, and Colonel Barrett's wife was injured. Colonel Barrett and Dr. Britton are the latest victims in a long history of escalating violence at women's health clinics. I am deeply disturbed by this violence and am saddened by the tragedy in Pensacola. The fact that Colonel Barrett was needed to escort a doctor to provide services at a women's health clinic is, in itself, tragic. But the deaths of Colonel Barrett and Dr. Britton make this tragic situation even more horrific.

I would like to put a human face on the headline. Colonel Barrett was a Marylander, and I would like to quote from an obituary written by Liz Atwood of the Baltimore Sun. She starts her article by saying:

> Retired Air Force Lt. Col. James H. Barrett helped people.
>
> He helped revive the Retired Officers Association chapter in Annapolis. He drove voters to the polls on Election Day. He gave advice to young people interested in college. If someone needed help, he would lend a hand.
>
> When he died Friday in Pensacola, FL, Mr. Barrett was still helping—escorting a doctor into an abortion clinic.

An Annapolis printer said, "He loved to help people. If a woman needed help, he would help, and that's what he died for."

Mr. Barrett was 74 years old. He was born in Annapolis, the son of a local printer. He went to local high schools and a local college and the University of Maryland. In 1939, he joined the U.S. military. He was a navigator during World War II and he fought in Korea and Vietnam. His military assignments took him throughout the world.

When he retired from the Air Force in 1969, he came back home to Maryland. He taught math and science at George Fox Middle School between 1976 and 1982.

When his first wife died, he found comfort in friends and he helped revive the Annapolis Chapter of the Retired Officers Association. There, the lovely day he met June—June Griffith Allison, a widow who retired with the rank of captain of the U.S. Public Health Service Corps; she was a nurse—the night they were both elected, that is where they met. They fell in love and, as Paul Harvey said, you know the rest of the story.

In 1992, the Barretts moved to Pensacola seeking warmer weather.

They attended the Pensacola Unitarian Universalist Fellowship Church and did considerable volunteer work.

For the past 17 months, they had served as escorts at the Ladies Center which provides gynecological services. Once a month, they would greet Dr. Britton at the airport and drive him to the clinic.

Mr. Barrett had last visited Annapolis in May. At that time, he talked with his brother about the escort work at the clinic * * * he thought it was dangerous.

His brother said: "I don't think I fully realized the risk * * * but he did."

So on Friday, Mr. Barrett was driving a pickup truck taking Dr. Britton to the Ladies Center, with Mrs. Barrett riding in the back seat of the cab. A gunman opened fire with a shotgun, killing Mr. Barrett, killing Dr. Britton, and Mrs. Barrett, a nurse in the Public Health Service Corps, retired, was wounded in the arm.

Well, Barrett is dead, the doctor is dead, and Mrs. Barrett will always carry those permanent wounds.

The family has planned a private funeral.

But while the family plans a private funeral, there should be a public outcry that in the United States of America, where we differ on these issues, we should resolve them in an area of nonviolence. I believe that nonviolence should be the norm of the day.

His wife suggested memorial donations be made to the Unitarian Universalist Fellowship Church and to the Ladies Clinic. And I believe a memorial would be for us to adopt the Lautenberg amendment. I will be supporting it.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 2453, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I modify the amendment with some word changes, and I send the modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, with its modification, is as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 518. It is sense of the Senate that—

(1) the murders of a doctor, his escort, and the wounding of another escort outside a reproductive health clinic in Pensacola, Florida, on July 29, 1994, were reprehensible acts of violence and terrorism;

(2) the Department of Justice, Federal Bureau of Investigation, and Bureau of Alcohol, Tobacco, and Firearms should undertake all enforcement and investigative activities under the Freedom of Access to Clinic Entrances Act, and any other applicable laws, that are necessary to ensure the safety of women seeking to enter reproductive health clinics, their doctors, and escorts and clinic workers and to demonstrate to future potential perpetrators of such violence that these laws will be strongly enforced nationwide.

(3) The Attorney General should utilize the full extent of her authority to provide adequate protection to women seeking to enter reproductive health clinics, their doctors, and escorts and clinic workers; and

(4) all investigative and law enforcement activities undertaken by the Government in accordance with this section should be conducted in a manner that is fully consistent with the first amendment to the Constitution.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the distinguished manager of the bill, Senator MIKULSKI, be added as a cosponsor.

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that an article that appeared in this morning's New York Times talking about the FBI and its evaluation that a conspiracy might exist in terms of clinic violence be printed in the RECORD.

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

[From the New York Times, Aug. 4, 1994]

FBI UNDERTAKES CONSPIRACY INQUIRY IN CLINIC VIOLENCE

(By David Johnston)

WASHINGTON, August 3.—Setting aside a longstanding reluctance to involve itself in cases of abortion-related violence, the Federal Bureau of Investigation has begun a broad inquiry into accusations that the use of force against women's clinics and their doctors is the work of a conspiracy by anti-abortion militants.

A confidential teletype sent to all 56 F.B.I. field offices on Saturday evening, one day after the fatal shooting of a doctor and his security escort outside an abortion clinic in Pensacola, Fla., said the bureau had information, "volunteered" by abortion rights groups, indicating that about half a dozen anti-abortion militants might be posing "a conspiracy that endeavors to achieve political or social change through activities that involve force or violence."

The teletype listed well-known anti-abortion figures including the Rev. David C. Trosch, Michael Bray, C. Roy McMillan, Matthew Trewhella, David Crane and Donald Spitz. All of them signed the "justifiable homicide" declaration, which circulated recently among anti-abortion militants, that supported killing doctors who perform abortions.

In a telephone interview from Mobile, Ala., Father Trosch, a Roman Catholic priest whom the church has suspended because of his advocacy of lethal force against abortion doctors, denied any conspiracy.

"The pro-aborts have been presenting this view since the killing of Dr. Gunn," said Father Trosch, referring to Dr. David Gunn, an abortion provider who was shot to death outside another Pensacola clinic in March 1993. "There is absolutely no conspiracy by anyone. I'm sure of it."

PRESSURE FROM JUSTICE DEPT.

The teletype set off the first full Government inquiry of accusations by abortion rights leaders that a campaign of terror is under way at the nation's abortion clinics, a campaign that these advocates say the authorities have failed to deal with.

The inquiry was brought on by pressure from the Justice Department, the F.B.I.'s parent, whose senior leaders, including Attorney General Janet Reno, are unequivocal supporters of abortion rights.

On Friday about 5 P.M., less that 10 hours after the killing of Dr. John B. Britton and his security escort, James H. Barrett, outside the Pensacola Ladies Center, Ms. Reno spoke with Louis J. Freeh, the F.B.I. Director. Mr. Freeh then set the investigation in motion, said one law-enforcement official, who maintained that despite misgivings of some F.B.I. officials, the Director had been eager to take on this high-profile inquiry important to the Clinton Administration.

In a series of intensive discussions that continued into Saturday, Federal agents met with representatives of abortions rights groups like the Feminist Majority, the National Organization for Women, Planned Parenthood and the National Abortion Federation. Drawing on those groups' years of encounters with anti-abortion demonstrators, the agents compiled a profile of violence to guide their inquiry.

"We believe there is a nationwide conspiracy," Kim A. Gandy, executive vice president of the National Organization for Women, said in an interview today. "The Justice Department and the F.B.I. do not have a handle on it yet. They don't know the extent of the problem."

RELUCTANCE WITHIN THE BUREAU

Not withstanding what was said to be Director Freeh's eagerness to take it on, the investigation was an uncomfortable step for many of the bureau's senior managers. Even as the most militant elements of the anti-abortion movement grew more violent, these officials had been wary of involving the bureau, for fear that it would somehow be drawn into the broader ideological clash between mainstream anti-abortion groups and abortion rights advocates.

Some of these officials feel that the line between legitimate political activity and criminality can be blurred, particularly in hindsight. They could never be certain, they say, that a future Administration that opposed abortion rights would not accuse them of improper conduct, and could never be sure that their current superiors would back them if they inadvertently overstepped the line.

Some top managers at the F.B.I. now were junior agents back in the late 1960's and 1970's who watched as the bureau was nearly ripped apart over disclosures that agents had illegally subverted antiwar and civil rights advocates. More recently, in the mid-1980's, the bureau was rocked by similar disclosures involving its antiterrorism inquiries into the Committee in Solidarity With the People of El Salavador, an organization sympathetic to leftist Salavadoran insurgents.

The current investigation is being conducted under the Attorney General's domestic terrorism guidelines, which authorize the use of investigative techniques like survellances and interviews but limit the use of intrusive undercover tactics like wiretapping and property searches.

The F.B.I.'s legal basis for pursuing such an investigation was strengthened by the enactment of a law in May that makes it a Federal crime to block access to an abortion clinic or to use force or threats against employees or patients there.

Law-enforcement officials said today they are investigating whether Paul J. Hill, the suspect in Friday's shootings, can be prosecuted under the new law. This investigation is a departure from the usual Federal practice of waiting until a local prosecution is completed before deciding whether to bring Federal charges.

No decision has been made on whether to charge Mr. Hill with a Federal offense, which carries possible life imprisonment, the officials said. But some Federal prosecutors are pressing to go ahead before local authorities as a demonstration of the new Federal law. A Federal prosecution would not preclude a trial on state charges.

Ms. Reno had promised after the killing of Dr. Gunn to launch an inquiry into whether the law-enforcement authorities could use Federal criminal conspiracy statutes, like those used against the Mafia, in cases involving anti-abortion extremists. She was said by law-enforcement officials to be disturbed to learn after Friday's shootings at how little had actually been done.

Federal authorities had Mr. Hill under investigation for violating the new law. Justice Department officials have not fully explained why Federal prosecutors in Florida and their superiors in Washington dropped the case for lack of evidence.

The F.B.I.'s teletype adopted a careful tone. "The inquiry," the message said, "will be of short duration and will be confined solely to obtaining information necessary to making an informed judgment as to whether a full investigation is warranted."

The teletype, sent from the bureau's Washington field office, emphasized that the inquiry was to be a "measured review" of the most militant anti-abortion activists. It was sent to the personal attention of all special agents in charge of F.B.I. field offices, advising them of the 90-day preliminary inquiry, a precursor to a full-fledged criminal conspiracy investigation.

Mr. LAUTENBERG. Mr. President, I want to just mention another article that appeared in the New York Times on the 30th of July. This was right after the doctor and his escort was murdered. It talks about a meeting held in Chicago by 100 antiabortion leaders meeting at a Chicago hotel to plan their future.

But their weekend gathering . . . quickly turned into a heated 2-day debate on a chilling question that has split their ranks: Is the killing of doctors who perform abortions morally justified?

One of the people who went to this meeting who is listed here as Reverend Flip Benham, the director of Operation Rescue National, a group that once represented the most extreme end of the antiabortion spectrum, said:

I think what he's saying is heresy, it's sin, it's murder, it's wrong, and it solves nothing, only makes things worse. But I was in the minority.

I ask unanimous consent that that article from the New York Times also be printed in the RECORD.

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

[From the New York Times, July 30, 1994]

A CAUSE WORTH KILLING FOR? DEBATE SPLITS ABORTION FOES

(By Tamar Lewin)

Exactly three months ago, nearly 100 anti-abortion leaders met at a Chicago hotel to plan their future.

But their weekend gathering at the Radisson Lincolnwood Hotel quickly turned into a heated two-day debate on a chilling question that has split their ranks: Is the killing of doctors who perform abortions morally justified?

Paul J. Hill, the former minister charged yesterday with shooting a doctor and two others at a Pensacola, Fla., clinic, did not say much at the Chicago conference.

But by all accounts, his presence there—and his yearlong crusade for the proposition that killing doctors who perform abortions is justifiable homicide, mandated by the Bible—dominated the meeting. The issue has been a divisive one within the anti-abortion movement ever since the fatal shooting last year of Dr. David Gunn outside the other Pensacola clinic.

"I went to Chicago because I had to confront Paul Hill," said the Rev. Flip Benham, director of Operation Rescue National, a group that once represented the most extreme end of the anti-abortion spectrum. "I think what he's saying is heresy, it's sin, it's murder, it's wrong, and it solves nothing, only makes things worse. But I think I was in the minority."

Rick Blinn, a spokesman for Operation Rescue who was also at the meeting, said that Mr. Hill had handed out his position papers liberally and had tried, in informal conversations with those who disagreed with him, to use the Bible to defend his position.

Even the formal agenda of the meeting reflected the debate over killing: one item listed for discussion was "Violence and Nonviolence: How to Work With Disagreement," and another was "Focus Team on Marginal Killers."

Many at the Chicago meeting said they had thought the debate was purely theoretical.

"The discussion of killing was abstract, almost theological," said the Rev. Frank Pavone of Priests United for Life. "No one was at any time talking about any kind of action."

However, abortion rights groups said yesterday that it was at best disingenuous for those who engage in fiery rhetoric about "baby killers" and "the abortion Holocaust" to express surprise when their rhetoric leads to violence.

"Opponents of choice who call physicians 'baby killers' one day have no credibility the next when they issue polite statements of regret after physicians and escorts have been gunned down in cold blood," said the statement issued yesterday by the National Abortion and Reproductive Rights Action League.

And some of those who had been at the Chicago meeting were hardly ringing in their condemnation of yesterday's killings, reserving most of their outrage for those who interfere with abortion protests.

"This may be the start of the new civil war everyone has been talking about," said Don Treshman, the director of Rescue America, who was at the Chicago meeting. "As a result of the Clinton Administration's oppressive efforts to stop even peaceful pro-life activities, I fear there will be more bombings and shootings. Up to now, the killings have been on one side with 30 million dead babies and hundreds of dead and maimed mothers. On the other side, there are two dead doctors. Maybe the balance is going to start to shift."

While several of those who were present at the Chicago meeting said they were distressed by the widespread acceptance of the idea that it might be justifiable to kill those who perform abortions, none of those interviewed would identify the individuals or groups that had taken that position most strongly.

And in the wake of yesterday's shootings, most seemed eager to distance themselves from such thinking.

"I went to the meeting hoping we could agree on nonviolent actions all of us could support," said Joseph Scheidler, director of the Pro-Life Action League. "But early on, we hit the item on 'Violence and Nonviolence: How to Work With Disagreement,' and that became the issue for the rest of the weekend. I was surprised at how much support there was for Paul Hill. I had always boasted that we don't fight among ourselves in the pro-life movement, but this was very divisive."

A PERSISTENT ISSUE

The issue of violence and civil disobedience in the service of stopping abortions has been touchy for years.

Leaders of some mainstream anti-abortion groups have always been quick to condemn unlawful actions, stressing their commitment to opposing abortion through the political process and their distance from groups such as Operation Rescue, which have frequently violated the law.

Yesterday's shootings brought a new outpouring of statements denouncing violence. And the leaders of Operation Rescue National and the Pro-Life Action League said yesterday that they had argued with Mr. Hill, before, during and after the Chicago meeting, that killing doctors is not justifiable.

But while many anti-abortion leaders sought yesterday to portray Mr. Hill as a lone extremist, with no following, it had been apparent even before the Chicago meeting that Mr. Hill had some significant support.

HILL'S SUDDEN PROMINENCE

Last month, Mr. Hill circulated a petition declaring the justice of using force to defend "innocent human life."

"Whatever force is legitimate to defend the life of a born child is legitimate to defend the life of an unborn child," the petition said.

Most of the anti-abortion leaders said they first heard of Mr. Hill, who established an organization called Defensive Action, only after the shooting of Dr. Gunn last year.

Mr. Hill thrust himself into the limelight through the force of his statements in support of Michael Griffin, 32, the man convicted of the shooting.

"The first time I ever laid eyes on him," said Mr. Benham, the Operation Rescue National official, "I was in jail in Dallas, and he came on 'Donahue' saying we should kill all the abortionists."

Mr. LAUTENBERG. Mr. President, as usual, the Senator from Maryland, the manager of the bill, has a unique way of expressing things that arrests all of our attention. She speaks the truth and she speaks it with a degree of eloquence and certainly that makes her a spokeswoman for all of us at times, and I am so proud to serve with Senator MIKULSKI.

When you think about this man out there trying to perform his duty under his oath, the Hippocratic oath, under the law as represented by the Constitution, to protect the privacy of people, and to be murdered in the full bloom of life, as he wore his bullet-proof vest—the shots apparently penetrated the vest—because he knew he was in danger, he was in many ways a heroic man. He decided to do his duty as he had sworn to do under oath, regardless of the dangers that he personally faced.

So what we see, Mr. President, is the fact that even under the law someone performing a function that is protected by law could not complete it. And, boy, if anything is brought to our attention, it is that we cannot abide lawlessness, no matter how zealous, no matter how righteous those who try to intimidate, influence, assault or even kill are wont to do.

So, Mr. President, I ask that the amendment be immediately considered, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? In the opinion of the Chair, there is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. SMITH. Mr. President, there is no objection to the amendment on our side. I would say to my colleague that those of us who are prolife feel very strongly about protecting the rights of the unborn, and we also feel very strongly about protecting the rights of those who are born. Certainly a senseless murder like that is uncalled for, and we certainly do support the amendment of the Senator from New Jersey.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LAUTENBERG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is noted. The clerk will call the roll.

The bill clerk proceeded to call the roll,

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

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

Ms. MIKULSKI. I know that the Senator from New Hampshire has two additional amendments that he wishes to offer and, from his perspective, achieve more fiscal control on the bill.

I wonder if the Senator from New Hampshire would agree to making a unanimous consent—or I could—that we debate both of his amendments and then have four votes stacked back to back: his motion to recommit, the Lautenberg amendment, and then, if he wishes a rollcall on his two other reallocation amendments, that we do it all at one time. And then, I believe, if there would be no other amendments, we could begin to move to wrap up the bill.

Mr. SMITH. The Senator from New Hampshire has no objection to that unanimous consent request, and no one that I know of on our side has objection to it. I would anticipate from the interest of our colleagues from my side of the debate on each of the amendments, approximately 15 minutes, maybe 20 minutes maximum on each, for my side, unless there are others who wish to speak.

Ms. MIKULSKI. I bring to the attention of the Senator from New Hampshire that it is 1:15. We could begin the votes at 2 o'clock.

Mr. SMITH. Unless somebody engages me in debate and takes more time. The presentation I would have would not be more than 45 minutes on both.

Ms. MIKULSKI. Would the Senator prefer an informal agreement?

Mr. SMITH. I would prefer informal, but the presentation would be——

Ms. MIKULSKI. I prefer informality, with the understanding the votes would occur in a stacked fashion once we have completed the debate on the two amendments.

Mr. SMITH. I have no objection.

Ms. MIKULSKI. And Senators will be so informed.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

COMMITTEE AMENDMENT ON PAGE 22, LINES 18 THROUGH 25

Mr. SMITH. At this time, Mr. President, I ask unanimous consent that the pending committee amendment be set aside and that the Senate consider the committee amendment on page 22.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2454 TO COMMITTEE AMENDMENT ON PAGE 22, LINES 18 THROUGH 25

(Purpose: To redistribute $135,000,000 from special purpose grants to community development block grants)

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

The PRESIDING OFFICER. The clerk will report the amendment offered by the Senator from New Hampshire.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself and Mr. MCCAIN, proposes an amendment numbered 2454 to the committee amendment on page 22, lines 18 through 25.

Mr. SMITH. 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 22, line 21, strike "That" and all that follows through the period on line 25 and insert the following: "That notwithstanding any other provision of law, $130,000,000 shall be used for grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974.".

Mr. SMITH. Mr. President, this amendment does not impact the overall cost of the bill. We had our presentation on that portion of the bill a few moments ago with my amendment to recommit to bring the bill back in line with last year's expenditures. This is a redistribution amendment. It does not take, add, or delete one penny from the bill. But I would encourage my colleagues to pay very careful attention to the points that I wish to make in the presentation of this amendment.

The committee-reported amendment—that is what is before you without my amendment—would earmark $135 million for 102 special purpose grants. We have heard debate on earmarking many, many times on the floor. My colleague from Arizona, Senator MCCAIN, has certainly spent a great deal of time trying to bring this to the attention of our colleagues. But earmarking is a very unfair process, and I am about to demonstrate just how unfair it is to many of my colleagues in other States. This is a situation now where the amendment that I am offering would eliminate the earmarks—not the money. It would eliminate the earmark and transfer funding to the community development block grants, and that is a program that benefits every State. I emphasize the words "every State."

Under the Community Development Block Grant Program, there is a very complicated formula, and in that formula the dollars are sent out to the various States on the basis of that formula, and every State shares in that money.

Now, what we have here is $135 million in this bill which is specifically earmarked, specifically earmarked to certain States. So, essentially, this is earmarked versus formula. It is money for some States versus money for all States. And I suppose you can say if you are one of the "some States" that is involved in getting the money, it is OK.

I would encourage you to listen carefully to what I am going to say because you still may be getting less money than you should be getting. It is an issue of fairness. That is all it is. Is it fair for a small, select group of people on the Appropriations Committee to take a pool of money, $135 million, basically saying they use the formula but not using the formula—because, if you use the formula, all States share, but what they are doing is allocating this money to some States. Is that fair? Is it fair for a small group of people to sit in a room someplace and take $135 million and give it specifically to certain States to the exclusion of others? I say it is not fair. I say it is extremely unfair. It is unfair to the people who reside in the States that get absolutely nothing and are just as entitled to it under the community development block grant formula as anyone else.

They are just as entitled to it as the recipient States. So let me read the committee report language accompanying this bill that explains the rationale for these earmarked projects. I am going to quote.

These items are targeted to address compelling local examples of important national needs in housing, and community, and economic development. Provisions included generally fall within one of the broad criteria established for eligibility under the Community Development Block Grant Program; meet the needs of low- and moderate-income persons; aid in elimination of urban slum or plight; or address pressing community development needs.

So I would think that explanation begs a very simple question. If the community development block grant criteria are being used by the appropriators to select the grants, these 102, why not just put the money into the Community Development Block Grant Program and let the States decide how to use the money? That is the way it is supposed to work.

There is nothing, in my opinion, that is more onerous and more obnoxious—I cannot think of a better word—in this whole process around here than earmarking, because it is unfair. It is unfair because a select few take a pool of money and give it to a certain State or a certain locality. I am not questioning the individual projects selected by the committee. I am not questioning the projects. They very well may be worthwhile. I am not saying they are not; probably they are. But I am questioning the process, Mr. President, because the process is wrong.

If an earmark is given to a community in, say, California, say, Los Angeles, and it was not done on a fair formula, what about Jefferson City, MO, or some other community; Detroit, MI, some other city somewhere else? What is the criteria?

The point is there is a criteria but we are not using it. The criteria is a very precise formula under the Community Development Block Grant Program that should be followed, but it is not being followed.

Let me tell you what happens in this particular example. We now have $135 million of money in a pool. We have 102 projects. Three States—West Virginia, New York, and Oregon—get one-third of the money. Three States get one-third of the money.

You do not have to be a genius to look at the makeup of the Appropriations Committee, see who is on the Appropriations Committee, and understand why these three States get one-third of the money—West Virginia, New York, and Oregon.

Fifteen States receive no money—zip, not a dime. Is that fair?

Are people in a slum in Oregon or West Virginia or New York better, any better, than people in a slum in Detroit or Washington, DC, or Los Angeles? I do not think so. I do not think that is what we are trying to do here with the Community Development Block Grant Program. But that is what earmarking does. That is exactly what earmarking does.

It is power, raw power in the hands of a select few; no votes, no public decisions. These projects just simply appear, and, if I have a powerful Senator or a powerful Congressman somewhere, we get the money. Never mind about anybody else. This is a sacred cow around here.

I will hear about this. I will hear about it because I am taking on the system here, as others have done. I am not the only one. Somebody has to take it on because it is wrong. It is absolutely wrong.

Let me tell you how badly people get burned. You might want to listen, as I am going to mention your State. I am going to go through every State. I am going to take my colleagues' time to run through every State because I want people to understand just how onerous this really is.

I said 3 States get one-third of the money, and 15 States get nothing.

Thirty States would receive more money under my amendment than they would under the committee-reported bill. I am going to outline exactly what States they are. You might say, "Well, here it is again. SMITH is mad. His State did not get enough money," or something else. That is not the point. That is totally irrelevant. It is not the point.

There is $135 million in the bill. It is supposed to go to help these people in need, and it ought to be done fairly, it ought to be equitable, and it is not because of the raw political power of a select few who sit on this Appropriations Committee that have all this power. They ignore the system, ignore the grants, ignore the community development block grant formula. They say they use it. But they do not, and they allocate the money wherever they feel like it.

There are innocent people who deserve help who get nothing, absolutely nothing. Do you think that is fair? If you think that is fair, then vote against me. But have the courage to stand up to these people and expose this for what it is. It is hurting people. That is what it is doing. It is hurting needy people. Who is it hurting?

Let us take the State of Alabama. It will sound like a political convention here as I call the names.

Alabama: Alabama gets nothing under the Senate bill. It gets $2,050,000 under my formula. So if there are poor people in Alabama who feel like they are just as poor as somebody else in New York or Oregon or West Virginia, you ought to be angry, because under my amendment you would get $2 million more.

Arizona: Arizona is going to get $1.5 million more. They get nothing under the current formula, absolutely nothing. The poor people in Arizona in any slum or run-down housing area in Arizona get nothing under the committee bill. One point five million dollars—this is not a gift. This is a fair formula. This is the way it is supposed to be done. This is the way the law is written, that this community development block grant formula is supposed to be administered. That is the way it is supposed to be done.

That is not the way it is being done because $135 million sits there.

Arkansas: They get $35,000 under the committee. They get $1.9 million under my allocation.

California: Here is an interesting situation. California, $4.5 million under the committee bill; $14.6 million under my formula, which is not my formula, it is the community development block grant formula the way it is supposed to be administered; $14 million.

Why is that? Very simple. There are a lot of people in California. There are more people in California than any other State. There are more people in California than there are in West Virginia by a large margin.

Do you want to hear what West Virginia gets? Let us drop down to West Virginia. West Virginia under the Senate bill, $19 million in these set-aside grants in West Virginia. And California gets $4.5 million.

So the people in West Virginia who are poor, live in slums, they need the money more than the people in California who are poor and live in slums.

That is what is wrong with this place. It is wrong. Have the courage to stand up and say it is wrong. I am not cutting a dime out of this bill. I am redistributing the money the way it should be done in a fair manner. Stand up and say it is wrong. Colorado, zero under the bill, $1.3 million under my formula; Delaware, zero under the Senate bill, $260,000 under my bill; Florida, $3.7 million versus $5.4 million; Georgia, zero under the Senate bill, $2.7 million under my formula; Idaho, from zero to $350,000; Illinois, $2.7 million to $7.2 million; Indiana, $500,000 to $2.6 million; Kentucky, zero to $1.9 million; Michigan, zero to $5.4 million; Minnesota, zero to $2.2 million; Mississippi, zero to $2.2 million. Are there any poor people in Mississippi out there that might like a little help? You get zip under this bill. Missouri would go from $1.6 million to $2.8 million.

Some of my colleagues who are looking at these numbers might say, "I get $1.6 million in Missouri. What is wrong with that?" Nothing, except that you could get $2.8 million if it was done fairly.

New Hampshire, zero to $410,000; North Carolina, zero to $2.4 million; Ohio, $1.5 million to $6.3 million; Oklahoma, $1.1 million to $1.2 million; Pennsylvania, $3.6 million to $8.5 million; Rhode Island, zero to $630,000; South Carolina, zero to $1.4 million; Tennessee, $1 million to $2 million; Texas, $1 million to $9 million. Are there any poor people in Texas that might like a little help? Utah, $700,000 to $750,000; Virginia, $1.6 million to $2.2 million; Wisconsin, $700,000 to $2.4 million; Wyoming, zero to $160,000.

West Virginia, under the formula, gets $19 million, but under my allocation, it would get $1 million. That is the way it should be, because West Virginia has a lot less people than some of these other States. It is not right. Yet, it goes on in here time after time after time. I have heard so many speeches in this place about helping poor people, people in need, people who needing housing; helping people get a start. Yes, if you are in West Virginia or New York or Oregon, you can get a start. You are not going to get a start if you are in one of these other States, because you will not get any money.

There are two Senators from every State, we all know that. We do not need a civics lesson here. There are 60 Senators who gain for their States by my amendment. If this amendment goes down, then those 60 Senators, or those who voted against it from those 60, cost their States whatever amount of money I read. That is the truth.

So let us find out whether they have the courage to stand up and take on the appropriators, these all-powerful appropriators that run roughshod over the rest of us and the American people around here. This is a harsh speech; I know it is harsh, and it should be harsh. People need to know what is going on around here. This is wrong. People are being hurt by this stuff. This is not a matter of cutting money out of a bill. It is a matter of providing money to people in need. It is not right. It is unfair.

I know there are times when Senators are required to put the interests of their States aside for a greater interest, and that should be the case at times. National interests should take precedence. That happens. But this is not such a time. This is not such a time when you have to put national interests above the States. There is no national interest at stake here. Zero. This is a matter of fairness. Should these three States get one-third of $135 million? Or should that money be distributed among all 50 States?

The question is whether or not you put the interests of the Appropriations Committee of the U.S. Senate ahead of the financial interests of your State and, furthermore, the very poor and the very needy people who need basic housing and help in your State. That is the issue. Do you put those needy people above the Appropriations Committee of the U.S. Senate? If you do, then you should vote for my amendment. If you feel the Appropriations Committee is more important, then vote against it. After all, I know you have to deal with them every day. They can cut your money tomorrow, can they not? That is the bottom line. Boy, they can make us pay for speaking up because they control all those dollars.

Let me tell you something, folks. If we take them on, we can win, because there are more of us than there are of them.

That is what this amendment is all about—fairness. Out of $135 million in these grants, we have in the State of Oregon, $10.4 million; and in the State of West Virginia, $19 million; and in the State of New York $15 million. So we are looking at almost $45 million that could be redistributed, along with the other money, in a fairer and more equitable way.

So that is the amendment. It is very simple. Do you want to try to help poor, needy people who need housing and other help, who are living in rundown conditions? Do you want to help them as much in Texas as in New York? Or as much in South Carolina as in Oregon? As much in California as you do in West Virginia? If you do, then take on the appropriators, just once—one time. Take them on. Say they are wrong and show them with a vote that we are sick of it. Just one time I would like to see it happen around here. Just once we might be able to change things for the better.

Mr. President, I think I have made the point. I will have the list of all the States down in the well. I want to say again that I have seen this happen a hundred times, where people pass out stuff and say, "This vote is better for your State; therefore, you should vote for it." That might be the case here with 60 Senators for 30 States; that is true. But it is not one of those cases where it is simply a matter of pulling more money. It is a case where you earned it and it is yours; it is your fair share based on the way the formula should work.

Do not put the Appropriations Committee ahead of the interests of the people in your State, especially the interests of people who desperately need this help.

Mr. President, at this time, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I would like to briefly respond to the Senator from New Hampshire. First, I am one of those "powerful" appropriators that supposedly meet in the back room to do these kinds of things. Boy, do I wish we were powerful. I wish we were really powerful so that we could meet the compelling needs of the United States of America.

We on the Appropriations Committee are continually facing enormous requests and backlogged projects that would meet real needs in communities. We found this year, in my subcommittee alone, I have 1,100 projects that total $96 billion—that is "b" as in BARBARA, not "m" as in MIKULSKI.

Mr. President, the Senator from New Hampshire talks about these 102 projects, this $135 million. He needs to hear about the other $95.9 billion that we turned down. I got 1,100 requests for these nine items and when you added them all up, they came to $96 billion. That is more than my total appropriation to fund all of veterans health care, the environmental programs, the other programs that I know are of keen interest to the Senator from New Hampshire.

We both like community development block grant money because it acknowledges the needs of primarily urban States like my own as well as rural States as his.

So the Senator needs to know we turn down many of these individual projects.

Yes, in fact, we do fund at $135 million, 102 individual projects in 37 States.

But what I would like to say further is that when we talk about this, we need to know that we have provided funds for certain of these projects, and they are of merit. They are of great merit. First of all, they meet the criteria for community development projects. We just do not make these up. They come from Senators. They come from Senators often at the request of their own State. We insist that they meet the criteria for community development block grant projects. They must either benefit low- or moderate-income persons, they must eliminate either slums or blight, and they must address other pressing community development needs.

Now, in this year's appropriation, the subcommittee has increased community development block grant money by $200 million. That is separate from the $135 million that the Senator from New Hampshire raises an objection to. So, $200 million has been added that will be distributed on a formula basis. That means we have addressed the needs of those 50 States that the Senator has expressed great concern about.

We selected these projects based on the criteria of community development block grants, and our question was, why can you not get this out of your local community? What we found is that often those projects did not have local political connections. We act when CDBG money goes to the local community. They are in some kind of value-free atmosphere where everybody lines up with the League of Women Voters on the one side, and I am a lady of the league. I appreciate that. All of this merit based kind of like NIH grant come out of the city council.

Mr. President, let us talk about the local community. The Senator from Maryland got to be a member of the Baltimore City Council because she beat two political machines. Why did I even run for political office in the first place 20 years ago willing to duke it out with the political machines when my own family warned me that it

would have dire consequences? I said because there were too many people who knocked on the doors of city hall and could not get in, and I wanted to run for political office to open the doors for those who have been left out or pushed out. So let us not talk about how evenhanded local communities are. Most are and some are not.

And then there are these projects that cannot meet that need, and then there are others where the need is so great that even when they get the formula money, there is a special project of compelling human needs.

So this is what we have done. It had to meet the criteria. We asked the Senators why. They did not have local political connections or because they could not dot every "i" and semicolon to be able to move their project or maybe they have special needs which cannot be easily pushed through the regular CDBG process or because there was a backlog. So, yes, we did do it.

Let me tell you where some of these projects are. First of all, in Kansas, we fund the Hardspring School for children with disabilities. That means we do $600,000 to the city of Wichita, so little children who primarily have cystic fibrosis and other disabilities will be able to have this facility enhanced.

We talk about how in St. Louis, MO, there is capital cost to the Faith House for at-risk children. There is also money for child care for facilities at Hope House.

I worked with the Senator from Missouri, who is on the Appropriations Committee, because we believe that there needed to be special opportunities for children who would be able with some help to move into at-risk housing and then be able to transient to foster care. These were children who live in the vilest of circumstances and readily could not make it and had to be taken from their parents but could not readily move into foster care.

So we worked on these projects. We just do not make them up, and we do not give them out on the basis of goodies.

If you look at the States that did get these projects, many do not have members of the Appropriations Committee on them at all. We know that there are several of those projects that we funded that do not have either members on the subcommittee or do not have the members on the full committee.

Kansas would be one. Illinois would be another.

So I could go on about it. I understand what the Senator is saying. But these 102 projects in 37 different States each meet the community development criteria. They meet the community development criteria. We turned down $95 billion worth of requests. We think we have done a good job, and I would hope that we would defeat the Smith amendment on reallocating these because there are an awful lot of people. Many of these relate to either economic development or they help primarily children or generate jobs, for example, in the job corps project.

So I would hope that we would defeat the Smith amendment on this area.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to associate myself with the remarks of the Senator from New Hampshire. I appreciate his courage in talking about this issue and, I strongly support the concept of an orderly and rational fashion for deciding which projects are approved and which are not approved in the appropriations process.

I would also like to express my strong support for the enforcement of the Appropriations Committee abiding by the actions of the authorizing committees.

Now, I do not take any exception to the remarks of the Senator from Maryland when she says that these projects are worthwhile, that they create jobs, that they do good. There is not a doubt in my mind that many of these projects are good and worthwhile.

The question that I and the Senator from New Hampshire have is, are they more worthwhile than other projects and has an orderly process been undertaken to fund them on the basis of merit and need? Not that the projects themselves are not worthwhile. I am convinced that this is the question the American people are asking.

I would say to the Senator from Maryland, 13 percent of the American people in a poll taken last week believe that the Congress of the United States will do the right thing some of the time—some of the time. And frankly, I would say to the Senator from Maryland I have not met any of that 13 percent. Perhaps they are staff members and blood relatives of Members of this body.

But the point that the Senator from New Hampshire and I are trying to make is that Federal funds should be distributed fairly and used for the highest priorities. When the military construction appropriations conference report comes before this body for final approval, I will point out that some 62 percent of those projects went to States that happen to have, by coincidence, members on the MilCon Appropriation Subcommittee. In the earmarking on the transportation appropriations bill you will find that some 60 to 70 percent—I have not got the exact numbers—of those earmarks went—guess what?—to the districts and States of those members of those Appropriations Committee.

Mr. President, it is more than coincidental that year after year it seems by the statistics that the funds are not equitably distributed on the basis of need.

I am not seeking additional money for the State of Arizona, but I can tell you this. It enrages my constituents when they send more money to Washington, DC, in the form of their hard-earned tax dollars than comes back to their State; and that there is a predominance of earmarks, through the appropriations process, that are centered in just a few States and happen to relate to the membership of those committees.

One small example and I will stop, I say, Mr. President, because this debate goes on and, it will go on for years. We are making progress, but our progress is filled with disappointments.

Example: Thanks to the help of Senator GLENN and others, we were able to get the Senate Armed Services Committee, to adopt a set of criteria which must be adhered to in order for a military construction project to be approved by the Committee. That was adopted and in the Armed Services authorization bill. Thanks to a vote on the Senate floor, we got the same criteria put into the MilCon appropriations bill.

I deeply regret to tell you, Mr. President, that the House authorization committee refuses to agree with these criteria and, that the Milcon appropriations committee dropped them in conference, Mr. President.

In other words, the MilCon appropriations committee refuses to abide by a set of criteria which in the view of every observer is a fair and honest assessment and a process that spending requests need to go through before these projects are approved has been rejected.

Mr. President, I suggest that we made progress. I would like to thank especially the Senator from Georgia [Mr. NUNN], the chairman of the committee who helped us on that. But it also indicates we have a great deal of distance to go before we can institute throughout this body, especially where military funds are concerned, a fair and equitable process.

I know that we are supposed to have a vote in a very short period of time, but I would encourage the Senator from Maryland to look at some of the criteria that we are trying to set up, at some of the ways that we are trying to assure the American people, only 13 percent of whom think we do the right thing, so we can assure them that their tax dollars are equitably and fairly distributed that they work so hard to send to us to spend in Washington, DC.

I thank the Chair and I thank my friend from New Hampshire.

I note the presence of the Senator from Alaska, with whom I have had many vociferous and energetic disagreements, but for whom I have the utmost respect, and who would like to speak on this as well.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator from Arizona, but I am on a different mission.

GPO IS DOING A GOOD JOB

Mr. STEVENS. Mr. President, we have all been thinking about health care. I got to thinking last night about the health care bills that we have been asked to review, so I asked my staff to have them put on my desk.

And sitting in front of me right now are 15 of the health care bills and the reports and resolutions that have been printed by the Government Printing Office. I am not here to talk about health.

It occurred to me that we do not give credit where credit is due in the Congress. I think Members of Congress take the services of the Government Printing Office for granted. It is like turning on a light switch, you turn it on; pop, it is done.

We call on them to do things literally overnight. And to the great credit of the Government Printing Office, they do their job. They produce on time and they meet the needs of rapidly changing policy decisions here in the Congress.

In 1973, the GPO had 8,527 employees. Today, about 20 years later, more than 20 years later, the GPO has 4,299. They have almost cut their staff in half. The agency has trimmed down 381 positions just this fiscal year since October 1 of last year.

Even with the fewer staff, the Government Printing Office has developed competitive contracting programs with the private sector. It has brought in private printers. It has modernized its in-house capabilities, thanks to congressional approval to do so.

My comments today come from the fact that when I started reviewing some of these bills the last few days, I realized, though, there are those of us here who criticize the GPO—as a matter of fact, there are some who would like to do away with the GPO's ability to produce, literally overnight, documents such as these in front of me. Having these documents in hand is essential to our ability to move from various health care bills, to crime, to defense appropriation bills—and to budget documents, on our very rapidly changing schedules.

I do not think we could do our work as Members of the Senate without the GPO. I do not agree with many of the proposals in these bills, but it is the availability of reports and bills like this that give us a chance to make proper decisions. They are absolutely essential.

I will speak later about the necessity for reports on health care bills, but right now, I would say this: We are not able, those of us who live a great distance from this place, to get comments from our States and from our communities without documents like these.

I wanted to come to the Senate floor today to say, were it not for GPO's valuable assistance in providing these documents, the people in the outlying areas of this country would not even know what is in these bills.

So I hope others in the Senate will join me in saying to the Government Printing Office: You are doing a great job. And so long as you do this kind of a job, you are going to continue to have my support.

Mr President, I ask unanimous consent that a factsheet on these documents in front of me be printed in the RECORD.

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

FACT SHEET

Based upon the statistical abstract of the United States for 1993, the purchasing power of the dollar in 1973 was about 3 times what a $1.00 is worth today.

In 1973, the GPO had a direct appropriation of $76 million dollars. In today's dollars that would equal $228 million.

In 1993, 20 years later GPO's direct appropriation was $119 million dollars and in 1994 the direct appropriation is $121.9.

VA-HUD APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

AMENDMENT NO. 2454

Mr. SMITH. Mr. President, I just want to make a couple of brief comments on the debate on the pending amendment and say to my friend from Maryland, who I have the greatest respect for, that her allotment here is very fair and there is absolutely no criticism intended directly to the Senator. It is the process.

My feeling is that when you have staff members on the Appropriations Committee essentially allocating these dollars rather than the formula, I think that is my concern.

I say to the Senator from Maryland, her comments on the criteria were correct and I agree with her. It is not the criteria that is the problem. It is the formula, not allocating money according to that formula.

I would just say as a reminder, in the Congressional Quarterly in July there was an article, in anticipation of this debate, in which Congressman STOKES on the House side had made a point of noting that the House did not include any special projects, no earmarks. Which was interesting, because normally it seems like it is the other way around—the House is more notorious for some earmarks than the Senate.

But Congressman STOKES said in that article, at least he is quoted as saying "I told MIKULSKI if she put them on her bill, I would do the same thing."

So I think that the point is that if somebody could just take the time to really evaluate this and look at it, I guess when you look at the population and the amounts and numbers of people who need housing and need help in the various States of the Union and you look at it—and I will just use an example, not to single anybody out.

If you look at West Virginia, approximately 4 million people; $19 million; California, 25 million or 30 million people; $4.5 million. There certainly are large cities in California that have people who are in need of adequate housing and their need would certainly benefit some of these projects.

I just think, when you look at it in that picture, it is unfair. I think the process should be changed.

But I have made my point, Mr. President. I hope that my colleagues would look very carefully at the allocations that I will have down in the well at the time of the vote on this amendment. And, again, they should understand that this is not simply a matter of getting more money from the Federal Treasury. This is an allocation of money that is there. There is a formula for it. The formula was not followed. Special privileges were granted to certain projects.

And I would say, as Senator MCCAIN repeated, the issue is not that somebody in Shepherdstown, WV, is not in need of some of these dollars. It is a question of whether or not somebody in Los Angeles is also in need of those dollars. And I think the answer is, of course, they are. Should they get that much of a disproportionate share? This is what bothers me.

I think it makes us all look bad. It opens us all up to the criticism of back-room deals. It is unfair. People are hurt by this. People in need are getting hurt.

This is not a contract to build a missile in the Pentagon. This is money to be used to house people who need housing. That is one use for the money under this bill.

So I think it is a case, as the article in the Congressional Quarterly says, that special projects get the red carpet treatment. And they are special projects because they are treated in a special way by special members of the Appropriations Committee. That is what the problem is, and I hope my colleagues will look at it. I think a vote here in the affirmative would say, without casting any aspersions at any particular Senator or any particular State, it is simply a bad process that ought to be reformed.

Mr. President, at this time I yield the floor.

Ms. MIKULSKI. Does the Senator wish to debate this particular amendment any further or is he ready to move on to the next one?

Mr. SMITH. At this time I yield back all time on this amendment.

Mr. MCCAIN. Mr. President, I rise in support of the amendment of the Senator from New Hampshire. As the Senator has stated, the amendment before

the Senate would transfer the $135 million in funding for over 100 earmarked projects to the Community Development Block Grant Program.

Before I begin, I want to make it clear that I am not opposed to any individual project included in the committee report. After reviewing the list, I am certain many of the projects are very worthy and merit support. The question before us today is now we determine which projects are funded.

Should the Senate make these decisions or should the local communities who know their needs make those decisions. It is my understanding that the meritorious projects on this list could be funded through the Community Development Block Grant Program.

I firmly believe that we should put the money into the Community Development Block Grant Program which would allow projects to compete and ensure that funds go to the best and neediest project.

The Community Development Block Grant Program is one of the best examples of community empowerment within the Federal Government. Federal dollars are given directly to local communities who review project applications and determine the most appropriate use of these funds. The block grant formula is based on population and poverty statistics to ensure that the money is distributed fairly among the states. Let me say again, the Program is designed to give local people, those most affected, the ability to decide how the money should be spent.

I am sure my colleagues will agree that as the Federal budget becomes more and more constrained we must make every effort to ensure that Federal funds are distributed fairly and used for the highest priorities. Congressional earmarking distorts this process by prohibiting competition and skewing the proper allocation of Federal funds.

Of the $135 million allocated under the special purpose grants, 31 percent of the money will go to projects in three States. Only 21 projects of the 102 are from States which do not have members on the appropriations committee or in the leadership. While I am not saying this is exactly why these projects are on the list, I must ask the question—is this the proper way to allocate scarce Federal resources?

I urge my colleagues before they vote to consider how their states would fare, if the money was distributed through the Community Development Block Grant Program allocation instead of being earmarked for these specific projects.

In the case of my home State of Arizona, we would receive an additional $1.5 million dollars in community development block grant funds to help impoverished communities.

In the past, the proponents of Congressional earmarks have argued that we must continue this practice because the Federal bureaucracy is not responsive to our constituent's needs. That is not the case in this instance. Elimination of these earmarks will not result in our constituents having to lobby bureaucrats for Federal assistance. Transferring this money to the block grant program will allow our constituents to decide how to use the money themselves.

Mr. President, the Senator from New Hampshire's amendment clearly defines the issue of earmarks. Members can vote for the amendment, which would allow for funds to be used in a manner that is fair and will result in the most worthy projects being funded or, members can vote against this amendment, which would continue business as usual. I urge my colleagues to vote for this amendment and bring some order to Federal spending habits.

Ms. MIKULSKI. If the Senator from New Hampshire will recall, we had a unanimous consent agreement on the time.

I now ask unanimous consent that the amendment of the Senator on the redistribution of CDBG be laid aside and we move to the next Smith amendment.

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

Mr. SMITH. Mr. President, at this point I will withhold for approximately 5 minutes before taking the floor with that amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

Ms. MIKULSKI. Mr. President, I seek recognition just to tell my colleagues what we are doing here. The Senator from New Hampshire will have one more amendment related to the water projects and EPA. Upon the completion of that debate, which we anticipate will not take more than 15 or 20 minutes between both of us—we are making good progress; we are having a rational and civil discussion on these national issues—we will then go to a vote. There will be four votes back to back: the motion of the Senator from New Hampshire to recommit; the amendment of the Senator from New Jersey, that has been cosponsored by the Presiding Officer and myself, on abortion violence; then the two Smith amendments on the reallocation of funds away from designated projects.

So we anticipate that we will be voting within half an hour. We are not setting a time, but we just want Senators to be aware of that. Then there will be four votes back to back.

Then, Mr. President, with the exception, I believe, of an amendment by the Senator from North Carolina, we will be done and we will be ready to move on our managers' amendment. We hope the Senator from North Carolina will be ready to move with his amendment—he often has those of great national concern—unless the Senator has reconsidered offering his amendment.

So I lay out for my colleagues that we believe the major substance has been debated. I once again want to note that our ranking Republican, Senator PHIL GRAMM, is at the Whitewater hearings. We thank his personal and professional staff on the committee for working with us. He has been consulted on all matters as they have been progressing throughout the day. I thank them for their courtesy.

So we are making very good progress, and after the completion of those four votes and the managers' amendment, if all other Senators will withhold, we will be done. It is my hope—however, if Senators persist in offering amendments, or if a Senator does, acknowledging his right to do so—we would sure like to be done before 6 on this bill. I will have been on the floor for more than 30 hours, and I am ready to wrap it up and move to conference.

So, is the Senator from New Hampshire ready?

EXCEPTED COMMITTEE AMENDMENT ON PAGE 60, LINE 7 THROUGH LINE 21

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask unanimous consent the pending amendment be set aside and the Senate consider the committee amendment on page 60.

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

AMENDMENT NO. 2455 TO EXCEPTED COMMITTEE AMENDMENT BEGINNING ON PAGE 60, LINE 7

(Purpose: To redistribute water infrastructure/State revolving funds on an equitable basis)

Mr. SMITH. Mr. President, I send an amendment to the pending committee 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 New Hampshire [Mr. SMITH] proposes an amendment numbered 2455.

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

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

The amendment is as follows:

In the pending committee amendment, strike all after "and,", and insert the following: "*Provided*, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103-124, and earmarked not to become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103-211, shall be available immediately for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, (33 U.S.C.

1251 et seq.) and the Water Quality Act of 1987 (Public Law 100-4; 101 Stat. 7):".

Mr. SMITH. Mr. President, I will take very little of the Senate's time on this issue because it is the same issue, essentially, that I just debated a few moments ago; we are just looking at a different section of the bill. The previous one dealt with community development block grants for housing and aid for poor people in slums and other areas. This one is really talking about the EPA and the Clean Water Act. It is the same principle. It is exactly the same issue. It is earmarking again.

The committee-reported amendment, the underlying committee amendment, earmarks $697.2 million for special water infrastructure projects. Here again we have a pool of money of $697.2 million for special water infrastructure projects. The amendment I am offering simply transfers this money back into the Clean Water Act State revolving loan fund, so-called SRF. That is where the money belongs. That is what the SRF is there for. That is why we have the Clean Water Act State revolving loan fund, so these dollars can be allocated in a fair and equitable way.

We did not write the act and create the revolving loan fund to have people in the Appropriations Committee staff sit down and decide where these projects would go. It is the exact same argument, only a different section of the bill, the exact same argument I made a few moments ago in the previous amendment, trying to draw the attention of the Senate and the country to the fact we are not doing business in the right way.

As I said under the previous amendment, let me say again: These projects that are funded very well may be worthwhile projects. I do not challenge that one bit. I challenge the process, the way that some States are going to get special attention, special privilege, special emphasis to the detriment of others.

I would say again, as I said regarding the previous amendment, money needed to clean up water in one State is certainly as important as cleaning up water in another State. As a matter of fact, in some cases it may even be more important to clean up a project someplace else because the pollution could even be worse than it is in another State. That is why we have the Clean Water Act and that is why we have the revolving loan fund, because these people in the EPA are trained to look at that and know where the dollars should go.

Earmarking by the Appropriations Committee staff is not the way to go. Compliance with the Clean Water Act is a national goal, and earmarks are local handouts that are not authorized. That is what they are pure and simple. They are not authorized by anybody. It is not that those who make these decisions on the staff of the committee and some Senators or Congressmen, whatever the case may be, it is not that they are incompetent or unqualified to look at these things. In some cases—in many cases—the projects are worthwhile and the decisions were made in such a way that there was a need. But the issue is, are those needs more than someplace else and should those dollars be handed out to the detriment of others?

Since all 50 States are affected by the Clean Water Act mandates, is it not fair to say that all States should receive equitable assistance through the SRF? By equitable assistance, I do not mean exactly the same number of dollars, because small States would not get the same number of dollars, but equitable on the basis of the need.

According to the Association of State Water Pollution Control Administrators, which strongly supports my amendment, by the way, the clean water SRF Program is capitalized at a $1.2 billion level but has $200 billion in outstanding needs. Think of that, capitalized at a $1.2 billion level that has $200 billion in outstanding needs.

They also note that while funding the States for water infrastructure projects has remained somewhat constant, the mandates have increased, significantly increased. So it is obvious that the clean water revolving fund is where these scarce funds are needed. Let the fund decide, not people sitting in the back room of the Appropriations Committee somewhere.

Again, let me refer to a letter that was sent to the subcommittee chairman, Senator MIKULSKI, on August 4. This came from the Association of State and Interstate Water Pollution Control Administrators. They represent all 50 States and they are against the committee position, and they state it.

So even the States that gain by the committee position, essentially through their leaders on this association, are saying that this is wrong. I give them a lot of credit for having the courage to say that. They deserve a lot of credit for having the courage to say that because it is wrong and they know it and because they are very much aware of the problems in each State, because they meet frequently and they talk about them. What they say is that they:

* * * oppose diverting scarce Federal dollars away from the national title VI program to support individual grant projects in a few select communities.

That is the language from their letter to the Senator from Maryland. They also say:

We are alarmed by the earmarking of title VI funds for other purposes and the shifting of programs into the infrastructure account. Authorized programs need to be supported in their own right. Robbing Peter to pay Paul, that is, removing clean water funds to pay for drinking water programs, will ultimately lead to a plethora of unfunded mandates.

So, Mr. President, I am not questioning the worthwhile aspect of these projects. It is not in the best interest of the country to continue diverting money for special purposes from nationally authorized programs such as the clean water revolving fund.

This debate is about the equitable distribution of funds versus special treatment for a few selected States. I ask unanimous consent to print in the RECORD the letter I recently referred to, sent to the Senator from Maryland from the Association of State and Interstate Water Pollution Control Administrators.

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

ASIWPCA,
Washington, DC, August 4, 1994.

Hon. BARBARA MIKULSKI,
Chairwoman, Senate Appropriations Subcommittee on VA, HUD and Independent Agencies, Washington, DC.

DEAR MS. CHAIRWOMAN: The FY 1995 Clean Water Act appropriation urgently needs your support to assure that the Federal commitment to implementation is sustained. The program is vitally important to the enhancement and protection of the Nation's waters and natural resources. Elimination or acute under-funding will surely result in water quality degradation, jeopardizing the integrity of the program, and undermining the trust of the American public.

Clean Water Act reauthorization is extremely important to States. The Association has gone to great lengths to work with Congress and others interested in reauthorization in an effort to foster and expedite the process. While we believe that consensus is clearly possible on many issues which supports the concept of a streamlined bill, there are others—most notably wetlands—where consensus may not be possible in this Congress. It would be tragic for the entire Clean Water program to be victimized by a single interest coalition. We are, therefore, concerned that postponement of funds will result in a loss of momentum and the balance in the State/Federal relationship may not be renegotiated next year.

ASIWPCA, therefore, urges Congress not to make the State Revolving Loan Fund or Section 319 nonpoint sources (NPS) appropriations contingent upon reauthorization. Although the House Bill may be well intentioned, such action is not in the best interests of the environment or the integrity of the national program which has strong public support. There should not be a double standard, where it is acceptable to appropriate for unauthorized provisions (e.g. the Drinking Water SRF), but not for the well established and effectively managed Clean Water programs.

A strong Clean Water Act depends upon sufficient baseline funding.

$2 Billion for the Title VI SRF is of utmost importance, as the Senate Bill recognizes. Priority should be placed on funding Title VI which has a highly successful and enormous leveraging power. The 1987 Act that envisioned building the SRF to revolve in perpetuity is achievable. If the SRF is funded at the House level ($1.29 Billion) it will be extremely difficult, if not impossible, to adequately capitalize the SRF to meet over $200 Billion in needs.

Grants: ASIWPCA opposes diverting scarce Federal funds away from the national Title

VI program to support individual grant projects in a few select communities. The over $500 Million setaside in the House and Senate Bills should be administered under the Title VI SRF. It has low administrative costs, a 50 percent faster project completion rate and lower project costs than a grant program. The SRF has inherent incentives for local governments to take ownership of their facilities, to be innovative, to reduce costs, to develop appropriate user fee systems and to efficiently operate constructed systems.

Section 106 State Management should be funded at the highest possible level, due to the $400 Million shortfall in meeting 1987 Water Quality Act mandates.

At a minimum, $100 Million should be allotted for the Section 319 Nonpoint Program.

We are alarmed by the earmarking of Title VI funds for other purposes and the shifting of programs into the infrastructure account. Authorized programs need to be supported in their own right. "Robbing Peter to pay Paul" (e.g. removing Clean Water funds to pay for drinking water programs) will ultimately lead to a plethora of unfunded mandates. The result of this funding shift is that it, in essence, calls for the State to manage two statutes with the funding they previously had available for Clean Water programs alone. Priority programs, including the Title VI SRF and the nonpoint source protection program, will surely falter.

The severely constrained Title VI SRF should not be cut to provide $700 Million for a new Drinking Water SRF or $70 Million for State management of the Drinking Water Program that was previously funded in the Abatement and Control Account.

Appropriations for new programs (e.g. the Drinking Water SRF) should be entertained only after authorization occurs and not at the expense of Clean Water funds. All funding should be restored to the Clean Water Title VI SRF if Drinking Water authorization efforts fail.

The future of the Clean Water Act and a successful reauthorized Act depends directly upon continued and adequate funding in the FY 1995 appropriation. We ask your support to continue program momentum. The Association appreciates your commitment to Clean Water programs.

Sincerely,

ROBERTA (ROBBI) SAVAGE,
Executive Director.

Mr. SMITH. Mr. President, again, I say to my colleagues, why should we allow the Clean Water SRF Program to be compromised? Why do we have it? It is simply not appropriate of the policy, it is not good policy. It might be good politics if you happen to be the State on the receiving end. But it is not good policy, it is not good for overall environmental cleanup. It is not in the national interest.

I am on the authorizing committee for the Clean Water Act, the Environment and Public Works Committee. I do not recall authorizing any, not a single one of these projects. I have not seen them. To the best of my knowledge, unless someone on the Environment and Public Works Committee is also on the Appropriations Committee, I do not think they have seen them either.

Why do we exist? Many times those of us on authorizing committees who are not on the Appropriations Committee ask ourselves frequently, why do we exist, to make priorities and watch them being changed by the Appropriations Committee? That is a common argument around here that does not necessarily pertain only to this committee, but from all authorizing committees we hear the same argument. Why should some States receive so much while others receive nothing?

Here is the interesting thing. Under the Appropriations Committee amendment, 34 States—34—receive no special funding, nothing, zero. Under my amendment, 39 States receive increased funding for their SRF Program. Let me repeat that: Under the Appropriations Committee amendment, the underlying situation without my amendment, 34 States receive no funding, no special funding at all out of this money. Under my amendment, 39 States will receive increased funding for their program.

I have a list of those States and the dollars involved. I will not read them in the interest of time. I read the States in the previous debate on the previous amendment. I have the same information available to my colleagues. Thirty-nine States are going to receive increased funding, 39 times 2—what is that, 78? Seventy-eight Senators.

So I suppose if we look at the total fairness here, we should get 78 votes, but do not bet the farm on it because the pressure of the appropriators is immense. I think you are going to see a lot less than 78 votes if, indeed, we even see 50 votes. But sometimes the result is not always right. Sometimes the vote is not always right. It might be the total but it is not always right.

In this case, I believe that fairness says that we ought to get 78 votes if people really care about equitably distributing the money to clean up the water in the United States of America.

A vote against my amendment is a vote against maintaining the integrity of the whole process, the whole Clean Water Act funding program. It absolutely just devastates the process and makes it worthless. If 34 States can get nothing under the underlying committee bill, and 39 States can get something, or an increase under mine, something is wrong somewhere. Big time wrong. It is the same issue, it is the same power, it is the same appropriators, same special privileges, same closed door meetings, the same no rollcall votes, no public input, no public observation. It goes on day in and day out, year in and year out, decade after decade in this place. Would it not be nice if we could change it just once?

I, for the life of me, cannot understand why a Senator would want to vote against equitably distributing the dollars through this revolving fund to clean up the water, No. 1, just in that concept, just equitably; No. 2, would not want to vote for an amendment that would provide more dollars to his or her State. It puzzles me why that would not win with 78 votes. But it will not, I can assure you.

So in conclusion, Mr. President, let me just say, the amendment is very simple. I urge my colleagues to vote for the interests they were elected to represent which, in this case—which in this case—is the national interest and it is also in the States' interest.

Mr. President, at this point, I ask for the yeas and nays on my amendment and yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first I want to talk about the fact that one does not have to be an appropriator to have a water project under the State revolving fund. What we did was look at compelling needs, where a request had come from Senators. And we have had to respond after 2 years of not having an authorization on the Clean Water Act.

First, the States which receive help that do not have members on the Appropriations Committee are Illinois, Massachusetts, Kansas, Michigan, and Georgia.

I just want to take a moment and talk about Illinois.

First of all, they do not have an appropriator. What they do have in Chicago is a deep tunnel that flooded out, breaking down a whole major part of the center of Chicago's economic activity. When the deep tunnel flooded, it made national news, but it also created unemployment lines. It was in the heart of Chicago's business district. It came to a halt for weeks while they tried to clean up from the flooding in the deep tunnel.

Now, the two Senators from Illinois and the Chicago delegation have gone to the authorizing committee and said we need help for the deep tunnel. But they were not the only ones who went to the authorizing committee. Several other States have gone to the authorizing committee. But there has not been an authorization of the Clean Water Act despite its Republican and Democrat leadership in over 2 years.

I salute the efforts of Senator BAUCUS, the chairman of the committee, and Senator CHAFEE, the ranking Republican member, but that committee is bogged down—no pun intended, but it has been bogged down in its own muck and mire, and for 2 years now we have been waiting for an authorization.

Now, I will not ask the Senator from New Hampshire why they do not have one. I can only tell you they do not. Last year, the appropriators said we are not going to identify any projects.

We are going to wait until the authorizing gets done.

Well, we waited, and we waited, and we had fences, and we waited, and we waited. This year, we said, "When are you going to reauthorize the Clean Water Act?" "We are working. We are working. We are working." Carol Browner came to the Democratic caucus lunch and urged us to pass this bill—and still no clean water authorization.

Now, what are communities supposed to do, wait? We cannot wait any longer.

Let me tell who is waiting. The Senators from Alaska talked about the $15 million needed for rural Alaskan villages where waste water treatment simply does not exist. I visited that project up in Alaska. I have been to an Eskimo village. I know about the need there. So when the Senators from Alaska talked to me about it, all they needed to do was remind me—and I had the pictures to show it—for $15 million what this means.

The committee also provided a grant for Boston Harbor where taxpayers are paying an astronomical water and sewer rate, as much as $1,000 a year. When you talk to the senior citizens of Boston, they will tell you they are paying more for their water and sewer than they are paying for either their mortgage or utilities. President Bush made a commitment to clean up Boston Harbor. President Clinton has followed up on that request, and we are trying to clean up the Boston Harbor.

Finally, we are going to talk about the colonias. These are those unincorporated towns along the borders of Texas, New Mexico, and Arizona. I visited colonias in Arizona. I visited them with Senator DECONCINI, but I know of Senator MCCAIN's great concern for the people there who have conditions that are like a Third World country within the United States of America. These are ordinary people with an extraordinary situation. Do we want them to be in conditions that breed pestilence, disease? We are not a Third World country.

While we wait for an authorization, what are we going to do with these little kids, where I saw the water piling up and the fact that they had no way to deal with this? We have now children born with all types of problems. We have contaminated drinking water.

I could go through every one of these 21 projects that were requested by Members on both sides. I know what the authorizers are up against in their difficulty to move a bill. We are involved in other issues—mandates, unfunded mandates, funded mandates, what is a wetlands. Believe me, I know about wetlands problems. You cannot be a Senator from Maryland and not know of the concerns about the appropriate definition of wetlands.

So I acknowledge the problems that the authorizers have had in moving a bill. But do not punish 21 communities because they have not been able to authorize the Clean Air Act. We have been trying to move ahead to meet these identifiable needs. These are what we call the needy communities. We did not fund, again, every request we got for sewer and water. We funded only that which we knew were needy areas, where there had been other promises made like the cleanup of the Boston Harbor by President Bush, and also those where actual public health and safety are at risk, like in Alaska and along the colonias, and also where the economic development of a great American city like Chicago would be placed at risk.

So again these are not idle; they are not capricious. You did not get a designated project like this because you were a member of the Appropriations Committee. You got a designated project because you are a Member of the Senate, and you are a good Senator and you know how to make sure that where there is a compelling need we will work our best to meet it.

So, Mr. President, I really hope we defeat the attempt by Senator SMITH to reallocate this on the basis of the formula. I do not know when we are going to get an authorizing committee bill. I know, again, the chairman and ranking Republican are working very hard to do it. I look forward to that day and I will look forward to voting for it. But until that magic moment comes, I am ready to stick by what I have done in the Appropriations Committee to help 21 communities with their problems related to water, public health, and the other concerns that have great impact on the economic nature of their community.

Mr. President, I could debate this. I think we have gone over it. I wonder if now, other than Senator SMITH, and I—is the Senator ready?

Mr. SMITH. Just a couple of brief comments, and I will be finished on this side.

Ms. MIKULSKI. I wish the Senator would have those comments under the authorizing bill.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, again, the Senator from Maryland made a very compelling case on the worthiness of the projects that the Appropriations Committee funded. I do not dispute that. I indicated that before. The worthiness of the projects is not the issue. The issue is the equitable distribution of the dollars to deal with all projects in all 50 States. That is the issue.

I know this sometimes gets complicated, but the State revolving fund is set up under the Clean Water Act so that the States—not Senators and staff sitting in an Appropriations Committee room in Washington, DC—can look around, the Governors and the officials of the States can look around their State and they can prioritize what is in their State that needs help, why do they need low interest dollars, which is what the State revolving fund is—dollars provided at a low interest to these communities to clean up the water problems in the various communities in their States.

The States know better than a group of staff people in Washington, DC, what their needs are. That is why the fund was set up. That is why the fund was set up.

So under my amendment, this $697 million would go into the State revolving fund, and it would be using the appropriate distribution formula—need, population, all the factors that are factored in there. Those dollars would go on a proportionate basis to the various States so that all 50 States would share—not necessarily equally but on the basis of need.

It is not 50 divided into $697 million. But on the basis of need, these dollars would be going to those States where they need it—all 50 States. That is not happening here.

There are 17 projects totaling $697 million for special water, infrastructure projects. Are they good projects? I am sure they are. I do not dispute it one bit. I am sure there is need to clean them up. But is it fair to do it this way? The answer is no because we have the State revolving fund to prioritize these things to make the low-interest loans to the communities so that they can get help to clean up their problems with clean-dirty water. But they are not getting it.

This is a pool of money again especially targeted, special interest money, that is going to go to these 17 projects rather than spread around to the 50 States.

I again would encourage my colleagues to read the list. I am not going to read the whole list. But we are talking in some States millions of dollars. I can just indicate the number of States that have nothing. I am just looking at the paper.

Arizona has nothing under this. It gets $4-plus million. Some States go from zero to $8 million. Some States go from zero to $39 million.

The State of Ohio gets absolutely nothing under the committee bill. Under my amendment, it gets $39.553 million. If you are out there in Ohio somewhere and you have some problems with clean water, and if you live in a community with one of these problems, I think you should say to yourself, "Is there not a State revolving fund out there where we can borrow money at low interest to help us to clean their water up?" The answer is yes. There is a fund. But here is the problem. The $39.553 million could go into that fund to help you in Ohio, but it is not going into that fund because it is being specially targeted to 17

projects chosen by somebody here in Washington, DC. So the State has no say. It is really unbelievable.

In conclusion, I would say to my friend from Maryland, it is interesting. There have been some feelings here that maybe I was singling her out. Obviously, I am not because in this amendment, in my amendment, the Senator from Maryland would gain $10 million for the State of Maryland under my ratio—$10 million more than they get under her ratio. I would say in terms of the Senator from Maryland I do not think she is special-interest oriented in terms of her State. But I believe that the process is wrong.

Again, that is why we have a State revolving fund. That is why it is there. We have to put the money into the fund so that the States can loan it. It is not new money. Again, my amendment does not cut any money. It simply redistributes it.

I will have a copy of all of the States that are impacted negatively. I will have that at the desk during the vote. I hope my colleagues will read it and realize how much money your State revolving fund is losing.

Remember, this is not a special grant that is going into our State to some particular locality. This is money that you are not getting for your State revolving loan fund. If you had that money, your Governors, the people who administer this program, could then prioritize where that money could go.

Again, when I look at the State of Ohio, using that as an example, could the State of Ohio use $39.5 million more in its State revolving loan fund than it has now? Could you use that money? If the answer is yes, it seems to me the Senators from Ohio should be for my amendment.

Again, we could go on and on. There are numerous examples. Pennsylvania, zero to $27 million, and on and on. Some numbers are even more than that. It is incredible how this impacts each of our States.

Again, Mr. President, I hope that reason will prevail, although I am not optimistic. Hopefully, I have made the case on both of these amendments regarding redistribution. And hopefully people will see that this is a bad process. It ought to be changed, and the best way to change it—with no reflection on any member of the Appropriations Committee—is to send that signal here on the floor of the Senate today that this is wrong. If we send that signal, those appropriators will be back, and they will do it the right way and we will all be winners.

Again, I want to compliment those water folks for sending that letter and having the courage, even though some of them may lose a few dollars, to say that it is wrong, and that we ought to provide these dollars in the State revolving funds on an equitable basis based on the appropriate formulas.

Mr. President, I yield the floor. I yield all remaining time on our side.

ORDER OF PROCEDURE

Ms. MIKULSKI. Mr. President, I believe we have had an excellent debate here characterized by reasonableness in this vote in terms of content, style, and time.

Therefore, Mr. President, observing no other Senators who wish to speak, I now hereby ask unanimous consent that the Senate now vote on the Smith motion to recommit; to be immediately followed by a vote on the Lautenberg amendment No. 2453; to be immediately followed by a vote on the motion to table on or in relationship to the Smith amendment No. 2454; to be immediately followed by a vote on the motion to table on or in relationship to the Smith amendment No. 2455; and, that all of the above occur without any intervening action or debate; and, further, that all votes following the first vote be limited to 10 minutes in duration.

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

VOTE ON THE MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on the motion to recommit. 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 Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

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

The result was announced—yeas 14, nays 84, as follows:

[Rollcall Vote No. 258 Leg.]

YEAS—14

Bradley	Gregg	Pressler
Brown	Helms	Roth
Faircloth	Kohl	Smith
Feingold	McCain	Wallop
Grassley	Nickles	

NAYS—84

Akaka	Dodd	Lautenberg
Baucus	Dole	Leahy
Bennett	Domenici	Levin
Biden	Dorgan	Lieberman
Bingaman	Durenberger	Lugar
Bond	Exon	Mack
Boren	Feinstein	Mathews
Boxer	Ford	McConnell
Breaux	Glenn	Metzenbaum
Bryan	Gorton	Mikulski
Bumpers	Graham	Mitchell
Burns	Gramm	Moseley-Braun
Byrd	Harkin	Moynihan
Campbell	Hatch	Murkowski
Chafee	Hatfield	Murray
Coats	Hollings	Nunn
Cochran	Hutchison	Packwood
Cohen	Inouye	Pell
Conrad	Jeffords	Pryor
Coverdell	Johnston	Reid
Craig	Kassebaum	Riegle
D'Amato	Kempthorne	Robb
Danforth	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
DeConcini	Kerry	Sasser
Shelby	Specter	Warner
Simon	Stevens	Wellstone
Simpson	Thurmond	Wofford

NOT VOTING—2

Heflin	Lott

So, the motion to recommit was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2453

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2453. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 259 Leg.]

YEAS—98

Akaka	Faircloth	McConnell
Baucus	Feingold	Metzenbaum
Bennett	Feinstein	Mikulski
Biden	Ford	Mitchell
Bingaman	Glenn	Moseley-Braun
Bond	Gorton	Moynihan
Boren	Graham	Murkowski
Boxer	Gramm	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Riegle
Chafee	Inouye	Robb
Coats	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Sarbanes
Conrad	Kempthorne	Sasser
Coverdell	Kennedy	Shelby
Craig	Kerrey	Simon
D'Amato	Kerry	Simpson
Danforth	Kohl	Smith
Daschle	Lautenberg	Specter
DeConcini	Leahy	Stevens
Dodd	Levin	Thurmond
Dole	Lieberman	Wallop
Domenici	Lugar	Warner
Dorgan	Mack	Wellstone
Durenberger	Mathews	Wofford
Exon	McCain	

NOT VOTING—2

Heflin	Lott

So the amendment (No. 2453) was agreed to.

Mr. LAUTENBERG. Mr. President, I move to reconsider the vote.

Ms. MIKULSKI. I move to lay that motion on the table. The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. DECONCINI). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to announce that I will not make the motions to table the Smith amendments. They will be up or down votes on both the amendments to change designation for water projects and designation for community development.

So they will be straight up-or-down votes.

VOTE ON AMENDMENT NO. 2454

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2454. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

The result was announced—yeas 27, nays 71, as follows:

[Rollcall Vote No. 260 Leg.]

YEAS—27

Bennett	Feingold	McCain
Brown	Graham	McConnell
Chafee	Gramm	Metzenbaum
Coats	Gregg	Roth
Coverdell	Hatch	Smith
Craig	Helms	Thurmond
Dole	Hutchison	Wallop
Durenberger	Kempthorne	Warner
Faircloth	Lugar	Wellstone

NAYS—71

Akaka	Exon	Mitchell
Baucus	Feinstein	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murkowski
Bond	Gorton	Murray
Boren	Grassley	Nickles
Boxer	Harkin	Nunn
Bradley	Hatfield	Packwood
Breaux	Hollings	Pell
Bryan	Inouye	Pressler
Bumpers	Jeffords	Pryor
Burns	Johnston	Reid
Byrd	Kassebaum	Riegle
Campbell	Kennedy	Robb
Cochran	Kerrey	Rockefeller
Cohen	Kerry	Sarbanes
Conrad	Kohl	Sasser
D'Amato	Lautenberg	Shelby
Danforth	Leahy	Simon
Daschle	Levin	Simpson
DeConcini	Lieberman	Specter
Dodd	Mack	Stevens
Domenici	Mathews	Wofford
Dorgan	Mikulski	

NOT VOTING—2

Heflin	Lott

So, the amendment (No. 2454) was rejected.

VOTE ON AMENDMENT NO. 2455

The PRESIDING OFFICER (Mr. PELL). The question is on agreeing to amendment No. 2455. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. LOTT] is necessarily absent.

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 261 Leg.]

YEAS—37

Baucus	Coats	Feingold
Boren	Cohen	Graham
Bradley	Craig	Gregg
Brown	Dole	Helms
Burns	Durenberger	Kassebaum
Chafee	Faircloth	Kempthorne
Kohl	Metzenbaum	Specter
Lautenberg	Nickles	Thurmond
Lieberman	Pressler	Wallop
Lugar	Roth	Warner
Mathews	Sasser	Wellstone
McCain	Simpson	
McConnell	Smith	

NAYS—60

Akaka	Dorgan	Levin
Bennett	Exon	Mack
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Glenn	Moseley-Braun
Boxer	Gorton	Moynihan
Breaux	Gramm	Murkowski
Bryan	Grassley	Murray
Bumpers	Harkin	Nunn
Byrd	Hatch	Packwood
Campbell	Hatfield	Pell
Cochran	Hollings	Pryor
Conrad	Hutchison	Reid
Coverdell	Inouye	Robb
D'Amato	Jeffords	Rockefeller
Danforth	Johnston	Sarbanes
Daschle	Kennedy	Shelby
DeConcini	Kerrey	Simon
Dodd	Kerry	Stevens
Domenici	Leahy	Wofford

NOT VOTING—3

Heflin	Lott	Riegle

So the amendment (No. 2455) was rejected.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2456 AND 2457 EN BLOC

Ms. MIKULSKI. Mr. President, I send two amendments to the desk and ask unanimous consent that they be considered and agreed to en bloc, and that the motions to reconsider the votes be laid upon the table en bloc.

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

Ms. MIKULSKI. Mr. President, these amendments have been cleared on both sides of the aisle. I therefore urge their adoption en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, both amendments are agreed to.

The amendments (Nos. 2456 and 2457) were agreed to.

The amendments were agreed to as follows:

AMENDMENT NO. 2456

Ms. MIKULSKI offered an amendment No. 2456.

The amendment is as follows:

On page 13, line 11, add the following: ": Provided further, that of the amount provided under this heading, $7,100,000 shall be for design of a new medical center/nursing home in Brevard County, Florida and $6,900,000 shall be for the Orlando, Florida, satellite outpatient clinic".

AMENDMENT NO. 2457

Ms. MIKULSKI offered an amendment No. 2457 for Mr. BROWN.

The amendment is as follows:

Insert at page 62, between line 13 and line 14:

SENSE OF THE SENATE REGARDING THE ENVIRONMENTAL SELF-EVALUATION PRIVILEGE

(a) FINDINGS.—The Senate finds that—

(1) The intended effect of environmental protection statutes passed over the past three decades is to improve and protect the natural and human environment.

(2) The President's National Performance Review concluded that the environmental laws and regulations implemented over the past decade have led to significant improvements in environmental quality.

(3) The National Performance Review further concludes that many of these laws, however, place a very real cost burden on local governments. Localities now struggle to comply with new requirements of the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Clean Water Act, the Clean Air Act, and Superfund, with little or no prospect of significant increases in federal grants and only limited availability of loans in the future.

(4) The Environmental Protection Agency (EPA) estimates that, by the year 2000, local governments will need to spend nearly $44 billion annually to meet existing requirements.

(5) The National Performance Review states: "With the opportunity to 'reinvent' the way EPA works with state and local governments, EPA has a chance to significantly increase the effectiveness of our nation's environmental programs."

(6) The National Performance Review acknowledged that there are numerous examples where the failure of EPA to devise better ways to protect the environment affordably may result in just the opposite of the intended effect.

(7) To further the goals of protecting and improving the natural and human environment, the States of Oregon, Indiana, Kentucky and Colorado have passed laws establishing an "environmental self-evaluation privilege."

(8) The EPA is currently considering modifying its existing environmental auditing policy.

(b) SENSE OF THE SENATE.—

It is the sense of the Senate that—

(1) The National Performance Review is correct in stating that EPA must recognize that increased regulatory flexibility offers tremendous opportunity for positive institutional change at federal, state and local levels.

(2) EPA must take advantage of these opportunities by finding ways to allow flexibility without compromising fairness, accountability and, above all, performance.

(3) The EPA should seriously consider the "environmental self-evaluation privilege," as enacted into law by the States of Oregon, Indiana, Kentucky and Colorado, as a low-cost opportunity to increase performance toward the intended effect of environmental protection statutes to improve and protect the natural and human environment.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote by which the amendments were agreed to en bloc.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. I thank the Presiding Officer.

Mr. President, before we go on to other Senators who wish to offer amendments or speak, I would like to bring to Senators' attention that Senator HELMS of North Carolina wishes to offer an amendment, and, upon the disposal of the Helms amendment, it

would be the intention of the manager to begin to move to ending this, to coming to final passage on this bill.

I ask any Senator who has an amendment to please begin to move to the floor so that upon the disposal of the Helms amendment we will be able to conclude any other amendments that Senators wish to offer and move to final passage.

It would be the hope of the manager of the bill that we be finished by 6 o'clock. If I have the cooperation of the Senators, I believe we will be finished no later than 6 on this bill, and preferably sooner.

I also ask both the Democratic and Republican Cloakrooms to see if there is a desire for a voice vote on final passage.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, I want to give what I believe is an important speech on the floor of the Senate about atomic veterans, a group of citizens in our country who I really believe have been much overlooked, and who want to make sure that we are concerned about what the effects of atomic testing were on themselves, their children, and their grandchildren.

Mr. President, I have been working very closely with Senator ROCKEFELLER and Senator DASCHLE on this issue, and we are going to have very important hearings tomorrow in the Veterans' Affairs Committee on this issue.

Mr. President, the cover of every copy of the Atomic Veterans Newsletter, the official publication of the National Association of Atomic Veterans, contains a simple but eloquent statement: "The Atomic Veteran Seeks No Special Favor * * * Simply Justice."

Mr. President, for some time I have been urging that there be a study by the Medical Follow-up Agency of the Institute of Medicine of the National Academy of Sciences to determine if there is any link between the genetic disorders and unfavorable birth outcomes affecting the families of atomic veterans and those veterans' exposure to ionizing radiation. Such a study would seek to determine whether those military personnel who took part in postwar atmospheric nuclear tests or in the occupation of Hiroshima and Nagasaki in the aftermath of the devastation of those cities by atom bombs thereby unwittingly jeopardized the health of their families and of generations yet unborn. This has long been a question of enormous concern to atomic veterans and their families. After 40 or more years, I hope you will agree that it is about time that these Americans who served this country with honor, patriotism, and devotion were given answers to questions that so far have not been a priority concern to their government.

During the past 6 months, I have had a number of meetings with atomic veterans in Minnesota and here in Washington. Many of the veterans told me of their deep concern about their children and grandchildren who are suffering from serious illnesses and birth defects, conditions that had never occurred previously in the family of either parent. Understandably, they fear these conditions are an outgrowth of their exposure to radiation and wonder if future generations will also be affected.

To me, one of the most shocking aspects of a public forum I held with atomic veterans in Minnesota, was how often veterans, widows of veterans, and those who wrote to me but were unable to attend, spoke of unfavorable birth outcomes—multiple stillbirths and miscarriages, occurring after but not before parental exposure to radiation. One widow of an atomic veteran who attended the forum was astounded to learn for the first time that the miscarriages she'd experienced could have been related to her late husband's participation in atomic testing.

Many of the accounts I have heard from atomic veterans, their spouses, and survivors are heart rending. Let me cite a couple of examples:

A Minnesota veteran, a former member of the Army's 216th Chemical Service Corps who participated in Operation Tumbler Snapper, a series of atmospheric nuclear tests held in Nevada in 1952, said that he and his wife were only able to have one child, a daughter who has had serious health problems throughout her life, including the following:

At age 14, doctors discovered breast tumors and recommended a radical mastectomy;

At age 18, doctors discovered cervical cancer and gave her cryotherapy;

At age 28, doctors performed major kidney surgery;

Last year, she was hospitalized for 2 weeks for bowel obstruction;

A few months ago she was tested for a lump on her neck;

Over the course of her life, she has had on-going, serious thyroid problems:

Her son was born with a foot deformity and a skin disorder.

Doctors have been unable to explain why she's had so many serious health problems, starting at such a young age. Her parents suspect that they are linked to her father's exposure to radiation.

An atomic veteran from Phoenix, AZ, who had served in the Navy at the Bikini tests, termed by one scholar recently as "America's Chernobyl," wrote about problems his wife had with every pregnancy. He noted that his wife had been in good health and doctors found nothing organically wrong with her to account for the problems. Permit me to quote directly from a passage in this veterans' describing his wife's pregnancy outcomes:

1948—We lost a baby boy; he lived 20 minutes. This was a 5½-month pregnancy:

1950—We had a premature baby boy. This was a 7-month pregnancy. He has been classified [as a] manic depressive;

1952—We lost our baby girl. She was stillborn with a short umbilical cord. This was an 8-month pregnancy;

1957—After a little over 2 months pregnancy, the doctor classified this one as a missed abortion;

1960—Our daughter was born with a cleft lip. This was an 8-month pregnancy.

The veteran also stressed that at Bikini he had worked on small boats that were later sunk because of contamination by radiation. Like other atomic veterans, he and his buddies were never informed that the ionizing radiation they were exposed to could cause any problems. There is now considerable evidence that the Navy had been informed of the hazards resulting from the detonation of the world's first underwater atomic bomb. For example, Los Alamos scientists warned the Navy that "the water near a recent surface explosion will be a witch's brew," that there would likely be "enough plutonium near the surface to poison the combined armed forces of the United States at their highest wartime strength," and concluded that an "underwater test against naval vessels would contain so many hazards it should be ruled out at this time." The Navy chose to ignore these and other warnings, and also chose to conceal from the men they were placing in harm's way the serious risks that they faced.

Mr. President, you may well wonder as I did why the study I am recommending was not performed years ago. It certainly wasn't because the Government was unaware of the concerns of atomic veterans. Pat Broudy, national legislative director of the National Association of Atomic Veterans, informs me that she has testified at 13 congressional hearings over the years and each time has urged that the Government fund a study of the children of atomic veterans. Unfortunately, all of her eloquent pleas went unanswered.

Why did this occur? Let me suggest a few possible explanations. First, atomic veterans have lacked the political clout and resources that, regrettably, are often essential if a group is to be taken seriously either by the Congress or the executive branch. Second, they were in some ways victims of the pervasive climate of secrecy during the cold war years. Thus, atomic veterans were often denied access to their own service health records on the grounds that they were classified, and there is evidence that the Navy, at least for a time, kept two sets of service health

records, one unclassified and the other classified. Thus, a Navy safety regulation issued in 1947 mandated that data from physical exams required of both military and civilian personnel who might soon be exposed to radiation be made part of "special medical records separate from the normal individuals' health records" and classified as confidential. Needless to say, this secrecy made it difficult if not impossible for atomic veterans to pursue compensation claims or to learn whether their exposures to radiation posed a threat to the health of their loved ones. Finally, since there was no possibility of VA compensation for the dependents of atomic veterans even if it could be demonstrated that their health problems were related to the veterans' exposure to radiation, both the VA and the Congress apparently saw little point in studying the issue.

It would be unconscionable for us to allow this situation to continue. As a father and grandfather, I know that nothing is more important than the health of one's children and grandchildren. Imagine the pain and fear of atomic veterans and their wives who for years have lived with uncertainty about whether they would have children and grandchildren who could lead normal, healthy lives. While I fervently hope that the results of the study I am proposing will serve to allay their fears, I obviously have no way of knowing whether this will turn out to be the case. At a minimum, however, the study should answer a fundamental question that has tormented atomic veterans for so long: Did their dedicated service to the country they love place at risk their family members and children yet unborn? By having a study conducted we will ensure that these deserving veterans and their families finally receive an answer to this gut-wrenching question. We cannot and must not turn our backs on atomic veterans and their families.

Recently, the Senate passed by a voice vote an amendment to the defense authorization bill that mandated a series of studies of the health consequences of service in the Persian Gulf war with $20 million provided in funding. I wholeheartedly supported this measure, in part because I was determined that Persian Gulf veterans would not have to undergo the agony of atomic veterans who had to wait decades before the Government that placed them in harm's way sought to investigate the source and nature of their ailments and has yet to investigate the health problems of their families. I was particularly gratified that the amendment authorized a study of the health effects on the spouses and children of Persian Gulf veterans that may be linked to the veterans' service in Southwest Asia, including birth defects in their offspring.

Atomic veterans, their families, and survivors have stressed to me that they are pleased that the Government is making a concerted effort to determine whether the health of families of military personnel who served in the Persian Gulf is imperiled as a consequence of that service. Without exception, atomic veterans emphasize that they in no way begrudge Persian Gulf veterans the attention they've received in recent months from the Congress and the administration. However, atomic veterans believe that as Americans who were also placed in harm's way by their Government, without being informed of the dangers they faced, and without adequate protection, they are equally entitled to the attention and concern of the Government they served bravely and without question. The study I am proposing is intended to ensure that the Government will accord equal priority to the health of atomic veterans' families by ascertaining whether a parent or spouse's exposure to radiation decades ago has had and is continuing to have serious consequences for his or her loved ones.

Mr. President, I wish to convey my appreciation to my distinguished colleagues, Senator ROCKEFELLER and Senator DASCHLE, for their interest in and support for holding a hearing that will focus on the health problems of atomic veterans' families. I am particularly pleased to note that Senator ROCKEFELLER has scheduled a hearing of the Veterans' Affairs Committee that will focus on the health of the families of atomic, agent orange, and Persian Gulf veterans. While these three groups of veterans served their country at different times and under vastly different circumstances, they share deep apprehensions that the toxic exposures they experienced while on active duty may have seriously damaged the health of those near and dear to them and imperiled future generations. I commend Senator ROCKEFELLER for providing these men and women who have made so many sacrifices for this Nation with a unique forum to air their concerns and those of their loved ones.

Mr. President, as some of my colleagues may be aware, I had considered offering an amendment to the pending appropriations bill to require that the study I have been proposing be conducted. However, concern has been expressed to me by some of the people involved in other VA study projects who fear having to compete for scarce research dollars.

I have therefore decided that the wiser course to pursue would be to introduce separate legislation which would authorize and mandate such a study and to enlist the assistance of the Veterans Affairs' Committee chairman to achieve the result we are all seeking.

I wonder if the Senator from West Virginia would agree that this would be the most expeditious way to proceed to see to it that the study is performed.

Mr. ROCKEFELLER. Mr. President, as the Senator from Minnesota is aware, our committee will be conducting a hearing this week on the very subject he has been discussing. I have already secured the agreement of VA Secretary Brown to arrange for a panel of experts to review the science to determine whether a study would be feasible and if so, how it might be conducted. I am happy to work with my colleague from Minnesota to ensure this review is conducted by a panel of experts outside of the VA. In the event the panel concludes that such a study would be feasible, it would be my intention to incorporate the provisions of Senator WELLSTONE's legislation—requiring that the study go forward—into other legislation to be reported by the Veterans' Affairs Committee this year. Once we determine that such a study would be feasible, I assure the Senator I will be as committed as he is to seeing to it that the study is undertaken as soon as possible.

Mr. WELLSTONE. Can the Senator give me any assurances about whether there will be adequate funding available to finance the study?

Mr. ROCKEFELLER. I have discussed this matter with the distinguished chair of the VA-HUD Appropriations Subcommittee, who will work with us to make sure that funding is available for this study.

Mr. WELLSTONE. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 2458

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

The PRESIDING OFFICER. Without objection, the pending committee amendments are temporarily set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2458.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE NEED TO PROTECT THE CONSTITUTIONAL ROLE OF THE SENATE.

(a) FINDING.—The Senate makes the following findings:

(1) The GATT Treaty provides for the entry of the United States into the World trade Organization, which may have a major, permanent and adverse impact on American Sovereignty.

(2) The GATT Treaty binds the United States to a permanent international trade organization for decades to come.

(3) In the World Trade Organization, the United States will have only 1 out of 117 votes and will lose the veto power it had in the GATT Organization that the World Trade Organization replaces.

(4) Under the GATT Treaty, the United States will pay 20% of the budget of the

World Trade Organization, but will have less than 1% of the voting power.

(5) The World Trade Organization has the potential of overriding domestic U.S. law.

(6) Section 2 of Article II of the Constitution provides that the President has the "Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur".

(7) Despite the dictate of section 2 of Article II of the Constitution, the GATT Treaty is scheduled to be considered by the Senate under "fast-track" procedures, as an executive agreement.

(8) Under the "fast-track" rules, Senators are prohibited from amending the agreement and debate is limited to 20 hours on the Senate floor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The leadership of the Senate should protect the rights and prerogatives of the Senate and insist that the GATT agreement be submitted as a Treaty as stipulated by the U.S. Constitution, and

(2) an extension of the "fast track" should not be included in any implementing legislation for the GATT Treaty.".

Mr. HELMS. Mr. President, it occurred to me that I may have a problem on the drafting of the pending amendment.

I believe it is not drafted as a first-degree amendment. We can work this out simply.

The PRESIDING OFFICER (Mr. EXON). The amendment if and when submitted will be inserted in the appropriate place as requested by the Senator from North Carolina.

Mr. HELMS. So what the Chair and the Parliamentarian are saying is it is in order and it will be treated appropriately; is that correct? If not, I will be glad to modify it. The yeas and nays have not been obtained on it.

The PRESIDING OFFICER. The Chair assumes that the Senator from North Carolina wishes this to be treated as a first-degree amendment. If so, it will be so treated, if the Chair understands properly the request of the Senator from North Carolina.

Mr. HELMS. Do I need unanimous consent for that, I ask the Chair?

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

Mr. HELMS. I thank the Chair. He is very accommodating.

Mr. President, this amendment brings to mind a relationship I have had in the past with giants in this Senate, including the distinguished Senator from West Virginia, Mr. ROBERT C. BYRD. I do not know how Senator BYRD is going to vote on this amendment, but I do know that he is devoted to the protection of the constitutional prerogatives of the Senate.

Mr. President, I still have a nagging in my mind about the drafting of this amendment. I do not want to proceed until I can consult with the Chair and with the Parliamentarian to make sure that everything is in order.

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. HELMS. 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. HELMS. Mr. President, I was in the process of reflecting upon my own experiences that have meant so much to me through the years, an association with giants in the Senate like Senator Russell of Georgia and Senator Walter George of Georgia, Senator Sam Ervin, and others. They instilled in me a passion to protect, as best I can, the constitutional prerogatives of the Senate, not to mention the constitutional rights of the American people.

Mr. President, that is the reason I have this amendment before the Senate. This amendment simply proposes that the instrument improperly identified as the GATT trade agreement be considered by the Senate for what it really is—a treaty. It is not just a mere agreement, it is a treaty. Furthermore, Congress should certainly not extend the ill-conceived fast-track authority.

I never have liked the fast-track procedures—20 hours of debate, with no amendments being in order, and an up-or-down vote. That is no way to legislate a treaty. It is not an appropriate way to legislate an agreement.

I wonder how many Senators even know what is in this massive document by whatever name, treaty or agreement or whatever. How many Senators have considered the implications of the New World Trade Organization, of which we will inescapably become a member?

The Senate has held but one brief hearing—that is all—on the question of a potential assault on the sovereignty of the United States of America.

Mr. President, this document creates the new international institution called the World Trade Organization. It replaces the old GATT organization—GATT stands for the General Agreement on Tariffs and Trade.

The United States automatically—automatically—becomes a permanent member of the World Trade Organization. This new international organization will administer a broad array of provisions regarding intellectual property rights, agricultural commodities, financial services, textiles, and it will supervise the settlement of most trade disputes. The World Trade Organization will have expansive authority over most areas of the international economy.

I think it would be fair to describe the new World Trade Organization as a United Nations for world trade, combined with a world court.

Mr. President, history will demonstrate that this Senate has rejected the concept of a world court time and time again. Take a look at the history; take a look at the precedents. The United States joined the World Bank by treaty. The United States joined the United Nations by treaty. The United States joined NATO by treaty.

Yet, here we are proposing to rush this GATT instrument through on that fast-track—20 hours of debate, no amendments, an up-or-down vote, bang, bang, bang. I may be shouted down, voted down, all the rest of it, but in the judgment of this Senator, this instrument, this treaty, should be considered for what it is: A treaty requiring unlimited debate and a two-thirds vote among Senators present and voting.

There are many apprehensions about this new, powerful World Trade Organizations.

For openers, I confess to unalterable opposition to world government—always have and always will—and also to any organization where the United States has one vote and no veto, but pays 20 percent of the cost of operating the organization. And that money comes from the pockets of the American taxpayers who are going to be gypped in the end, I fear, by this instrument which is being rushed through the U.S. Senate on a fast track.

Mr. President, for the record, let me try to identify just a few of the reasons why I think the World Trade Organization should be considered as a treaty.

First of all, the State Department acknowledges eight factors that should be used to determine whether an agreement should be considered by the Senate as a treaty. Now, this is the State Department. They put out a little pamphlet. If you do not have one, call down there and they will send one up.

Here is what the State Department specifies in terms of whether an instrument should be treated by the Senate as a treaty:

1. The degree or commitment or risk for the entire Nation.

Mr. President, I have to say the WTO certainly contains substantial commitments in that regard.

2. Whether the agreement is intended to affect State laws.

Well, that is an absolute given. It is going to happen.

3. Whether the agreement can be given effect without legislation by Congress.

Obviously, the World Trade Organization will have permanency and authority on its own.

4. Past United States practice as to similar agreements;

5. The preference of Congress;

6. The degree of formality desired;

A new international organization is pretty formal, I would say.

7. The proposed duration of the agreement;

The World Trade Organization is going to be around for a long time, interfering in the sovereign rights of the United States of America and its States and its people.

8. The general international practice as to similar agreements.

I do not know of another country that has approved this except as a treaty. There may be one, there may be more, but every country I know about who is already a member of WTO will do it by treaty. But here in the United States we are going to do it by fast track, we are going to do it as an agreement, we are going to rush through it in 20 hours and bang, bang, we are going to have an up-or-down vote and everybody goes home for Christmas.

Obviously, most of these criteria speak for themselves and support my feeling, at least in my own mind, that the WTO ought to be treated as a treaty.

Mr. President, I have a copy of an excellent letter from Mr. Laurence Tribe, a constitutional expert in the view of a lot of people. Sometimes I do not agree with him but I respect him, and in this instance I believe he is right on target. The letter was written to Senator BYRD and is dated July 19. Let me read a couple of paragraphs. He said:

Dear Senator BYRD, I write to express my concern that in the rush to achieve a major advance in the regime of international trade, some proponents of the Uruguay Round of the General Agreement on Tariffs and Trade [GATT] appear to be ignoring vital constitutional safeguards for the role of the Senate as a deliberative body and for the sovereign authority of the 50 States as semi-autonomous entities within the Federal system.

I am going to have the whole letter printed in the RECORD in just a minute. Later on he said:

As I wrote in the 1988 edition of my treatise, "American Constitutional Law," that the power to conclude executive agreements coincides perfectly with the treaty power seems untenable, since such a conclusion would emasculate the Senatorial check on executive discretion that the Framers so carefully embodied in the Constitution.

That is exactly what I am saying. Mr. Tribe, you and I agree absolutely. That is on page 229 of his book entitled "American Constitutional Law." Then I continue, and I am quoting from Tribe's letter:

To be sure, what is proposed in this instance is not simply an executive agreement but an agreement that is to be implemented by congressional legislation. Thus, my problem is not with any circumvention of article I, under which the Congress is empowered to regulate foreign commerce, but with the circumvention of article II, section 2, clause 2, under which the power to make Treaties is expressly conditioned on the proviso that "two thirds of the Senators present concur."

Later on in his letter Mr. Tribe says.

* * * it is hard to imagine what kind of agreement must be regarded as a Treaty, and subjected to state ratification as such through the Senate, if the Uruguay round is not to be so regarded. However inconvenient, the structural safeguards of the Constitution must not be ignored.

Finally, in his letter to Senator BYRD, a copy of which was sent to me, he said,

* * * I thought it important to share with you, and with your colleagues, my very grave misgivings about how the Clinton administration appears to be proceeding with this matter, insofar as the role of the Senate is concerned.

Sincerely, Laurence H. Tribe.

I ask unanimous consent that this letter be printed in the RECORD at the conclusion of my remarks, and I thank the Chair.

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

(See exhibit 1.)

Mr. HELMS. A third point, to get back to my dissertation, Mr. President, is that the World Trade Organization sets up a formal, permanent voting structure very, very similar to the United Nations. However, the United States has only 1 of 117 votes in the World Trade Organization, and the United States has no veto, which is the main difference with the United Nations.

Many important votes will be cast in the next 10 or 25 years, by the World Trade Organization. There are certain to be votes to amend and votes to interpret the provisions of the WTO. But this treaty—and I use the word "treaty" advisedly because I believe that is how it should be considered by the Senate of the United States—this treaty will affect our sovereignty and therefore should be considered under the constitutional treaty provision. The laws of the United States could very well otherwise be overruled by the World Trade Organization. And I do not think any Senator wants that to occur.

The World Trade Organization requires that any trade dispute covered by the GATT provisions must be brought before a World Trade Organization dispute settlement panel, which is equivalent to an international court. I have already paid my respect to the concept of an international court, as have many other Senators.

Mr. President, just envision these World Trade Organization panel decisions. They will be automatically adopted unless the winner agrees to drop the case, and that is highly unlikely to happen. It is a stacked deck, do you not see? And we ought not to walk blindly into it—20 hours of debate, no amendment, one up-or-down vote.

If the United States loses a case before a World Trade Organization panel, then we either change our law, pay compensation—a payoff—or we face retaliation. So the United States will face incredible pressure to change our laws which may offend somebody somewhere else in the world—Third World countries or whatever. It is like having a gun held to the head of Uncle Sam: "Change your law, give us money, or we will shoot." It seems to me that the sovereignty of the United States is unquestionably at risk.

Some claim that there is no sovereignty problem—you will probably hear that later this afternoon—because the United States can then just simply ignore a bad decision and not change our law.

What kind of reasoning is that? Our sovereignty, it seems to me, is affected when the courses of action that the United States can take are so restricted. I think NEWT GINGRICH bounced around all over the lot a little bit on this question, but at a hearing, GINGRICH once said:

We are transferring substantial power to an international body that can coerce us to change our behavior.

Of course, NEWT GINGRICH was right.

Mr. President, a brief comment about this fast-track business. The fast-track law requires trade agreements to be considered, as I have said several times, under strict time limitation, no amendments and 20 hours of debate. And only the members of the Finance Committee or the Ways and Means Committee can add amendments to the draft implementing bill. When it gets out on this floor, forget it. All Senators are equal, but some are more equal than others, particularly in a matter like this.

Mr. President, the administration is seeking a 7-year extension of fast-track authority which would apply also to labor and environmental matters. I am fully aware that the Senate draft implementing bill does not include any fast-track extension, but I am concerned that it may somehow be stuck in the bill when the unofficial conference committee meets. I hope that my fears are unfounded in that regard because it should not be allowed to happen.

In my opinion, the fast-track law is an abdication of congressional responsibility, and I will go to my grave believing that. At the very least, we should debate the extension of the fast-track law. It should not be slipped into the GATT implementing bill which is, itself, subject to the fast-track. So we are hemmed in.

How can we represent the people of the United States in a fashion of this sort? In summation, this World Trade Organization proposal is so important that it should be considered as a treaty so that it does not sail through like a ship passing in the night.

I urge the Senate to support this sense-of-the-Senate resolution to retain the constitutional prerogative of the Senate.

I yield the floor.

EXHIBIT 1

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, July 19, 1994.

Hon. ROBERT BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: I write to express my concern that, in the rush to achieve a major advance in the regime of international trade, some proponents of the Uruguay Round of the General Agreement of Tariffs and Trade (GATT) appear to be ignoring vital constitutional safeguards for the role of the Senate

as a deliberative body, and for the sovereign authority of the fifty States as semi-autonomous entities within the Federal System.

As I understand the GATT implementing legislation, which would become federal law once approved as a fast-track executive agreement by simple majorities in the House and Senate, the resulting legal regime would entail a significant shift of sovereignty from state and local governments to the proposed World Trade Organization (WTO), in which the interests of these entities would be represented exclusively by the U.S. Trade Representative (USTR). Having read the December 15, 1993, version of the Final Act Embodying the Results of the Uruguay Round, and having examined the letter of July 6, 1994, sent by some forty-two state attorneys general and the attorney general of Puerto Rico to President Clinton, I do not pretend to have mastered all of the details of how the new trade system would work. However, I share a number of the concerns expressed by the attorneys general and, more importantly, I see no way to avoid the conclusion that the legal regime put in place by the Uruguay Round represents a structural rearrangement of state-federal relations of the sort that requires ratification by two thirds of the Senate as a Treaty.

As I wrote in the 1988 edition of my treatise, American Constitutional Law, "[t]hat the power to conclude executive agreements coincides perfectly with the treaty power seems untenable, since such a conclusion would emasculate the Senatorial check on executive discretion that the Framers so carefully embodied in the Constitution." (Pg. 229.) To be sure, what is proposed in this instance is not simply an executive agreement but an agreement that is to be implemented by congressional legislation. Thus my problem is not with any circumvention of Article I, under which Congress is empowered to regulate foreign commerce, but with the circumvention of Article II, Section 2, Clause 2, under which the power to make Treaties is expressly conditioned on the proviso that "two thirds of the Senators present concur."

Even after the Seventeenth Amendment was ratified in 1913, making the Senate a popularly elected body rather than body composed of individuals chosen by the State Legislatures, the Senate remains the principal body in which the States qua States are represented in our National Government. Article V continues to provide but one exception to the general proposition that the Constitution may be amended whenever proposed changes are ratified by three fourths of the fifty States: "no State, without its Consent, shall be deprived of its equal Suffrage in the Senate." That singular exception bespeaks the enormous structural significance of the Senate as a forum for protecting the rights and interests of the several States and their local subdivisions.

Thus if there is any category of international agreement or accord that must surely be submitted to the Senate for approval under the unusually rigorous two-thirds rule of the Treaty Clause, that category must include agreements like the Uruguay Round, which represents not merely a traditional trade agreement but a significant restructuring of the power alignment as between the National Government and the States.

I am, of course, aware that we have, as a Nation, fallen into an almost habitual pattern of regarding trade agreements as proper subjects for enactment through the concurrence of the President and a majority of both Houses of Congress. By and large, that pattern has served us well—and, in most instances, it may be fully consistent with the letter and spirit of the Constitution. But it is hard to imagine what kind of agreement must be regarded as a Treaty, and subjected to state ratification as such through the Senate, if the Uruguay Round is not to be so regarded, However inconvenient, the structural safeguards of the Constitution must not be ignored.

As you may recall, I was a strong supporter of the North American Free Trade Agreement (NAFTA) and testified in the Senate that the federal courts cannot constitutionally compel the USTR, when submitting the NAFTA for consideration by Congress, to accompany that instrument with an environmental impact statement, even assuming such a procedure to have been mandated by Congress in the National Environmental Policy Act (NEPA). On that occasion, while I was most sympathetic with the environmental concerns of those who sought judicial compulsion to obtain an environmental impact statement, I was unwilling to sacrifice basic separation-of-powers principles to achieve environmental aims.

So too here. For while I am likewise a strong supporter of the free trade principles of the Uruguay Round and would be sad to see those principles receive a setback in the Senate, the issue is not one of policy preference; it is one of fidelity to the Constitution. As such, I thought it important to share with you, and with your colleagues, my very grave misgivings about how the Clinton Administration appears to be proceeding with this matter insofar as the role of the Senate is concerned.

Sincerely,

LAURENCE H. TRIBE.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, let me indicate to the manager, Senator MIKULSKI, that I will not be offering either a crime amendment or an amendment on Bosnia. They are on the list. I am not going to offer those amendments.

Ms. MIKULSKI. I thank the Republican leader.

Mr. DOLE. I will wait until the next bill.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I would now rise to address the important issues raised by the Senator from North Carolina in the amendment which is now pending, the sense of the Senate regarding the need to protect the constitutional role of the Senate. I think we could all agree on that.

I, however, will state, not in extensive form, the simple fact that the Uruguay Round legislation, which has just been approved by the Committee on Finance and which is being approved by the Committee on Ways and Means, which will be transmitted to the President and returned to us as a statute which we will vote upon under the fast-track, as it is called, arrangements, is entirely an exercise in the constitutional role of the Senate, is quintessentially such. The Constitution gives the Congress the authority to regulate commerce with foreign nations, and the Uruguay round of the General Agreement on Tariffs and Trade concerns commerce with foreign nations.

The present arrangements, Mr. President, go back to 1934 with the enactment of the Reciprocal Trade Agreements Act of 1934. We have 60 continuous years of experience under this arrangement in which the President negotiates trade agreements and, as has been the case under the fast-track provision, the Congress embodies those agreements in legislation which we consider and debate and vote on. Indeed, the one distinctive feature of the present arrangement is that Congress, actually in the form of the two committees with jurisdiction over trade—Finance in the Senate, Ways and Means in the House—draft the legislation, send it to the President, and he sends it back to us.

The Senator from North Carolina, my friend and long-time colleague, is particularly concerned about the World Trade Organization and whether or not that requires approval in the mode of a treaty. And he introduces a letter from Laurence H. Tribe, who is the Ralph S. Tyler, Jr., professor of constitutional law at the Harvard University Law School, in which Professor Tribe indicates in his opinion that it ought to be considered such.

I would state with equal confidence that confining the World Trade Organization to a treaty is to exclude the House of Representatives, which has equal authority in these matters, concerning trade and tariffs. And inasmuch as tariffs are a revenue, it is the constitutional prerogative of the House that they should originate in the House.

The Department of Justice was apprised of Professor Tribe's views.

May I say that it is a pleasing experience to hear the Senator from North Carolina citing Laurence Tribe. It is not every day that we have that here in the Senate.

The Department of Justice, the Assistant Attorney General in the Office of Legal Counsel, Mr. Walter Dellinger, has prepared a memorandum for the U.S. Trade Representative, Ambassador Kantor, on the subject of whether the GATT Uruguay round must be ratified as a treaty. They say emphatically no. This is an executive agreement for which we will enact a statute. The World Trade Organization simply formalizes the informal negotiation setting and dispute resolution arrangements that have been in place in the GATT since the failure of the Senate to approve the International Trade Organization in 1947, if I am correct.

The Bretton Woods agreement in 1944 established three economic institutions for the post-war period: The International Bank for Reconstruction and Development, which we know as

the World Bank; the International Monetary Fund; and the International Trade Organization. The latter died in the Finance Committee, and 2 days ago it came to life again. That is perhaps not a very accurate metaphor. But in any event, what we set out to do 50 years ago at Bretton Woods is now soon to be accomplished.

The memorandum of law from the Assistant Attorney General notes:

As this office pointed out nearly 40 years ago when first considering the constitutional issues posed by the GATT, it has been a well established principle of our constitutional law that the Congress, as distinguished from the Senate alone, may direct and participate in the making or implementation of certain international agreements.

That was a memorandum for the Attorney General from J. Lee Rankin, then Assistant Attorney General. This was the Eisenhower administration. When this issue first came up, they said it is perfectly straightforward.

The measure we will have before us in a few weeks comes to us because the Senate directed the President—authorized, if you like—to negotiate this trade agreement, not once but twice—under President Reagan who first proposed it, then President Clinton who needed an extension last July.

I cannot think there is any question of this matter. We have 60 years of practice. We have opinions that go back to the Eisenhower administration. We have the Supreme Court in the Curtiss-Wright decision in 1936.

I will not delay the body with two such distinguished persons here, the ranking member, former chairman of the Committee on Finance, and the chairman of the Committee on Foreign Relations.

Mr. President, I urge rejection of the amendment and in time will ask that it be tabled.

Mr. PACKWOOD. Mr. President, I join my good friend and distinguished colleague, Senator MOYNIHAN, chairman of the Finance Committee. And Senator PELL, I believe, is going to speak to this issue, also.

There is no strict constitutional definition of what a treaty is and what an agreement is. Over the years, just since 1946, the United States has concluded 732 treaties and 12,968 other international agreements.

You could attempt to parcel and divide these and put one on one side and one on the other and say this is a treaty and this is an agreement, and you would be hard pressed to find any distinguishing lines between some of them as to when one is a treaty and when one is an agreement.

The Israel Free-Trade Agreement, was an executive agreement. The Canadian Free-Trade Agreement was an executive agreement. The North American Free-Trade Agreement, was an executive agreement. The principal difference being that a treaty is submitted only to the Senate and takes a two-thirds vote, and an executive agreement has to be passed by both the House and the Senate and takes only a majority vote.

So why are things in some cases submitted as treaties and in some cases submitted as agreements? It is not whether there is something in it that is going to diminish our sovereignty, and if we are going to do that, that should be a treaty. It is not whether we are permanently binding or not permanently binding ourselves to something.

As a matter of fact, for those who are worried about the Uruguay round agreement and the so-called World Trade Organization, which we used to call GATT—perhaps we made a mistake in calling it the World Trade Organization. GATT did not seem to excite anybody. The General Agreement on Tariffs and Trade was hardly a frightening dragon. The World Trade Organization has a certain world body concept to it that many have expressed concern with. But it is the same organization.

But for those who are worried about it, who think we are giving up our sovereignty, we can withdraw with 6 months' notice. Six months and we are out. It is not as if we have permanently placed our army under the command of some U.N. authority. It is not as if we have given—and our good friend from North Carolina talks about 117 to 1—the Supreme Court of India the power to permanently alter the laws of the United States. There is no overriding decision of the World Trade Organization—if they voted against us 117 to 1, that cannot change a single law in the United States unless Congress changes it. This organization does not have the power to change U.S. laws.

Are we always going to win every argument in the World Trade Organization? No. We have lost some in GATT. As a matter of fact, in the Canadian Free-Trade Agreement, in the United States-Canada Free-Trade Agreement, there is a binational panel. There is a binational panel between Canada and the United States to resolve disputes.

There is one dispute with which I am very familiar. It involves softwood lumber, a big product in my State. We have had an argument with Canada as to whether or not they are unfairly subsidizing their lumber. It has gone to a binational Canadian-American panel. The panel has decided against the United States. But we always maintain our sovereignty. We can get out of the Canada-United States Free-Trade Agreement anytime we choose. That panel cannot force us to change U.S. law. Are we in good conscience bound to observe it? Probably in good conscience we are because many times the panel is going to rule in our favor.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. PACKWOOD. Yes. I am happy to yield.

Mr. MOYNIHAN. Would he not agree that it is in our national interest to observe it?

Mr. PACKWOOD. The Senator has asked me a tough question because my State of Oregon did not like the outcome. Trade with Canada is in our national interest, and I have heard my good friend say many times that our trade with the Province of Ontario is bigger than our trade with any country, including Japan; just one Province, the Province of Ontario in Canada.

Is my State prospering generally from the agreement with Canada? Yes, we are. Are we prospering from the agreement with Mexico? Yes, we are.

I will give you an example. Freightliner, which make those big trucks on the highways, have a large plant in Portland. They are the biggest manufacturer of those trucks, bigger than International Harvester. They have plants in the Carolinas. Prior to the North American Free-Trade Agreement, they used to send their trucks in kit form to Mexico to be assembled because of domestic content laws and what not. With the North American Free-Trade Agreement, they are going to make the trucks in the United States, send them down whole, and sell them through a distribution network. They have just recently announced a major expansion in the Portland plant. Is it good? Yes. Is it working out well? Yes.

I have a company in Medford, OR, called Sabroso that makes fruit purees. They are the principal maker of the basic baby foods for Heinz, Gerber, and Beechnut. They take peaches and apples, and they make the puree. They also make a fruit kind of soda pop.

They are not even on the main railroad. Medford is a good size town. If you want to go overseas, you have to go to San Francisco or Portland and get on another plane. About 60 percent of their sales are foreign sales. In their factories they are making labels in Portuguese, Italian, and Spanish. You think of this company that makes baby food and you think of the Latin American market. They regard this as a bonanza out of Medford, OR.

So is trade good for the United States? Yes. Could this have been submitted as a treaty? Probably; yes. It has been submitted as an agreement. It is hard to distinguish one from the other.

The principal reason trade agreements have traditionally been submitted as agreements is that they heavily involve implementing legislation, usually involve tariffs, and from the standpoint of comity, involve the House of Representatives. And if the House were not involved in it to start, it could play havoc if the Senate forced down their throats a major trade agreement and we said to the House of Representatives, no-no, we are only going to do it in the Senate. It does not make sense.

So out of necessity and comity, frankly, we need the House on this. This is not a unicameral legislator. They are submitted as agreements and the House must approve it.

So I hope that we will table the sense-of-the-Senate resolution of the Senator from North Carolina. Does he have a theoretical point that this could have been either? Yes. Should this agreement be defeated because we choose to consider it as we have considered every other trade agreement? No.

I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this amendment raises several issues of concern to the Foreign Relations Committee. First, it suggests there is a potential threat to U.S. Sovereignty posed by the World Trade Organization. The committee held an extensive hearing on this subject, and I am fully satisfied that the WTO does not present any threat to U.S. sovereignty.

The WTO does not affect Congress's sole right to change U.S. law nor does it create a new powerful international organization. The WTO reaffirms current GATT practice of making decisions by consensus. In the rare instances that the WTO would vote, the voting procedures in the WTO would strengthen the hand of the United States and weaken the power of smaller countries by requiring a higher majority for decisions than is currently required in the GATT. In addition, under the rules of the WTO, any provision or amendment affecting substantive U.S. rights and obligations expressly requires U.S. approval.

Second, the amendment suggests that existing procedures under which trade agreements are treated as executive agreements rather than as treaties be changed. It is my view that Congress has been well served by the current practice of considering trade agreements as executive agreements and placing them in the primary jurisdiction of the Finance Committee. In addition, in terms of the impact of U.S. law, there is no difference between an executive agreement authorized under fast track procedures and a treaty.

Finally, the amendment recommends terminating the current fast-track procedures that have been followed for trade agreements for decades. These fast-track procedures have served the United States well by facilitating the negotiation of trade agreements and giving the United States credibility that agreements made at the negotiating table will not be reopened. If the United States did not have the fast-track authority, I cannot imagine we would have the Uruguay round agreement, which took 8 years to complete, today.

I urge my colleagues to defeat the Helms amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the distinguished chairman of the Committee on Foreign Relations for his thoughtful, accurate statement. The committee did indeed hold hearings on this matter.

Before moving to table, I want to point out that—inadvertently, I am sure—the amendment of the Senator from North Carolina suggests that under the GATT agreement, the United States will pay 20 percent of the budget of the World Trade Organization. We will pay 15 percent. That represents our share of world trade. The amount of moneys involved are $8 million, $9 million. Also, my friend from North Carolina mentioned the concerns of the attorneys general of the United States—of the various States—about the matter, and they were properly concerned. They are vigilant with respect to States' rights. They have met with our Trade Representative, Ambassador Kantor, and they have agreed with changes we made in the implementing legislation, which is how the process works. It is a statute to fully satisfy their concerns.

I ask unanimous consent that at this point a letter from Michael Carpenter, attorney general of Maine, chairman of the National Association of Attorneys General, and some of his colleagues, be printed in the RECORD.

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

STATE OF MAINE, DEPARTMENT OF THE ATTORNEY GENERAL,
Augusta, ME, July 27, 1994.

Hon. MICHAEL KANTOR,
U.S. Trade Representative,
Washington, DC.

DEAR AMBASSADOR KANTOR: As the Attorneys General of our respective states and as the leadership of the National Association of Attorneys General (NAAG) workgroup on trade issues, we write to express our satisfaction with the proposed amendments to the GATT implementing legislation and statement of administrative action that our respective staffs have developed over the last ten days. The NAAG workgroup on trade issues has convened nearly daily since our July 15 meeting in Washington with your General Counsel, Ira Shapiro, to review the provisions which have been negotiated by our staffs.

The document which has been developed not only meets essential needs of the states but has also had the important byproduct of fostering the type of productive communication and interaction between your office and the states that gives us confidence that not only the letter, but the spirit, of this agreement will be adhered to.

The specific benefits of our agreement for sates importantly include:

the right of states to specific notice, information and participation in key proceedings affecting their state laws;

substantial protections for the states that level the playing field between state and federal government where the federal government seeks to overturn state law in U.S. District Court, including a bar on retroactive relief; and

the elimination of the private right of action so as to bar either the private sector or foreign governments from preempting state or local laws.

We would be remiss if we did not acknowledge the fine work that U.S. Senator Kent Conrad has done in championing these issues. His contribution to the process has been immeasurable.

The major points of our agreement should not belie the importance of the dozens of specific provisions which give clear and effective meaning to these federal obligations. In summary, in a separate communication, we are strongly recommending to our colleagues, the Attorneys General of the other states who joined us in initiating this dialogue, that this comprehensive agreement be supported as one that effectively preserves for the states a meaningful role and significant opportunity to defend and protect state law.

Sincerely,

MICHAEL E. CARPENTER,
Attorney General of Maine, Chair, NAAG Trade Workgroup,
CHARLES W. BURSON,
Attorney General of Tennessee, NAAG President,
HEIDI HEITKAMP,
Attorney General of North Dakota, Vice Chair, NAAG Trade Workgroup.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the memorandum of law from the assistant attorney general concerning Professor Tribe's letter be printed in the RECORD as well.

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

DEPARTMENT OF JUSTICE,
OFFICE OF LEGAL COUNSEL,
Washington, DC, July 29, 1994.

Re whether the GATT Uruguay round must be ratified as a treaty.

Memorandum to Ambassador Michael Kantor, U.S. Trade Representative.

From: Walter Dellinger, Assistant Attorney General, Office of Legal Counsel.

This is to provide you with the views of the Office of Legal Counsel on the question whether the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) requires approval as a treaty by a two-thirds vote of the Senate. In our opinion, the Uruguay Round may constitutionally be adopted in the manner in which trade agreements of this kind are ordinarily approved—that is, by passage of implementing legislation by simple majorities of both Houses of Congress, together with signing by the President.[1]

In a recent letter to Senator Robert Byrd, Professor Laurence H. Tribe took the position that "if there is any category of international agreement or accord that must surely be submitted to the Senate for approval under the unusually rigorous two-thirds rule of the Treaty Clause [U.S. Const., Art. II, §2, cl. 2], that category must include agreements like the Uruguay Round, which represents not merely a traditional trade agreement but a significant restructuring of the power alignment as between the National Government and the States." See

[1] Footnotes at end of article.

"Leading Scholar Says Uruguay Round Must Be Ratified As Treaty," Inside U.S. Trade at 1–2 (July 22, 1994) (Tribe Letter). Professor Tribe contends that the legal regime that would ensue from the enactment of the GATT implementing legislation "would entail a significant shift of sovereignty from state and local governments to the proposed World Trade Organization (WTO), in which the interests of these entities would be represented exclusively by the U.S. Trade Representative." Id. at 1. Professor tribe concludes that "the legal regime put in place by the Uruguay Round represents a structural rearrangement of state-federal relations of the sort that requires ratification by two thirds of the Senate as a Treaty." Id.

We disagree. As this Office pointed out nearly forty years ago when first considering the constitutional issues posed by the GATT, "it has been a well established principle of our constitutional law that the Congress, as distinguished from the Senate alone, may direct and participate in the making or implementation of certain international agreements." Memorandum for the Attorney General J. Lee Rankin, Assistant Attorney General, Office of Legal Counsel, re: Constitutional Aspects of the General Agreement on Tariffs and Trade 24 (November 19, 1954) (Rankin Memo). In particular, Congress has frequently enacted major international trade agreements that apply to the States, including agreements that raise the possibility that State law might be challenged as inconsistent with our international obligations.[2] "Every recent trade agreement entered into by the U.S. has imposed obligations on the states. This includes the Tokyo Round (1979), the U.S.-Canada Free Trade Agreement (1988) (CFTA) and the North American Free Trade Agreement (1993) (NAFTA) . . . [U]nder NAFTA, the states assumed the obligations of the trade agreement, including the possibility that a state law could be challenged, as inconsistent with U.S. obligations, in dispute settlement proceeding[s] brought by Canada or Mexico." Memorandum to Walter Dellinger, Assistant Attorney General, Office of Legal Counsel, from Ira Shapiro, General Counsel, United States Trade Representative, at 1 (July 24, 1994) (Shapiro Memo).[3] See also The Constitution of the United States of America: Analysis and Interpretation, S. Doc. No. 16, 99th Cong., 1st Sess. 523 (1987) ("the most copious source of executive agreements has been legislation which provided authorization for the entering into of reciprocal trade agreements with other nations"); Restatement (Third) of the Foreign Relations Law of the United States §303(2) (1987) ("the President, with the authorization or approval of Congress, may make any international agreement dealing with any matter that falls within the powers of Congress and of the President under the Constitution").

The Constitution itself recognizes the possibility of international agreements other than "treaties" in the sense of Art. II, §2, cl. 2. In limiting the powers of the states, it provides that "[n]o State shall enter into any Treaty, Alliance, or Confederation," but continues that "[n]o State shall, without the consent of Congress . . . enter into any Agreement or Compact . . . with a foreign Power. . . ." U.S. Const., Art. I, §10, cl. 1, 3. Thus, while a state may not enter into a "Treaty" with a foreign power, it may (with Congress's approval) enter into an "Agreement or Compact" with one. "Unless, therefore, the position is taken that the Federal Government does not have the power to use techniques of agreement made available to the states . . . the conclusion is inescapable that the Federal Government was intended to have the power to make 'Agreements' or 'Compacts.'" Rankin Memo at 26. Accordingly, from the beginning of the Republic to the present, Presidents and Congresses have elected enter into international agreements in preference to formal treaties.[4] The State Department advises us that from January 1, 1946, to December 31, 1993, the United States concluded 732 "treaties" (in the sense of Article 2, §2, cl. 2) and 12,968 other international agreements, the overwhelming majority of which were based at least in part on Congressional legislation, principally legislation delegating to the President the authority to conclude international agreements.[5]

Further, the Supreme Court has recognized "the power to make such international agreements as do not constitute treaties in the constitutional sense. *United States* v. *Curtiss-Wright Corp.*, 299 U.S. 304, 318 (1936); see also *Weinberger* v. *Rossi*, 456 U.S. 20, 30 n.6 (1982) "We have recognized . . . that the President may enter into certain binding agreements with foreign nations without complying with the formalities required by the Treaty Clause"); *Dames & Moore* v. *Regan*, 453 U.S. 654, 679 (1981) (although settlements of U.S. nationals' claims against foreign countries "have sometimes been made by treaty, there has also been a longstanding practice of settling such claims by executive agreement without the advice and consent of the Senate.").[6] In *Field* v. *Clark*, 143 U.S. 649 (1892), the Court sustained legislation that authorized the President to impose tariffs in order to secure reciprocal trade with other countries. The Court summarily rejected the claim that the legislation represented an unconstitutional delegation to the President treaty-making powers, *id.* at 694; see also *Hampton & Co.* v. *United States*, 276 U.S. 394, 410–11 (1928). The Court has also stated, in holding that a later Act of Congress may override a treaty, that the participation of the House of Representatives in enacting such legislation "does not render it less entitled to respect in the matter of its repeal or modification than a treaty . . . If there be any difference in this regard, it would seem to be in favor of an act in which all three of the bodies [i.e., the President, the Senate and House] participate." Head Money Cases, 112 U.S. 580, 599 (1884) (emphasis added). *See also Edwards* v. *Carter*, 580 F.2d 1055, 1064 (D.C. Cir.), cert. denied, 436 U.S. 907 (1978) (treaties and legislation are alternative, concurrent means provided in the Constitution for disposing of territory belonging to the United States).[7]

Accordingly, "it is now widely accepted that the Congressional-Executive agreement is a complete alternative to a treaty: the President can seek approval of any agreement by joint resolution of both houses of Congress instead of two-thirds of the Senate only. Like a treaty, such an agreement is the law of the land, superseding inconsistent state laws as well as inconsistent provisions in earlier treaties, in other international agreements or acts of congress . . . [T]he constitutionality of the Congressional-Executive agreement is established, [and] it is used regularly at least for trade and postal agreements."[8]

We do not understand Professor Tribe to be arguing that trade agreements must in all cases be approved by two-thirds of the Senate. Rather, he appears to be claiming that the GATT Uruguay Round has some specific feature that requires that it—unlike other trade agreements—be ratified in the manner prescribed by the Treaty Clause. See Tribe Letter at 2 ("the Uruguay Round . . . represents not merely a traditional trade agreement but a significant restructuring of the power alignment as between the National Government and the States"). We are hard pressed, however, to identify with any certainty what is assertedly distinguishing feature of the GATT Uruguay Round is, or why it should entail the constitutional consequences that Professor Tribe seeks to draw from it.[9]

Conceivably, Professor Tribe might mean only that the GATT Uruguay Round will change the relative balance of control over various trade-related matters between federal and state governments. But such a shift would in itself raise no serious constitutional issues: it has long been settled that if federal legislation is within the substantive scope of a delegated relations.[10] To deny that the GATT Uruguay Round falls within the substantive scope of Congress's combined powers under the Interstate and Foreign Commerce Clause, U.S. Const., Art. I, §8, cl. 3, would be a radical attack upon the modern understanding of federal power: it would be an attempt to carve out of the scope of the Commerce Clause matters that are part of or closely related to that Clause's core meaning, which is that Congress can control the conditions of all trade and commerce that affect more states than one. We doubt that Professor Tribe is taking so extreme a stance.

While Professor Tribe says little about the specific nature of "restructuring of the power alignment as between the National Government and the States" that, in his view, triggers the application of the Treaty Clause, he does claim that enactment of the GATT implementing legislation "would entail a significant shift of sovereignty from state and local governments to the proposed World Trade Organization (WTO), in which the interests of these entities would be represented exclusively by" USTR. Tribe Letter at 1. We assume, therefore, that it is this particular feature of the GATT Uruguay Round that, in Professor Tribe's opinion, implicates the requirement for Senate approval under the Treaty Clause. Professor Tribe thus appears to be arguing that because the GATT Uruguay Round would diminish state sovereignty while augmenting the authority of the WTO—a foreign forum in which the states would be unable to represent themselves—that agreement can only be adopted in accordance with a procedure that provides maximum protection to the states. That procedure is found in the treaty ratification process, in which the states, by virtue of their equal representation in the Senate, are peculiarly well positioned to defend their own interests.

We do not dispute that "the Constitution's federal structure imposes limitations on the Commerce Clause." *Garcia* v. *San Antonio Metro. Transit Auth.*, 469 U.S. 528, 547 (1985). We also agree that state sovereignty within the federal system is "protected by procedural safeguards inherent in the structure of the federal system." Id. at 552; see also American Constitutional Law at 315, 480. Finally, we agree that among the procedural devices in the Constitution for protecting the rights and interests of the states, the equal representation of the states in the Senate is particularly important. See *Garcia*, 469 U.S. at 551–52; Tribe Letter at 1 (Senate has "enormous structural significance . . . as a forum for protecting the rights and interests of the several States and their local subdivisions").

We do not understand, however, why the asserted transfer of state authority to the WTO (even were this the case) should require the approval of two-thirds of the Senate, rather than a majority of both Houses of Congress.[11] As Professor Tribe himself has pointed out, *Garcia* "strongly . . . reaffirm[ed] a broad view of federal power." American Constitutional Law at 394. Congress's powers vis-a-vis the States are no less "broad" under the Foreign Commerce Clause than they are under the Interstate Commerce Clause.[12] If the Constitution permits Congress, when acting under the Interstate Commerce Clause, to affect the scope of state authority by majority votes of both Houses (together, of course, with Presidential approval), we see no reason why the states should be entitled to a different and more protective procedure when Congress affects them by acting under the Foreign Commerce Clause.[13] In both contexts, the states may rely on their influence on the legislative process. See *Garcia*, 469 U.S. at 556 ("[t]he political process ensures that laws that unduly burden the States will not be promulgated"); see also American Constitutional Law at 315–16.

Furthermore, we understand that the federal-state relationship under the proposed WTO agreement is not relevantly different from what it was under previous trade agreements. The scope and obligations of the WTO agreement are largely equivalent to those of the NAFTA. The dispute settlement procedures in the two agreements are also quite similar, and are quite close to those included in the CFTA. Moreover, "the relevant statutory provision[s] in the [Uruguay Round implementing legislation] are virtually identical to those of the NAFTA and CFTA, and largely the same as those of the 1979 Act implementing the Tokyo Round." Shapiro Memo at 2.[14] Accordingly, we find no reason here that requires Congress to proceed in this case by the treaty process, rather than by bicameral consideration, as in the case of the earlier trade agreements.

An examination of the dispute resolution procedures in the GATT Uruguay Round Agreement shows that those provisions do not represent "a significant shift of sovereignty from state and local governments" to the WTO. Tribe Letter at 1. Annex 2 of Uruguay Round Agreement sets forth rules and procedures to be followed in disputes over covered agreements. See Final Act Embodying The Results Of The Uruguay Round Of Multilateral Trade Negotiations, Marrakesh, 15 April 1994, Annex 2. A Dispute Settlement Body (DSB) is established to administer the rules and procedures. In certain circumstances, disputes are referred to expert panels, which report their findings and conclusions of law to the DSB. Appeals from panel cases are available. "Where a panel or the Appellate Body concludes that a measure is inconsistent with a covered agreement, it shall recommend that the Member concerned bring the measure into conformity with that agreement." Annex 2, art. 19(1) (emphasis added). Should a Member fail to bring the measure into compliance, it may be required to negotiate compensation for the complaining party or parties. Art. 22(2). If no satisfactory compensation is agreed upon, a complaining party may be authorized to suspend application of concessions or other obligations under the covered agreement. Art. 22(2), (6). Suspension of concessions or other obligations is only to be applied until compliance is secured, or the Member complained against "provides a solution to the nullification or impairment of benefits," or "a mutually satisfactory solution is reached." Art. 22(8). Of particular relevance to the states, "[t]he dispute settlement provisions of the covered agreements may be invoked in respect of measures affecting their observance taken by regional or local governments or authorities within the territory of a Member. When the DSB has ruled that a provision of a covered agreement has not been observed, the responsible Member shall take such reasonable measures as may be available to it to ensure its observance. The provisions of the covered agreements and this Understanding relating to compensation and suspension of concessions or other obligations apply in cases where it has not been possible to secure such observance." Art. 22(9).

These provisions make it clear that a decision by a DSB panel or Appellate Body is non self-implementing, and in particular that a panel decision does not operate directly upon the states to invalidate or supersede local law. Rather, the question whether to conform state law to a recommendation included in a panel report is purely a matter to be decided domestically. In the first instance, the state legislature itself might decide to apply the panel recommendation to its own law. Alternatively, Congress might achieve that result by a specific act of preemption, or the federal government might bring suit under the implementing legislation. This is not an enlargement of federal power at the expense of the states, since Congress might independently take these actions under the Commerce and Supremacy Clauses, U.S. Const., Art. II, §8, cl. 3, Art. VI, §2, even in the absence of the Uruguay Round Agreement. Further, rather than choosing to displace state law, the federal government might agree to pay compensation to the complaining party, or devise some other mutually satisfactory solution that did not affect state law. As another alternative (albeit not the preferred one), the federal government might submit to retaliatory measures by the complaining party, in the form of the suspension of concessions or other trade benefits. The affected states may of course seek to use their influence on the legislative process to secure the outcome most satisfactory to them—which may consist in the federal payment of compensation or in the loss of trade rights, rather than the alteration of state law.

Professor Tribe might be taken to be arguing that the GATT Uruguay Round gives Congress legislative authority to displace state laws that Congress would not have had in the absence of that executive agreement. Given the breadth of Congress's authority under the Interstate and Foreign Commerce Clause, however, we can see nothing in this agreement that would add any lawmaking power to those Congress already possesses, since the matters covered by the agreement appear to fall within the regulation of commerce. While it may be true that the agreement provides Congress with reasons to enact legislation that it had not previously had (e.g., the desire to maintain a particular regime for international trade), that is not to say that Congress's powers to legislate under the Commerce Clause have been augmented.

Thus, the Uruguay Round agreement's dispute resolution procedures do not, in our judgment, represent a loss of state sovereignty either to the federal government or to an international trade organization. Even assuming that the states may not represent themselves before a DSB panel or Appellate Body, it is Congress, not the DSB, whose decision with regard to state law is dispositive Accord Shipiro Memo at 2. Nothing in these arrrangements requires Congress to deal with the GATT Uruguay Round Agreement as a "treaty" rather than as a trade agreement like NAFTA or CFTA.

FOOTNOTES

[1] It is important to note that the implementing legislation for the GATT Uruguay Round provides that Congress specifically "approves" the trade agreement negotiated by the President. This was also the case for earlier trade agreements, including the Tokyo Round, the U.S.-Canada Free Trade Agreement, the U.S.-Israel Free Trade Area Agreement, and the North American Free Trade Agreement. See, e.g., North American Free Trade Agreement Implementation Act, Pub. L. No. 103-182, §101(a), 107 Stat. 2057, 2061; United States-Canada Free Trade Agreement Implementation Act of 1988, Pub. L. No. 100-449, §101(a)(1), 102 Stat. 1851, 1852, reprinted as note to 19 U.S.C. §2112; see generally 19 U.S.C. §2903(a).

[2] Professor Tribe acknowledges that "we have, as a Nation, fallen into an almost habitual pattern of regarding trade agreements as proper subjects for enactment through the concurrence of the President and a majority of both Houses of Congress." Tribe Letter at 2.

[3] The U.S.-Israel Free Trade Area Agreement may also be mentioned here.

[4] See Louis Henkin, Foreign Affairs and the Constitution 173 (1975).

[5] In our judgment, the longstanding practice of regarding trade agreements as subject to the ordinary procedures of bicameral passage and presentment to the President offers significant support for the conclusion that it is sufficient here. Even prior to the Trade Act of 1974, "approval of trade agreements had taken one of three forms: as a treaty made with the advice and consent of two-thirds of the Senators, as a congressional-executive agreement authorized in advance by omnibus legislation, or as a congressional-executive agreement authorized after negotiation by a joint resolution or by implementing legislation approved by a majority of both houses . . . [T]he drafters of the 1974 Act created a new legislative mechanism. Known commonly as the 'fast-track' procedure, this device structured the President's discretion to negotiate trade agreements in exchange for a congressional commitment to approve or disapprove those agreements quickly and without amendment." Harold Koh, *Congressional Controls on Presidential Trade Policymaking After "I.N.S.* v. *Chadha"*, 18 N.Y.U.J. Int'l L. 1191, 1201–02 (1986). Like other major post-1974 trade agreements, the GATT Uruguay Round Agreement is proceeding on the "fast-track" procedure, which of course involves bicameral passage.

[6] The Court in *Rossi* and *Dames & Moore* was apparently referring, in the statements cited above, to international agreements that the President entered into on the basis of his inherent powers alone. Such "sole" executive agreements may function much as treaties do, and can even preempt inconsistent state law. See *United States* v. *Pink*, 315 U.S. 203 (1942); *United States* v. *Belmont*, 301 U.S. 324 (1937).

As Professor Tribe notes, the GATT Uruguay Round proposal involves an executive agreement that was negotiated pursuant to Congress's authorization and that would be implemented by legislation enacted by both Houses. See Tribe Letter at 1 ("what is proposed in this instance is not simply an executive agreement but an agreement that is to be implemented by congressional legislation"). Such international agreements would, if anything, be even more likely to prevail over inconsistent state law than "sole" agreements. See *Barclays Bank PLC* v. *Franchise Tax Board of California*, No. 92-1384, slip op. at 31–32 (June 20, 1994) (declining to address whether "the President may displace state law pursuant to legally binding executive agreements with foreign nations made 'in the absense of either a congressional grant or denial of authority, [where] he can rest only upon his own independent powers'" (quoting Youngstown Sheet & Tube Co., 343 U.S. 579, 637 (1952) (Jackson, J., concurring))).

[7] Presidents and members of Congress have also maintained that the same objects can be achieved by legislation as by treaty. "When the Senate failed to ratify a treaty for the annexation of Texas, President John Tyler advisor the House of Representatives: 'The power of Congress is, however, fully competent in some other form of proceeding to accomplish everything that a formal ratification of the treaty could have accomplished. . .'". Louis

Henkin, Constitutional Conflicts between Congress and the President 227-28 (1991). President Tyler's view accorded with that of Senator John C. Calhoun, who asserted that the annexation of Texas could be accomplished by legislation. "It is now admitted that what was sought to be effected by the Treaty submitted to the Senate, may be secured by a join resolution of the two houses of Congress incorporating its provisions. This mode of effecting it will have the advantage of requiring only a majority of the two houses, instead of two-thirds of the Senate." Quoted in Myres S. McDougal and Asher Lans, Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy; I, 54 Yale L. J. 181, 181 (1945). See also Pub. Papers of Harry S. Truman 323 (1947).

[8] Foreign Affairs and the Constitution at 175-76; see also John H. Jackson, The General Agreement on Tariffs and Trade in United States Domestic Law, 66 Mich. L. Rev. 250, 253 (1967) ("[i]t is generally settled that under our Constitution international 'treaty' obligations can be established . . . [by] an executive agreement of the President, acting under authority delegated by an act of Congress"); Treaties and Congressional-Executive or Presidential Agreements, 54 Yale L. J. at 239 ("practice under the Constitution . . . has confirmed beyond doubt . . . that the treaty-making power is no barrier to Congressional authorization or sanction of agreements"); *Congressional Controls on Presidential Trade Policymaking After "I.N.S.* v. *Chadha"*, 18 N.Y.U.J. Int'l L. at 1195 n. 13 ("[t]reaties and congressional-executive agreements are now generally treated as interchangeable instruments of U.S. foreign policy").

We need not consider here whether treaties and legislation are interchangable instruments in all contexts. The State Department informs us that in 1949, the Legal Adviser opined that "[t]he correct test to be applied in determining whether what are called 'executive agreements' are an acceptable constitutional alternative to treaties, is whether constitutional authority other than the treaty making power exists for the President to negotiate and conclude the agreement and for Congress to enact any legislation which may be necessary fully to carry out the agreement." In the case of trade agreements such as the GATT Uruguay Round, such authority plainly exists: in the President, by reason of his authority to conduct the United State's international negotiations, see, e.g., *Dep't of Navy* v. *Egan*, 484 U.S. 518, 529 (1988) (Supreme Court has "recognized 'the generally accepted view that foreign policy was the province and responsibility of the Executive.'") (quoting *Haig* v. *Agee*, 453 U.S. 280, 293-94 (1981)); *Alfred Dunhill of London, Inc.* v. *Republic of Cuba*, 425 U.S. 682, 705-06 n. 18 (1976) ("the conduct of [foreign policy] is committed primarily to the Executive Branch"), and in Congress, by reason (among others) of its power to regulate foreign commerce, see, e.g., *California Bankers Ass'n* v. *Schultz*, 416 U.S. 21, 59 (1974).

[9] We note that the leadership of the National Association of Attorneys General (NAAG) workgroup on trade issues; which represents the state Attorneys General on this matter, has written to the U.S. Trade Representative to say that the implementing legislation and statement of administrative action that will be submitted to Congress "meet essential needs of the states." Letter to Honorable Michael Kantor, U.S. Trade Representative, from Michael E. Carpenter, Attorney General of Maine, Chair, NAAG Trade Workgroup (July 27, 1994).

[10] See, e.g., *Perez* v. *United States*, 402 U.S. 146, 150-54 (1971); *Wickard* v. *Filburn*, 317 U.S. 111, 118-29 (1942), *Darby* v. *United States*, 312 U.S. 100, 114-15 (1941), *Steward Machine Co.* v. *Davis*, 301 U.S. 548, 587-90 (1937). Professor Tribe, of course, recognizes this fact: "So long as Congress act within an area delegated to it, the preemption of conflicting state or local action—and the validation of congressionally authorized state of local action—flow directly from the substantive source of power of the congressional action coupled with the supremacy clause of article VI; *such cases may pose complex questions of statutory construction but raise no controversial issues of power.*" Laurance Tribe, American Constitutional Law 479 (2d ed. 1988) (emphasis added).

[11] We are aware of no evidence in the Framers' or Ratifiers' debates or in The Federalist that the requirement of two-thirds Senate approval for treaties was bottomed on the desire to protect the sovereignty of the states. "President Washington stated in [1796] that it was 'well known' that powers such as the treaty power were granted to the Senate on the insistence of the smaller States, which claimed that their sovereignty and political safety depended on equal participation in those powers." The United States Senate (1787-1801), S. Doc. 19, 99th Cong., 1st Sess. 15 (1985). But Washington was apparently referring to the small states' fear that the larger states might combine together to obtain treaties for their own commercial advantage, see id. (reviewing original materials). Thus, requiring treaties to be approved by a Senate supermajority seems to have been a device for protecting the smaller and less populous states from trade arrangements that favored the larger states, rather than a means of guarding state sovereignty from usurpation by the national government.

[12] "In 'the unique context of foreign commerce,' a State's power is further constrained because of 'the special need for federal uniformity.'". *Barclays Bank*, slip op. at 11 (quoting *Wardair Canada, Inc.* v. *Florida Dep't. of Revenue*, 477 U.S. 1, 8 (1986)); cf. *Reeves, Inc.* v. *Stake*, 447, U.S. 429, 437-38 n.9 (1980) ("Commerce Clause scrutiny may well be more rigorous when a restraint on foreign commerce is alleged").

[13] Indeed, if this were so, then all trade agreements affecting state sovereignty would have to be submitted to the Senate as treaties—a conclusion we have considered and rejected above.

[14] Indeed, if anything, the implementing legislation for the GATT Uruguay Round may well build in greater protections for the states than earlier trade legislation. See Shapiro Memo at 3-4.

Mr. MOYNIHAN. I will soon move to table the amendment, but I do not want to interfere with the time of the distinguished former President pro tempore.

Mr. THURMOND. I would like to speak on this matter.

Mr. MOYNIHAN. Then I will withhold my motion.

The PRESIDING OFFICER (Mr. PYROR). The Senator from South Carolina [Mr. THURMOND] is recognized.

Mr. THURMOND. Mr. President; I rise today in support of the amendment by my friend from North Carolina. Recently, I offered an amendment to the foreign operations appropriations bill regarding a similar subject. As I stated then, I have serious concerns over the World Trade Organization, known as the WTO and the effect that it will have on the sovereignty of our Nation.

The WTO will be the arbitrator of trade disputes between signatory countries. While the WTO will not have the authority to change our laws, it will be able to pressure the United States enough to make us change our laws. The decisions handed down by the WTO will be voted on by the member countries. Each country gets one vote and, except in some cases, a majority vote rules. While the WTO has been described as a United Nations of trade, the U.S. will not have veto power over WTO decisions. All decisions are final.

The U.S. will have four choices of action if the WTO rules against our country. We can either: First, leave the WTO, Second, pay tariff penalties to other countries, Third, not enforce our domestic laws, or Fourth, change our laws to comply with the WTO ruling. Most of the Federal, State, and local laws that would be contested have been enacted to protect the rights, safety, and health of our workers and the environment of our country.

One argument used to justify the WTO is that other countries would not impose harsh penalties against the U.S. since we have such a lucrative marketplace. However, I do not think any of us can really be sure how the developing nations of the world, which account for 83 percent of the WTO membership, will vote when a situation arises.

I want to repeat that—how the developing nations of the world, which account for 83 percent of the WTO membership, will vote with when a situation arises.

Mr. President, those of us who were serving the Senate during some of the previous GATT rounds have heard many of the same arguments that the Clinton Administration is making with regard to this agreement. In fact, the claims regarding the Uruguay round are strikingly familiar to those made by the Carter Administration at the close of the Tokyo round talks in the late 1970's. At that time, we were told that bold new steps, such as those incorporated into the Tokyo round, were needed to eliminate our trade deficit and to make America more competitive in the global marketplace. Yet, Mr. President, the exact opposite happened. I repeat. The exact opposite happened. After implementation of the Tokyo round, the United States trade deficit grew from $14 billion in 1979 to over $115 billion in 1993. Further, we saw a major decline in the steel, textile, apparel, and electronics industries. During this same time, these industries were struggling to survive due in part to the closed markets of other countries.

Mr. President, I think this amendment is a good amendment, and I hope my colleagues will see fit to support it.

Now, this amendment provides under the findings after paragraph 3 that in the World Trade Organization the United States will have only 1 out of 117 votes. I want the Senate to hear that. It will have only 1 out of 117 votes and will lose the veto power it had in the GATT organization that the World Trade Organization replaces.

Mr. President, it also provides in paragraph 4 under the GATT treaty, the United States will pay 20 percent—I repeat, 20 percent, of the burden of the World Trade Organization. We will have less than 1 percent of the voting power. We will pay 20 percent of the burden and have 1 percent of the voting power.

The World Trade Organization has a potential of overriding U.S. law. Do we want that to be the case? Do we want the World Trade Organization to override domestic law? Mr. President, that is what it will do. Why should we relinquish that power to any World Trade Organization, or any other organization to override our laws?

Now, under the Constitution we have a right to make treaties. Why not let the President submit this as a treaty and let the Senate consider it? We think that is the right way to do it.

I also wish to remind the Senate that under the fast-track rules, Senators

are prohibited from amending the agreement and debate is limited to 20 hours on the floor. We will not have the opportunity to make an amendment under the fast-track. You vote for it or you vote against it.

And we think that is a mistake to pass this under the fast-track rule. We think it is a great mistake and, therefore, we feel that this WTO organization which has 117 members can pass a law that will override the laws of the United States and we do not even have a veto. I repeat, and Senators better wake up here and see what they are doing. We pass a law that will override the laws of this country and do not even give us a veto. Are we not foolish to do such a thing? I repeat. This is a dangerous situation, and I would hope that the amendment of the Senator from North Carolina will be agreed to.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. 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.

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

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

Ms. MIKULSKI. Mr. President, while we are waiting for one more Senator to come and speak on the Helms amendment, as the manager of the VA-HUD appropriations, I wish to announce to my colleagues that knowing of no other amendments it would be my hope to move to third reading after the disposition of the Helms amendment. I will have a committee amendment, en bloc.

So, therefore, if Senators have anything else they want done, they have to tell us right this minute, and I would hope that Senators will stay on the floor so we could complete our action on both the Helms amendment and my bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from North Carolina [Mr. HELMS], for his pursuit of this important matter. I strongly support his amendment. The agreement that has been negotiated by the executive branch is far-reaching in its scope and establishes a powerful new international institution which impacts on our Nation's economy, its laws, and, indeed its sovereign powers. It impacts on this institution also. I have grave institutional concerns in regard to this matter. It needs the full attention of every Senator and ought to be debated at length.

The World Trade Organization, which is established by this international agreement, apparently has the potential power to affect U.S. laws. Will this organization, which would include the United States as a member with 1 vote among 117 countries, be able to overturn U.S. laws, environmental laws, fuel efficiency regulations, and many other laws? That is the accusation made by the growing number of critics of this agreement. Senators need to fully understand the implications of the mandate being given to this new organization.

The cost of the agreement will be very large. The Congressional Budget Office puts the cost at $40 billion over 10 years, and $10 billion over the first 5 years because of lost tariff revenues. So there is a very significant negative economic impact, certainly in the first decade.

This body, under the fast-track procedures—which I voted against—will have no ability to amend the agreement. It rolls through here with a maximum of 20 hours of debate on the Senate floor.

There are serious economic, institutional, trade, and constitutional issues at stake here. Most Senators, I believe, have not had the opportunity to examine the details and the implications of the agreement.

Some Senators have raised the question as to why it should be considered in the form of a treaty, rather than an executive agreement. It binds the nation internationally in a way that has many serious implications for our Nation, and in matters of this weight the Framers intended that a higher standard, super-majority was needed.

Why should this body rush into approving this agreement this year? I hope that the administration will not send up the agreement this year. Congress can wait, and I think it ought to wait, until next year, next spring, after a full investigation of the ramification of this agreement. In any case, implementing legislation is not needed until July of next year. Most other nations, I understand, have not approved this agreement. I understand that many other nations are treating this agreement as a treaty in their constitutional processes. I wonder how many of them have these "fast-track" procedures.

The Senator from North Carolina is rightly concerned over the way this body is being forced to handle the agreement. We are being forced to handle it partly through our own fault, too, may I say to my friend. I agree with him. However, I do think that most Senators should not be forced to vote on his amendment at this time because they do not now have sufficient information to make a judgment on the matter. I do not have sufficient information to make a judgment on this matter, and I am sure there are others in my same predicament. It will take further study, serious study and reflection on their part to make a decision on whether to support the GATT agreement.

So I respectfully suggest to the Senator that he withdraw his amendment at this time and that the Members of this body make a major effort over the next weeks and months to understand the implications of their vote.

I am concerned that if we have a vote today, it will certainly have the effect of locking some Senators in on their vote, Senators who may not have had an opportunity to study the implications. Others have studied it and they have made a decision. I respect their decision, those who disagree with me on it. But, as one Senator, I certainly have not had the opportunity.

I will vote with the Senator, if he persists in going through with the vote, but I hope and respectfully urge that he will not press this to a vote today and that he will withdraw his amendment.

He made a good statement. Others have made statements on it. I respectfully recommend that he not pursue the matter further and that he withdraw the amendment.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, the Senate has just heard how and why the distinguished Senator from West Virginia has earned the respect and admiration of so many of us. When I list the truly great Senators with whom I have had contact and served, I always begin with the name of ROBERT C. BYRD.

Frankly, he and I have discussed exactly what he has proposed. I agree with him. We have made our case and it is a matter of record.

I might add, Mr. President, that more and more Senators every day are looking into the World Trade Organization. We have had at least two luncheon meetings attended by 30 or 35 Senators, most of whom left absolutely astonished.

I think it is wise to defer further consideration and to give time for the Senate to think about it and specific Senators to learn about the World Trade Organization.

Having said that, I thank the distinguished Senator from West Virginia. He has been a wonderful friend to me and I appreciate what he said.

I will withdraw the amendment.

The PRESIDING OFFICER. The Senator from North Carolina has that right. The amendment is withdrawn.

The amendment (No. 2458) was withdrawn.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his withdrawing of the amendment.

The PRESIDING OFFICER. The question before the Senate now is the first excepted committee amendment.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I now ask unanimous consent that the remaining committee amendments be

considered and agreed to en bloc, and that the motions to reconsider the votes be laid upon the table en bloc.

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

So the excepted committee amendments were agreed to en bloc.

CLEAN FUEL TECHNOLOGY

Mrs. BOXER. Mr. President, recent interest over gasoline additives and clean-fuel vehicle requirements in California and the northeast and mid-Atlantic States have renewed debate over the ever-expanding clean fuel technology issue.

Electric vehicles have received strong endorsements this year from both the California Air Resources Board and Ozone Transport Commission, representing the 12 northeast and mid-Atlantic States and the District of Columbia. Zero emission vehicles, of which electric-powered vehicles are the only practical means available, are a critical part of these States' efforts to achieve improved air quality for their citizens. It is time that we move seriously to not only support greater research and development in clean fuel vehicles, but to stimulate fleet purchases of these vehicles, aid the critical infrastructure development and support our States' efforts to deal with the Clean Air Act requirements to improve their air quality.

I ask unanimous consent to submit for the RECORD a copy of a recent article in the New York Times titled, "The Truth About Electric Cars." This article dispels some of the myths that no one will buy electric vehicles because they will be too expensive and because motorists want to drive more than 100 miles in a day. That is not the case. Electric vehicles—buses, cars, and utility vehicles—will provide an important part of our comprehensive plan to clean up tailpipe pollution. People will buy them, too, some perhaps because it's a good thing to do for the environment but also because consumers will want this "clean" technology: no oil filters, smelly fuel pumps, and broken fan belts.

All one has to do is see the people on the street of Santa Barbara, CA, wave on the diesel transit buses so they can catch a ride on the clean electric buses to know that there is a market for electric vehicles in America's cities.

There being no objection, the article was ordered to be printed in the RECORD.

THE TRUTH ABOUT ELECTRIC CARS

(By Noel Perrin)

THETFORD CENTER, VT.—In 1998, New York State is to join California, Maine and Massachusetts in requiring auto makers begin selling electric cars. Not many—just 2 percent of the cars a manufacturer sells in the state that year. But that's still too many for the oil companies, which don't want to lose any part of their gasoline market. In their campaign to prevent the New York regulations from going into effect, these companies have been running scare ads.

The ads focus on money. They could hardly focus on quality, because the quality of modern electric cars is too high. When Popular Science test-drove a General Motors Impact earlier this year, a prototype, it reported that the vehicle was "not so much a surprisingly good electric car, but possibly the best-handling and best-performing small car that G.M. has ever turned out."

A Mobile ad I saw in June quoted a study asserting that electric cars could cost at least $10,000 more to manufacture than comparable gas-powered cars, and maybe as much as $27,000 more. Who would pay that much? Almost no one. Therefore, the ad maintained, the auto companies will artificially reduce electric-car prices to the level of gasoline-powered cars—and lose money on every one. They'll then recoup their losses by raising prices on all other cars.

The Mobil ad predicted that if the new regulations go into effect, everyone in New York buying a gasoline car in 1998 could get zapped an extra $600. Forty-nine conventional-car buyers all handing over $600 to subsidize one environmental maniac who wants an electric car. Even the math is a little funny here. When I multiply $600 by 49 people, I get $29,400. I thought the maximum difference was $27,000, and the more probable difference around $10,000. If it's $10,000, the zap per gasoline-car buyer drops to $204.

But never mind the math. The whole premise is absurd.

Take my electric Audi, my beautiful, steel-gray commuter car. Last year I paid $10,250 for it. I can and do drive to work in it, zipping down the interstate at 60 miles an hour. True, I can't drive very far—about 45 miles before recharging overnight. But that gives me enough power for short trips around town, and the cost of recharging is negligible. No one has given me a subsidy. Granted, mine is an old Audi, built in 1983 and converted to electric in 1992 (not by me). But it's unlikely that I could find a 1983 gasoline Audi in perfect order for $250.

Or take the current stock in trade of Green Motorworks, an electric-car dealer in southern California. Its cars start at $9,995.

But Mobil isn't talking about used electric cars nor about converted gasoline cars like my Audi, or like the Electric Leopard at Green Motoworks. It's talking about new electric cars, built from scratch in 1998. It's claiming they will cost from $10,000 to $27,000 more than comparable cars with combustion engines.

Can this really be true for a car that is simpler in design? That does not yet enjoy the economic advantages of mass production but will well before 1998? Compare a gasoline engine and an electric motor sometime and see which has more moving parts. Consider which vehicle needs a catalytic converter on the tailpipe—and which one needs a tailpipe at all, or a muffler, or a fan belt, or antifreeze, or motor oil.

Oh, I admit the oil companies are getting some support from Detroit. There's a man at Ford, and a very high-ranking one, who says that a decent electric car would cost $100,000 to build. Chrysler is selling a few electric vans right now. The price: $100,000 each. Scary.

But Detroit is not the only place where cars are built. There's France, for example, where automobiles got their start 100 years ago. Both Renault and Peugeot Citroën will begin production of electric cars next year. Peugeot Citroën plans an initial run of 10,000 cars.

Now listen to Jean-Yves Helmer, the head of Peugeot's car division. "The production cost of an electric car is lower than a standard car," he said in an interview in Automotive News this spring. Mr. Helmer expects to be selling electric Peugeots and Citroëns in France next year for $10,700. He thinks he could price them the same in the United States. What about the scare-figures thrown around by Mobil and Ford and Chrysler? "Their cost estimates seem to be highly inflated," he says politely.

And an electric Peugeot at $10,700 is still not going to be the cheapest electric vehicle in the world. There's a company in Taiwan that expects to be making and selling an electric car for just under $5,000. (I admit it's a smaller vehicle than I have any interest in owning—about the size of a golf cart.)

So whom do you believe? The oil companies with their somber predictions? Or Mr. Helmer, who will be ready to sell inexpensive electric cars next year?

GORTON AMENDMENT NO. 2449

Mr. GORTON. Mr. President, today I thank the chairman and ranking Republican for accepting my amendment, which is designed to allay the fears of thousands of retired Americans in my State and across the Nation who live in 55 and over communities. I have received nearly 2,000 letters from concerned residents of 55 and over communities in Washington about a proposed rule published by the Department of Housing and Urban Development on July 7, 1994.

The rule proposes to enforce a provision of the Fair Housing Act that requires private 55 and over communities to provide their residents with "significant facilities and services designed to meet the physical and social needs of older persons." I believe, as do my constituents, that the Department's proposed rule goes too far in mandating that all 55 and over communities provide expensive facilities and services and make these services accessible to older persons with mobility, visual, and hearing impairments. HUD's proposed rule would require these communities to have facilities and services more extreme than those required under current law and above and beyond those required by the Americans With Disabilities Act.

The list of examples published with the Department's proposed rule includes adult day health facilities, outpatient treatment facilities, congregate dining facilities, and counseling and support services for diseases affecting senior citizens. Not only are the items on this list extremely expensive to provide, but the list is taken directly from section 202 supportive housing for the elderly—a federally funded public housing program. Clearly, Mr. President, privately owned and operated 55 and over communities catering to low- and moderate-income seniors cannot be expected to have the same facilities and services as federally funded housing projects. I understand that this list is intended only to provide examples of those facilities and

services which will meet the new requirements, but, my constituents are rightly concerned that it will simply be used as a checklist by fair housing investigators.

While I understand that the Department, in publishing the proposed rule, is complying with section 919 of the Housing and Community Development Act of 1992, I am not certain that it was truly the intent of Congress to mandate these expensive facilities and services for communities catering to retired Americans. My constituents rightly believe that they have the intelligence to decide for themselves whether they need to live in a community with facilities and services designed for the ailing and disabled without the assistance of the Federal Government.

The residents, owners, and operators of 55 and over communities throughout the Nation are justifiably concerned that HUD's proposed rule, if enacted, will regulate them out of existence. Most of the retirement communities affected by the Department's proposed rule are low- to moderate-income mobile home parks and condominium complexes. The residents of these communities can clearly not afford the extravagant facilities and services the Department provides as examples of those meeting the requirements of the proposed rule. My constituents have informed me that if the proposed rule is enacted, they will be forced drastically to increase rents, or give up their exemption from the Fair Housing Act.

The Department, in anticipation of these concerns, has scheduled a number of public hearings to provide the owners, operators, and residents of 55 and over communities the opportunity to express their specific concerns. This is the right thing to do. I thank the Department for its cooperation and consideration in responding to my concerns and those of my constituents. I am pleased that the Department has agreed to hold a hearing in Washington State and another in the northeast in addition to those already scheduled in California, Florida, and Arizona.

The purpose of my amendment, then, is simply to allow for a greatly extended public comment period to provide the residents of these communities an opportunity to inform the Department of their specific concerns, to provide the Department ample time to take these concerns into consideration, and to allow Congress time to decide whether it truly intended that such strict requirements be placed on America's retirement communities. To accomplish this end, my amendment will withhold funding for the publication, implementation, and enforcement of HUD's proposed rule until July 1, 1995. I believe this to be a reasonable request, given the amount of anger, frustration, and fear raised by the Department's proposed rule. I thank the chairman and ranking Republican for accepting my amendment, and I hope that they will make every effort to hold the amendment in conference.

EPA'S GREEN LIGHTS PROGRAM: A MODEL FOR GOVERNMENT-INDUSTRY COOPERATION

Mr. BINGAMAN. Mr. President, we are considering today the appropriation bill for VA-HUD and Independent Agencies Subcommittee which includes funding for the Environmental Protection Agency [EPA]. As chairman for the Alliance to Save Energy, a nonprofit coalition of business, government, environmental, and consumer groups dedicated to the efficient use of energy, I am very familiar with energy efficiency programs and would like to highlight one exemplary program that is contained in the bill before us today—the U.S. EPA's Green Lights Program.

Senator JAMES JEFFORDS of Vermont, alliance co-chairman, and I believe the Green Lights Program is a model program for all agencies because it is cost-effective, builds partnerships with U.S. businesses, and secures voluntary commitments from industry to prevent pollution and save resources. This is the kind of partnership building President Clinton has urged all agencies to pursue to achieve the goals and missions of this administration.

Since the inception of EPA's Green Lights Program in 1991, the number of projects undertaken by U.S. businesses has grown from 258 in March 1992 to more than 6,000 in March 1994. This increase is remarkable. It shows that U.S. businesses prefer to work with Government in a way that encourages cooperation and consultation rather than adversarial and regulatory approaches.

The Green Lights Program creates jobs and export opportunities for American companies by expanding the market for energy efficiency and environmental technologies. Here are a few statistics on the growth of equipment and hardware installed by the Green Lights Partners in the past 2 years between March 1992 and March 1994. EPA shows an approximate 18.8 percent growth in energy efficient lamps; approximately 23.7 percent growth in electronic ballasts; and a 245-percent growth in occupancy sensors. Every time a homeowner and business buys new efficient technologies, they are helping an installer or factory worker earn a living.

The Green Lights Program is improving the environmental and economic competitiveness of U.S. businesses. Investing in pollution prevention lowers energy costs for U.S. business and can decrease the amount of emissions causing acid rain and smog that pollute our air and water systems. Upgrades completed by Green Lights Partners have already prevented approximately 385,000 tons of CO_2, 1,300 tons of No_x, and 24.5 tons of SO_2. With a combined budget of only $22.4 million for 1993 and 1994, EPA's Green Lights Program has avoided an investment of $161.5 million in new utility powerplants and saved its partners $43.4 million in electric bills per year.

The Green Lights Program demonstrates how voluntary partnerships between Government and industry can accomplish more than command and control measures. Together, this unique partnership is helping the environment and our economy by manufacturing equipment, installing hardware, saving energy, and reducing emissions.

FAIR MARKET RENTS

HOUSING PROJECT LOCATION

Mr. BINGAMAN. Mr. President, I rise today to address two issues regarding the Department of Housing and Urban Development. No. 1, which the good manager of the bill has already raised, is that of fair market rents. HUD had proposed, and the subcommittee had originally included, a change in the calculation of the fair market rent for the section 8 certificate program. The change would have reduced the fair market rate ceiling from the 45th percentile to the 40th percentile. I, along with others, contacted the chair of the subcommittee when it was brought to my attention that this change would have devastating effects on the housing authorities in New Mexico.

In the case of the Bernalillo County Housing Authority, for example, the cap on fair market rents for two-bedroom apartments is currently $450. The HUD proposal would have dropped that cap to less than $400. In Bernalillo County, which is enjoying an economic boom, correspondingly high occupancy rates, and increasing rents, this change would have dramatically reduced the available suitable housing for subsidized tenants.

I am, therefore, relieved that, in response to my concerns and those of other Senators, the manager of this legislation has decided not to adopt the HUD recommendation in this area. I greatly appreciate this decision, and believe that it will help hundreds of families in New Mexico secure safe, affordable housing.

The second issue I would like to raise, and perhaps take up again when this body considers the Housing Choice and Community Investment Act of 1994, is the issue of housing project location. In the South Valley of Bernalillo County, an application for funding to construct affordable housing was recently rejected by HUD. The reason given for its rejection was that it was situated in a minority area. Although I understand the intent of HUD is to prevent the concentration of public housing solely in minority areas, this intent must be balanced against the legitimate needs of the community to be served. In the case of the South Valley, the majority of the population

is Hispanic, and it is therefore impossible to locate public housing in a nonminority area of the community. Yet, the residents of the South Valley wish to live in safe, affordable housing within that community. They do not wish to leave the community for other areas of Bernalillo County, nor do they wish to move to Albuquerque. They want their housing needs to be addressed within their own community.

I have contacted Secretary Cisneros about this issue, and it is my hope that it can be resolved quickly. If not, however, I believe that we may need to revisit this issue when we consider housing authorization legislation later this session. Ensuring that our housing programs meet the needs of our communities is simply too important an issue not to address.

Again, I thank the good Chair for keeping the needs of New Mexicans in mind during the development of the legislation before us. I yield the floor.

SOUTH VALLEY WATER PROBLEM

Mr. DOMENICI. Mr. President, I am extremely pleased this bill includes $12 million in funding for the South Valley of Bernalillo County, NM, and I thank the distinguished chair for the subcommittee and the ranking Republican member for their favorable consideration of this urgent funding. The South Valley area has been settled since the 1700's and includes the three historic villages of Atrisco established in 1692, Los Padillas established in 1699. The South Valley is home to 12,000 people. The vast majority are Hispanic and many are poor. More than half of the children attending the area's two main elementary schools were eligible for free lunches through the Federal school lunch program, indicating household incomes under 130 percent of the poverty level.

For almost 30 years the South Valley community has suffered the health hazard of inadequate sewer and water facilities. Drinking water wells and septic tank leach fields are practically on top of each other. I am sure you can appreciate the tremendous health hazard this represents.

The septic tanks in the South Valley are contributing significantly to the aquifer's depletion and pollution. This is very serious because the aquifer is the water supply for the entire Albuquerque area. The water table in the aquifer has dropped 30 feet during the last decade. These facts support the conclusion that the problem is getting worse and so is the general quality of life in the South Valley.

I am aware that it would take more than $10 billion to help every community in need of a sanitary wastewater treatment system.

The Appropriations Committee last year made $500 million available for wastewater treatment for communities with special needs. That money is scheduled to become available this fall for projects that have been authorized.

Thus far this year, the House-passed VA-HUD appropriation bill leaves available, subject to authorization, the fiscal year 1994 $500 million communities with special needs account.

The Senate Appropriations Committee made wastewater treatment a higher priority, and identified specific projects that would receive funding in both fiscal year 1994 and fiscal year 1995. I am pleased that they included $12 million in fiscal year 1995 for the South Valley.

Taking 10 billion dollars' worth of need and prioritizing the top $500 million or even top billion dollars worth of projects is a thankless job.

If the test is: Congress should help those who help themselves, the South Valley residents should be helped.

If the test is: first projects to get an authorization passed by either body, the South Valley should be included in your bill because S. 1685 passed the Senate in November of last year. In fact, it passed the Senate twice and authorized $25 million for the South Valley.

If the test is taking a lemon and making lemonade, the South Valley should be at the head of the line.

If the test is emergency, the South Valley check should be in the mail.

The situation is so bad there is almost a daily story in the New Mexico newspapers.

"South Valley Residents Blame Water for Girl's Illness."

"Residents Learn to Live in Sewage."

"Living in a Cesspool."

For almost 30 years this community has suffered deteriorating housing stock, and the health hazard of inadequate sewer and water facilities.

The situation is so critical that there is a moratorium on building desperately needed multifamily housing units. These are units that could greatly improve the housing stock and quality of life in the South Valley neighborhoods.

The wastewater needs of the South Valley are diverse and will require several different approaches. While these are the starkest examples, the valley's problems are diverse. Some parts of the valley are semiurban and could be hooked up to the Albuquerque city system. Other sections of the South Valley would be best served by community-cluster style systems like the vacuum systems and constructed wetlands. In the least densely populated areas of the South Valley it makes sense to continue onsite water wells and wastewater disposal systems.

Making lemonade out of a lemon. Two elementary schools and a community center in the South Valley were having to pump their septic tanks daily in order to avoid sewage rising to the ground surface. Bacteria were found in the well of one of the schools about 2 years ago. One of the schools, Los Padillas School, had been using bottled water to drink and to prepare school lunches. The teachers used this dire situation to get the students interested in science. All of the kids learned about the dangers of unsafe drinking water. They learned about the constructed wetlands vacuum technology to treat their waste and to provide them with clean healthy drinking water.

Helping those who help themselves. In these tight fiscal times, it can be said that Congress helps those who help themselves. If this is the test, South Valley should be helped. This community has been untiring in its efforts to help itself. So many times its efforts have been ignored or rejected.

Nevertheless, its leaders should be commended. They never gave up.

The leaders of South Valley and I have been meeting on a regular basis for 9½ years to develop an action plan to address this problem. I particularly want to mention the hard work in New Mexico at the State legislature and in local government. Speaker of the House, Ray Sanchez; Senate President pro tempore, Manny Aragon; State Representative Kiki Saavedra; State Representative Delano Garcia; former county commissioner Orlando Vigil, county commissioner Al Valdez and county manager Juan Vigil have all worked tirelessly.

Their hard work has led to successes at the local level. These include the following: In 1991, the Bernalillo County Commission adopted a one-eighth cent tax on gross receipts in and for the unincorporated area of the South Valley to finance solid waste, water, and sewer. In the 2 years that this levy has been on the books, $1.5 million has been raised in annual revenue and $900,000 has been designated to assist residents in hooking up to water and sewer systems already in place. Some of this $900,000 has been used to upgrade substandard on-site wells or septic systems.

A partnership in the making. The city of Albuquerque, in partnership with Bernalillo County, has contributed its resources in the areas of research planning and education. The University of New Mexico—Institute of Public Law—provided a joint study for the New Mexico Legislature which led to an appropriation of funds for this project.

The New Mexico Legislature appropriated $4 million in 1992; $5 million in 1993; and $8 million in 1994, demonstrating the seriousness of the problem and the State's commitment to a solution.

Users of a new system will also bear a portion of the burden for the improvements. If the city is the provider, total user fees may total almost $3,500 for hookup to both water and sewer service. These costs do not include the cost to extend lines from the house to the water meter and sewer stubout.

While average incomes range from $18,000 to over $40,000 per household, it would be difficult for most homeowners to pay these substantial costs out-of pocket to ensure a sanitary liquid wastewater disposal system and safe drinking water supply.

Given the magnitude of the costs, grants and direct appropriations are needed in order to keep rates from being prohibitively high. The revolving loan fund has not been used because there is no way the residents could pay back the loan; the rates would be so high that the people who need the wastewater system could not afford it. The South Valley is not part of Albuquerque city and city officials believe that the city is already subsidizing the South Valley residents.

In addition, the Revolving Loan Program cannot make a long-term commitment for future funding of a phased project. The funds for both water and sewer problems are eventually needed. We are trying to secure funding for wastewater first through the committee's efforts to address such problems in communities with special needs. My point, however, is that the loan fund is not the answer for all of the above reasons.

Clearly the legislature is doing its part in this worthy partnership which would use both State resources and Federal resources. Even with the State appropriations the South Valley still needs $35 to $40 million to meet its water and sewer treatment needs—as much as $25 million is needed for the wastewater portion of the project.

Dozens of programs on the books but none of them can help the South Valley. Over the years, the community has investigated using the State revolving loan fund, Economic Development Administration programs, rural development programs under the Department of Agriculture, all of the EPA programs, HUD programs, and the Community Development Block Grant Program. The South Valley is ineligible for all of them because it is either too close to Albuquerque and therefore not rural enough, or too close to Albuquerque and therefore, when viewed as a region, is not poor enough. Or the needs of the South Valley are too big and would swallow up entire programs' nationwide budgets. Frankly the existing programs, with their restrictions about being too urban, or too well off, aren't the important criteria. It has simply been too long since the Federal Government joined the State and local partnership.

The Senate has passed a South Valley authorization. Action is needed in the House. Last year, the Senate passed S. 1685 which authorized this project. That bill is being held at the House desk. I have urged the House to pass this or include similar language in one of the bills now being considered. This authorization, if it is enacted into law, will end 30 years of frustration, denial and avoidable health problems in this community. Thank you, Mr. President.

TWIN LAKES

Mr. WALLOP. Mr. President, I would like to bring a matter to the attention of the Chairman, my colleague from Maryland. We have, in Sheridan, WY, one of the most egregious situations of unelected Federal bureaucrats imposing their will on the citizens they are supposed to serve, that I have seen.

Let me briefly outline the situation. In 1987, under the Safe Drinking Water Act, EPA began threatening the city of Sheridan, WY, with large fines if they continued providing raw tap water to residents in Big Goose Valley. EPA, for the first time in its history, chose to mediate the Safe Drinking Water violations.

That mediation process included representatives from EPA, in addition to the State, county, and city officials, and water users. They all determined that Twin Lakes enlargement was the best water supply option for the regional system.

An administrative order signed by all the parties in November 1988, specifically supported the regional water system concept and the funding application to the Wyoming Water Development Commission. Twin Lakes enlargement was the water supply component provided in that system and the funding application.

EPA then strong-armed the city of Sheridan into passing a capital facilities tax in order to pay for the project. I quote from a July 19, 1989, article in the Sheridan Press entitled "EPA To File Suit if Tax Is Rejected." Al Smith, regional counsel for EPA's Denver office said "If the tax fails, immediately the EPA will file a lawsuit in Federal court in Cheyenne."

Sheridan responded to the Federal threat and passed the tax, even though they have a history of rejecting such things. Twin Lakes enlargement was the firm water supply option the people assumed during that vote.

However, now that the water supply component is urgently needed to complete the project, the same EPA which bludgeoned the city under the Safe Drinking Water Act is obstructing the project under the Clean Water Act.

However, they are not doing so in a straightforward manner. The Army Corps of Engineers is actually in charge of issuing the 404 permit pursuant to the Clean Water Act. The Corps originally recommended against issuance of the permit for Twin Lakes enlargement because it would inundate 23 acres of wetlands. Since the Governor of Wyoming objected to the recommendation, the final decision was bucked up to Colonel Schaufelberger, Omaha Division Commander for the Corps, who has been working with Sheridan to come up with a plan that was actually permittable.

Colonel Schaufelberger and the Corps have worked with Sheridan officials to minimize the impact on wetlands even further and finally found an acceptable alternative which would only inundate 9 acres of wetlands and which avoided three large areas of the highest quality wetlands.

After all this work and expense—and I can assure you that Sheridan has spent a whole lot of money just trying to comply with Federal dictates—EPA said no to the new plan because it inundates 9 acres of wetlands. Because EPA said no, the Corps will not issue the permit.

Sheridan area residents are in the unfortunate position of not being able to even talk with or receive feedback from the real decisionmakers for this permit. EPA has been hesitant to meet with State or local officials because "this is a matter between the applicant and the Corps," they say. That would be fine, except for the fact that all EPA has to do is threaten a veto, as they are doing here, and the Corps refuses to issue a permit.

After having said all that, I understand that EPA now will meet with the permit applicants in Denver next Thursday. But quite frankly, based on prior behavior it is hard to hold any hope for quick resolution of this matter.

There is, however, a real need for a quick resolution. There are people online right now in need of a water supply. The only way the city can meet their needs is to continue to buy temporary water while they try and deal with the Federal hurdles being thrown in their way.

Let me make it perfectly clear that this is not a disturbance of pristine land. Twin Lakes is a enlargement of an existing reservoir in a previously disturbed area. There is no environmental opposition. In fact, local environmentalists are supportive of the idea.

Under the latest plan, the revised proposal would impact approximately 9 acres of wetlands. That's 9 acres of wetlands located 9,000 feet above sea level and frozen solid nine months out of the year. The impact on these wetland can and will be mitigated. The Sheridan Area Water Board has invested a lot of time and money coming up with a good mitigation plan. But that is not good enough for EPA.

EPA, by the position it has taken, is forcing Sheridan to take agricultural rights out of use. That alone has a detrimental effect on the tax base on also would result in wetlands being destroyed. EPA doesn't seem to care. EPA has been rigid, unyielding, and unreasonable in this situation.

Ms. MIKULSKI. I fully appreciate the Senator's point of view and I can assure him that I do not think the Federal Government should be allowed to deal with State and local officials and

water users in such a way. The city of Sheridan has real and immediate water supply needs that must be met. I would propose that EPA join all interested parties in resolving this matter by October 1, 1994, or they report to me and to my colleague from Wyoming, Senator WALLOP, as to why this is not possible.

Mr. WALLOP. I thank the Chairman for her help on this matter. I am confident that if EPA makes a good-faith effort to help, rather than hinder this process, then the Sheridan Area Water Board can work with the State of Wyoming and the Corps of Engineers to complete the project, meet the water needs of the citizens, and mitigate the impact on wetlands. Sheridan residents should no longer suffer the expense and frustration they have suffered at the hands of EPA.

WIND TUNNELS

Mrs. BOXER. I want to call Senators' attention to a provision of the VA-HUD appropriations bill that provides $400 million for initial construction of two new wind tunnels. This project was recommended by the recently completed national facilities study conducted jointly by the Departments of Commerce, Defense, Energy, Transportation, and NASA.

These wind tunnels—one subsonic and one supersonic—will provide facilities for flight testing and simulation that are unmatched anywhere in the world. When operational, these wind tunnels will give our Nation's ailing aerospace industry the edge it needs to compete in this highly competitive global market.

It should be emphasized that the $400 million appropriated in this bill will not complete construction of this project. In fact, NASA estimates that the total cost will approach $2.5 billion. I strongly support the committee's view that the Federal Government cannot be expected to bear this cost alone.

The wind tunnel project must be a cooperative effort between Government and industry. It is simply too large and expensive for aerospace manufacturers to undertake alone. I believe that the national interest in completing this project is so important that the public should be willing to contribute a fair share.

The committee appropriately urges NASA to move ahead quickly on this important project. The report accompanying this bill directs NASA to determine wind tunnel site selection criteria and to establish a budget plan, including cost-sharing agreements, by March 1, 1995. It is my hope that this accelerated timetable will encourage NASA to give this project the attention that it deserves.

On the issue of site selection, I should report that a number of Californians have been working hard to bring this project to the NASA Ames Laboratory in the bay area. I believe that NASA Ames would be an excellent location for wind tunnel construction because of its proximity to aerospace engineering centers on the Pacific coast and its location in the Silicon Valley, the hub of the most advanced high-technology projects in our Nation.

I look forward to working with NASA and bay area economic leaders to bring this important project to California.

Finally, I want to take this opportunity to commend the committee for its wisdom in pressing ahead with this important project.

EARMARKS

Mr. BROWN. Before this amendment is adopted, I would like to address a question to my distinguished colleague, Senator MACK. I continue to be very concerned about earmarks and pork that is contained in appropriations bills. I believe that many earmarks skew spending priorities and force the administration to expend taxpayer dollars on nonpriority projects. The managers amendment now at the desk contains language mandating funds from the Veterans Affairs construction budget be spent to begin construction on a medical center/nursing home in Brevard County, FL, and a satellite outpatient clinic in Orlando, FL. It is my understanding that the Appropriations Committee had intended to note its support for these projects in its committee report and that due to some error, they were omitted. Further, I am informed that the Veterans Affairs Department has stated that building such facilities is one of its top priorities and would be funded as a priority even without a specific reference in the bill. I ask of the Senator from Florida, is that the case?

Mr. MCCAIN. I join my colleague in posing that question.

Mr. MACK. To answer the Senators from Colorado and Arizona, that is indeed the case. As my friends can see, this is not an earmark that circumvents the normal merit-based and competitive selection process. The Veterans Affairs Department attests that these facilities should be built expeditiously and that they are the department's top priorities and these projects would be funded if the Appropriations Committee made no recommendations on this issue.

Mr. BROWN. I thank my friend. I know he shares the concerns of Senator MCCAIN and myself regarding potentially harmful earmarks and I appreciate him clarifying that this amendment in no way reprioritizes the spending of VA money contained in this act. I thank the Senator from Florida and the managers for their cooperation .

EPA CLUSTER RULE

Mr. BUMPERS. Mr. President, I have watched with great interest the development of regulatory procedures at the Environmental Protection Agency, especially as they relate to areas important to my State. In my opinion, the concept of regulation contained in the cluster rule process held great promise. At the outset, I saw this procedure as a way to most efficiently and effectively incorporate all environmental-related activities of a particular industry within a common framework necessary for environmental protection and, at the same time, be sensitive to economic realities.

Therefore, it was by no coincidence that my curiosity was heightened when the first industry selected for cluster rule proceedings was the pulp and paper industry. In Arkansas, the pulp and paper industry reaches from the forested delta bottomlands along the Mississippi River across the State to the west. The industry in Arkansas employs more than 37,000 people and is the second largest employer in the State.

There are 10 bleach mills in Arkansas, but the effect of the cluster rule goes far beyond these few facilities and their employees. It also touches on the thousands of individual landowners who may own 50 or 60 acres of forested land that rely on the pulp and paper industry as their market. In many, many cases, these individual landowners look upon their relatively small tracts of land as their retirement program, or their investment to make sure their children can go to college. Without a viable market for their forest products, these people's hopes for their children's education and perhaps their very retirement is at risk. That is another reason the implementation of the cluster rule in this instance is important to me and my State.

In addition, there are thousands of other jobs in the service sector and other areas that are directly or indirectly tied to the pulp and paper industry. In many cases, these jobs are part of the small business community. I serve as chairman of the Senate Committee on Small Business and I know very well how sensitive these small businesses are to shifts in an area's overall economy and what can happen in the jobs market when a major employer is forced to scale back or shut down it's operations.

As this brief description reveals, the pulp and paper industry is an integral part of my State's economy and it is reflected in job opportunity, quality of life, and the generation of revenues that help provide services at the Federal, State, and local levels of government. To me and to the people of Arkansas, protection of the environment is also an integral part of our values, and we exercise that protection from our pristine mountain streams to our extensive wetland resources in areas of bottomland hardwoods. Our soil, our water, and our air are next to our children, most precious. After all, it is those children and grandchildren who will inherit those natural resources and we will be judged largely by how

well we have conserved and protected them from unbridled, short term economic gain.

Now comes the cluster rule process at the Environmental Protection Agency and the imposition of that process on only one industry, the pulp and paper industry. No one would, or should, argue with the notion that this industry, like any other industry, must properly contribute to environmental protection. As I stated earlier, I thought the cluster rule would give this industry and the regulatory agency a meaningful tool that would benefit all parties and, most importantly, the environment. For these reasons, it is extremely important that the Environmental Protection Agency proceed with the cluster rule with the best information available. This rule, in this instance, is a test case. If the cluster rule doesn't work for the pulp and paper industry, it will be considered a failed effort that we cannot afford.

Senator MIKULSKI, the distinguished chairwoman of the Appropriations Subcommittee on HUD and Veterans Affairs, has included language in the committee report directing the Environmental Protection Agency to review all data and information provided by industry and to reassess the costs and benefits which will be obtained in the development of the cluster rule. I commend the chairwoman for her work and wish to associate my remarks with the action she has taken and reaffirm my sentiment that the Environmental Protection Agency has much at stake and cannot afford to make a mistake.

We have heard a lot lately about risk, cost/benefit, and other factors to be considered in the promulgation of regulations related to health and the environment. We in the Congress and those in the regulatory agencies have a serious responsibility to ensure protections to the health of our citizens and the health of our environment. We also have a responsibility to be fully informed when we make decisions in order to avoid unnecessary burdens to the regulated community or counterproductive results when those decisions are finally executed.

The language offered by the distinguished chairwoman is common good sense that simply states that the Environmental Protection Agency should make fully informed decisions. If the pulp and paper industry, or any industry, is required to spend billions of dollars in capital improvements in order to comply with Government regulations, it is simply fair to ask the agency developing those regulations to make sure those levels of investment are necessary to achieve the goal which we in the Congress have directed them to pursue. This is especially true when the cost of compliance is so great that enlightened business decisions within the affected industry may require the closing of facilities, the end of employment opportunities, a downturn in regional economies, and a ripple effect that extends to small individual landowners and small individual businesses.

We all hear from our constituents about the burden of Government regulation. We hear about the cost of new requirements in the debate of unfunded Federal mandates and we hear about the oppressive paperwork necessary to apply for a single loan guaranteed by the Federal Government. The cluster rule, if properly executed, can do much to help streamline the regulatory process in a manner consistent with the principles of good Government. The Environmental Protection Agency has before it an opportunity to show it can work cooperatively with industry in a way conducive to true environmental and economic protection. I want to see that cooperative effort succeed.

THUNDER CHILD TREATMENT CENTER

Mr. SIMPSON. The Thunder Child Treatment Center is a native American residential substance abuse treatment center located near Sheridan, WY. The leadership and administration of this private, not-for-profit center is comprised of representatives from each of the 10 tribes in the Montana-Wyoming region. It is the first and, to this date, the only coalition of area tribal representatives working closely together to promote alcohol and drug abuse treatment services for all of the tribes in the region. It should be noted that the center has achieved a 95 percent completion rate in its programs. This figure is truly astonishing when compared with the 37 percent completion rate that is found at non-native specific centers.

Since 1971, Thunder Child has been housed at the Veterans Administration Center in Sheridan, WY. In recent years, however, the Department of Veterans Affairs has notified Thunder Child that it needs to reclaim this space. That is why there is such an urgent need for new facilities at this time.

The Thunder Child Treatment Center authorized for $2 million under the Indian health service amendments of 1992. Congress subsequently appropriated $1 million for Thunder Child in 1992 through a special purpose grant in the VA, HUD, and independent agencies appropriations bill. At that time, you were very instrumental in obtaining these funds. At the same time, Thunder Child has also been raising matching funds for the project through a capital campaign development program. To date, over $2 million has been raised in contributions and pledges to construct a new facility. However, an additional $1 million is still needed to complete construction of this project. The Senator's assistance in securing these funds would be deeply appreciated.

Ms. MIKULSKI. I certainly understand the value of funding this project. As indicated, there will be discussions regarding the allocation of these special purpose grant funds when this bill goes to conference. I assure the Senator that I will do my very best to try to find additional funding for this worthy effort.

COORDINATED TRIBAL WATER QUALITY PROGRAM

Mrs. MURRAY. Mr. President, I want to thank the committee for its hard and diligent work on this bill. In particular, I appreciate an earmark of $500,000 for the Coordinated Tribal Water Quality Program for fiscal year 1995.

Twenty-six tribes participate in the model Coordinated Tribal Water Quality Program. This program is an important investment in tribal personnel infrastructure providing significant benefits not only to Washington State, but to the entire Pacific Northwest. The tribes are using these funds to restore health to watersheds in the Pacific Northwest through intergovernmental planning approaches.

It is my understanding that the $500,000 earmark in the committee report is not intended to preclude the Coordinated Tribal Water Quality Program from applying for additional funds through the normal administrative grant process.

Ms. MIKULSKI. The Senator is correct. The $500,000 is intended to be a floor for multi-media funding for the Coordinated Tribal Water Quality Program. I know that the program has received significant funding during the last 2 years and want to ensure that it receives at least $500,000 in fiscal year 1995. I am aware that last year the committee did not direct funding to specific multi-media projects and that the Coordinated Tribal Water Quality Program still qualified for a grant of more than $2 million. The committee has no intention of precluding the program's ability to apply for more multimedia funding through EPA's grant process and wish it success in that effort.

Mrs. MURRAY. I thank the Senator from Maryland for the clarification of this matter.

COMMUNITY INVESTMENT DEMONSTRATION

Mr. BOND. Mr. President, I want to express my concern over the $350 million appropriation for the section 8 community investment demonstration contained in H.R. 4624, the HUD–VA fiscal year 1995 appropriations bill. This program was enacted as part of the HUD Demonstration Act as a demonstration to examine the feasibility of attracting pension fund investment for the development of affordable housing through the use of section 8 project-based assistance.

While I do not support zero funding of this demonstration, I emphasize that this program is a demonstration and not a permanent program that has received the full endorsement of Congress as a permanent policy choice. We

need to look at a number of issues in this demonstration, including the cost to the American taxpayer and the measure of risk to pension funds that invest in this demonstration. Most significantly, pension funds represent the security of retired individuals and that our first obligation is to ensure that these funds are protected from risk of loss. In addition, I stress that this demonstration should not be viewed as a first step to requiring the investment of pension funds in social welfare programs. I know that this policy has been suggested by several Members of the House of Representatives; it is a suggestion that I vehemently oppose.

COMMUNITY INVESTMENT DEMONSTRATION INITIATIVE

Mr. D'AMATO. Mr. President, first of all I would like to commend Senator MIKULSKI and Senator GRAMM for their commitment and work in developing this legislation under very tight fiscal restrictions.

The bill proposes to significantly increase the authorization for a program that was authorized as a demonstration program, the section 8 community investment demonstration, from $100 million to $350 million. While I support creative ways of providing affordable housing for low-income tenants, I understand and share many of the concerns that have been raised today by Senator COHEN and Senator MACK.

I understand that this program was authorized as a demonstration last year. This program should continue to be administered as a demonstration, as intended. There remain many questions and issues that must be examined before this program should be assumed a full and ongoing program. First of all we must be certain that we are aware of the risk posed to pension funds and the nature of that risk. We must not rush into a new program without proper assurances that we are not posing unneeded risk to pension fund programs around the country.

While I understand the many benefits of this program, I will work to make sure that a responsible study is done on this demonstration that will help Congress make funding decisions on this program next year and in the future.

COMMUNITY DEVELOPMENT BANK FUNDING

Mr. BRADLEY. Mr. President, things are finally beginning to turn around in urban America. We have finally taken some small, tentative steps to give children a safe and nurturing environment, to help communities repair themselves, to help individuals find and get to jobs, to help poor people develop assets for the future, and to restore strong financial institutions that help communities save their own money, invest, borrow, and grow.

Communities are pulling together around their applications to become empowerment zones and enterprise communities, through which we will invest $1 billion for six of the innovative programs I proposed. Community schools will be an important part of the crime bill. And in this bill, we have finally made a small downpayment to bring basic financial institutions back to impoverished cities and rural areas, along the lines of the Community Capital Partnership Act that I introduced a year ago. I want to thank my distinguished colleague from Maryland, who chairs the subcommittee, for including $125 million for the Community Development Financial Institutions Fund for fiscal year 1995. I am confident that by the time this appropriations bill comes through conference, we will have completed action on the legislation authorizing this fund.

Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends our money to businesses in our communities, and we borrow ourselves when it comes time to buy a home or we have an inspiration to start a business. But in most American cities, the only financial institution they know is the check-cashing cubicle, which charges up to 5 percent just to cash a government check, and takes the money back out of the community. People who want to save have nowhere to go and businesses have no access to capital. Within the 165 squares miles that make up the areas most affected by the Los Angeles riots, there are 19 bank branches, as compared to 135 check cashing establishments.

People who want to borrow have even fewer opportunities. They can buy a car or furniture on time, or on a rent-to-own plan, but if they want to borrow to get ahead, by starting a small service business or a store, they're out of luck. The McNeil-Lehrer Newshour recently interviewed some ambitious entrepreneurs in rural Arkansas, one of them a woman named Jesse Pearl Jackson, who owns a beauty salon. She needed a loan for new equipment, and when she went to a bank, she says the loan officer "laughed me clean out the door. She said, 'You want money for what?' She said, 'You don't walk in here and ask me for an application for a loan. That's not the way you do it.' I said, 'Well, if you'll tell me what to do, then I'll come back, and I'll do it right the next time.' She was laughing so hard and making fun of me so bad I never went back." There is money to be made here, for any bank willing to take entrepreneurs like Ms. Jackson seriously, but large financial institutions without roots in the community are unlikely to see those opportunities.

But there are islands of hope for people who want to save and invest in troubled communities. Last year I visited La Casa de Don Pedro, which operates a credit union in a very poor section of Newark. La Casa is a multi-purpose community organization that just happens to have a credit union. While I was there, a stream of members poured into the small building which houses the credit union, day care center, and other programs, depositing $20, $50, and $100 at a time. I did not see any banks in the vicinity of La Casa. If it were not for the credit union, many of the community's residents would have no place to deposit their money, secure small loans, or take advantage of other services we often take for granted.

This fund does not, and should not, seek to create organizations that will be perpetually dependent on government for support. Instead, it seeks to reach in at a point of leverage in capital-starved communities and get them started. It does not set development strategies for either the institutions or the communities they serve. Instead, it lets those involved in the struggle for economic recovery find their own path.

I am pleased that there has been such widespread support for the idea of expanding community financial institutions, even though it is a relatively new idea to many people. I still hear some wariness, though, about this investment from people who argue that poor people do not save and that distressed communities do not have the resources to support economic development.

The evidence contradicts this cynical view. In Paterson, NJ, last year, I visited one of the few banks that had not left that city. I struck up a conversation with a customer, who volunteered that she was depositing $1 hundred. Surprised, I asked her how much she generally saved in a week. She told me that she and her husband had five children and earned $20,000 last year—below the poverty line. But even on this income they saved $3,000 that year, for health emergencies, for college, or to give their children a chance at a better life. Their experience tells me that saving for the future is a fundamental value of our country, not limited to the middle class, and that if we all had access to the institutions that make capitalism work, we could all be a part of vital, self-sufficient communities.

A VICTORY FOR ETHANOL

Mr. PRESSLER. Mr. President, yesterday's vote to table the Johnston amendment was a great victory for agriculture. As a result, the United States will be able to meet competitively future energy needs with cleaner burning fuels. The administration is to be congratulated.

I have not always agreed with the administration on various issues. The President delivered on his words to farmers to promote ethanol. I praise President Clinton for his leadership, hard work, and support for ethanol.

The new EPA's renewable oxygenate standard [ROS], was developed to allow renewable fuels, such as ethanol, a competitive role in the reformulated gasoline market. The proposed standard is the result of years of work and countless staff hours. Simply put, the

rule is designed to develop fuels that are environmentally sensitive, renewable, and good for the economy.

Mr. President, ethanol is one of this Nation's most efficient sources of energy. The EPA has stated that the renewable oxygenate standard has both immediate and long-term environmental benefits.

USDA studies have shown that the renewable oxygenate standard can reduce farm program costs by $2.3 billion between 1995 through 1999. These savings are projected to accrue from higher prices for corn as a result of the standard. Our farmers need higher prices for their crops.

Increasing ethanol use will provide additional markets for South Dakota corn growers, benefit the State's agricultural economy, and decrease the U.S. dependency on foreign oil. If other States follow South Dakota's lead, ethanol production and consumption will benefit the economies of communities nationwide.

Ethanol will help us meet our Nation's future fuel needs. Ethanol is good for the economy. It is good for agriculture. It is good for the environment. I will continue fighting as hard as I can to ensure that our ethanol industry continues to grow.

Also Mr. President, I want to congratulate my distinguished colleague Senator GRASSLEY in the strongest terms possible. Probably no other Senator worked harder or with more commitment than my friend Senator GRASSLEY. He has devoted countless hours during these past weeks to help defeat the Johnston amendment.

As modest as he is, I know he would not take credit for yesterday's victory. Yet credit is what he deserves. He deserves the gratitude of Senators supporting ethanol and of all farmers.

THE 55-AND-OVER COMMUNITIES

Mr. GORTON. Mr. President, I would like briefly to thank the chairman and ranking Republican for accepting my amendment today. To date, I have received nearly 2,000 letters from constituents who are deeply concerned about the implications of the Department of Housing and Urban Development's proposed rule on 55-and-over communities. The owners, operators, and residents of 55-and-over communities across the Nation are fearful that the Department's proposed rule, if enacted, would regulate their communities out of existence.

I believe that the concerns raised by my constituents are justified. In response to these concerns, my amendment will allow for a greatly extended public comment period to provide the residents of 55-and-over communities an opportunity to inform the Department of their specific concerns, to provide the Department ample time to take these concerns into consideration, and to provide Congress time to decide whether it truly intended that such strict requirements be placed on America's retirement communities. This is a reasonable request, given the amount of anger, frustration, and fear raised by the Department's proposed rule.

I believe that individuals are better suited to make decisions about how to live their lives than is the Federal bureaucracy.

Clearly, retired Americans have the intelligence to decide whether or not they need, or even want, these additional resources. Seniors have earned their retirement, and they have earned a right to live in the communities of their choice.

I thank the Department for its cooperation and consideration in responding to my concerns and those of my constituents. And I am pleased that the Department has agreed to hold a public hearing in Washington State in addition to those already scheduled in California, Florida, and Arizona.

Again, I thank the chairman and ranking Republican for accepting my amendment.

Mr. BAUCUS. Mr. President, I rise to congratulate my friend, the distinguished Senator from Maryland, for her work, under difficult circumstances, on the VA, HUD, and independent agencies appropriations bill. Faced with a tight Senate budget cap and besieged by diverse constituencies, she has managed to distribute funding in this bill equitably. It is quite an achievement.

As chairman of the Committee on Environment and Public Works, I have a particular interest in this bill's appropriation for the Environmental Protection Agency, and I would like to highlight the EPA funding today.

The bill provides $7.4 billion for EPA in fiscal year 1995. This is $295 million more than the President's budget request, $465 million above appropriations provided by the other body, and $833 million above EPA's current budget. I know that Senator MIKULSKI's subcommittee worked diligently and made difficult choices in winning this increase in the EPA budget, and I commend them all for their good work.

These achievements are particularly significant in light of the fact that the Environmental Protection Agency currently suffers from budget shortfalls that prevent it from fulfilling many of its responsibilities. Underfunding has resulted in the following problems: Large backlogs in EPA permit programs; weak or nonexistent penalties for environmental lawbreaking due to lack of funds for enforcement; decaying laboratory infrastructure; failure to complete review of pesticide and generic chemicals; and unmet statutory deadlines for promulgating regulations.

All this creates risks to public health and to the ecology. It also creates enormous uncertainty for business, making it more difficult for industries to conduct long-range planning. Senator MIKULSKI's work on this bill will help us to mitigate these problems, making our people healthier and our firms more profitable.

I would like to highlight two areas in which the subcommittee's decision to make EPA funding a top priority will help.

Sound Science—Many Senators have raised concerns about the EPA's need to use better quality science as it writes regulations. For example, one of our top concerns in reforming the Safe Drinking Water Act was to promote greater use of sound science. With the funding this bill provides, the Agency will be able to upgrade its laboratories and produce the high-quality science our colleagues are demanding not only in the drinking water program, but in all areas.

Unfunded Mandates—Many State and local officials complain that the Federal Government requires them to do too much and pays for too little of those requirements. Many of these claims are exaggerated.

But there is no question that the Federal Government should provide more funding to local governments to implement Federal programs. The increase in EPA's appropriations this year will help address the problem by providing additional grants and loans to local governments.

Once again, Mr. President, I congratulate Senator MIKULSKI for her fine work on this bill. I appreciate her efforts and I will support the bill.

Mr. HARKIN. Mr. President, I urge that the VA–HUD appropriation conferees consider increasing the FHA base loan limit toward the House position of $101,575. Under current law, the base limit is $67,500. That has been the limit for 15 years, since 1979. Raising the limit will allow many moderate income families to buy their own homes. Historically, the considerable majority of the families that use the Federal Housing Authority guarantees are first time home buyers.

In Iowa, there is a strong need to build single family housing in inner city areas on single vacant lots. That is important to eliminate blight and to develop a balance between rental and family owned housing. I believe that providing that balance is an important goal. It is difficult to convince builders to build such new housing without the availability of FHA guaranteed mortgages at a level that can cover the realistic price for developing such homes.

Again, I urge that the members of the VA–HUD Subcommittee consider the need to raise the FHA base loan limit to the House level.

Ms. MIKULSKI. Mr. President, we are now in the final minutes of the VA-HUD appropriations. I would like to take this opportunity to thank my colleagues for their cooperation. I would like to thank the majority leader, Senator MITCHELL, and his staff, as well as

the Republican leader and his staff, Howard and Elizabeth Greene.

I would also like to thank the members of my own subcommittee staff: Kevin Kelly, Carrie Apostolou, Chris Gabriel, and Juanita Griffin for all of their help. And special kudos to Stephen Kohashi and Steve McMillin of the staff of the ranking minority member, Senator PHIL GRAMM.

The Senator from Texas, the Republican minority member, has been tied up in Whitewater. I have had the full cooperation of the other side of the aisle, and other members of the subcommittee also helped me to do some of the heavy lifting. I am very appreciative.

Having said that, Mr. President, I know of no further amendments to the bill. Therefore, Mr. President, I move the adoption of the committee amendments.

The PRESIDING OFFICER. The committee amendments have been agreed to.

Ms. MIKULSKI. If there are no further amendments, I now ask for third reading.

The PRESIDING OFFICER. There being no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill was read a third time.

Ms. MIKULSKI. Mr. President, I now ask that we go to final passage, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

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 Louisiana [Mr. BREAUX], the Senator from Alabama [Mr. HEFLIN], and the Senator from Tennessee [Mr. SASSER] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. SASSER] would vote "aye."

Mr. SIMPSON. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from Mississippi [Mr. LOTT] are necessarily absent.

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

The result was announced—yeas 86, nays 9, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—86

Akaka	Bingaman	Bradley
Baucus	Bond	Bryan
Bennett	Boren	Bumpers
Biden	Boxer	Burns
Byrd	Grassley	Moseley-Braun
Campbell	Harkin	Moynihan
Chafee	Hatch	Murkowski
Coats	Hatfield	Murray
Cochran	Hollings	Nickles
Cohen	Hutchison	Nunn
Conrad	Inouye	Packwood
Coverdell	Johnston	Pell
Craig	Kassebaum	Pressler
D'Amato	Kempthorne	Pryor
Danforth	Kennedy	Reid
Daschle	Kerrey	Riegle
DeConcini	Kerry	Robb
Dodd	Lautenberg	Rockefeller
Dole	Leahy	Sarbanes
Domenici	Levin	Shelby
Dorgan	Lieberman	Simon
Durenberger	Lugar	Simpson
Exon	Mack	Specter
Feinstein	Mathews	Stevens
Ford	McCain	Thurmond
Glenn	McConnell	Warner
Gorton	Metzenbaum	Wellstone
Graham	Mikulski	Wofford
Gramm	Mitchell	

NAYS—9

Brown	Gregg	Roth
Faircloth	Helms	Smith
Feingold	Kohl	Wallop

NOT VOTING—5

Breaux	Jeffords	Sasser
Heflin	Lott	

So the bill (H.R. 4624), as amended, was passed.

Ms. MIKULSKI. Mr. President, I now move that the Senate insist upon its amendments to H.R. 4624 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. PRYOR] appointed Ms. MIKULSKI, Mr. LEAHY, Mr. JOHNSTON, Mr. LAUTENBERG, Mr. KERREY, Mrs. FEINSTEIN, Mr. BYRD, Mr. GRAMM, Mr. D'AMATO, Mr. NICKLES, Mr. BOND, Mr. BURNS, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I yield to the Senator from Michigan.

CORRECTION OF VOTE NO. 261

Mr. RIEGLE. Mr. President, on the previous rollcall vote, No. 261, I was present and went up to the clerk to record my vote "no." The official record has me listed as absent. Therefore, I ask unanimous consent that the official record be corrected to accurately reflect my vote. This will in no way change the outcome of the vote.

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

Mr. RIEGLE. I thank the Chair, and I thank the Senator from West Virginia.

Mr. BYRD. Mr. President, I highly commend the chairlady of the subcommittee, the distinguished Senator from Maryland [Ms. MIKULSKI], for the truly outstanding job that she has done in shepherding this bill through the committee and in managing the bill on the floor.

The VA/HUD appropriations bill is in many ways the most complex of the 13 appropriations bills. It provides funding for a broad range of activities, covering activities that are as diverse as consumer information, Federal housing, NASA, the space program, and the National Science Foundation, EPA's programs, including environmental cleanup, and veterans' programs.

Senator MIKULSKI assumed the chairmanship of the VA/HUD subcommittee in 1989, the same year that I became chairman of the committee. She immediately went to work to master the issues and the difficult task of balancing the competing priorities that are necessary in order to forge the necessary consensus for enactment of this major appropriations bill.

Without exception—without exception—each year Senator MIKULSKI has brought to the Committee on Appropriations and to the Senate a bill that is the best that could possibly be expected under the fiscal constraints that the subcommittee must face. This year, as I said, is no exception. The 602(b) allocation of the VA/HUD subcommittee in outlays was $316 million below that of the House subcommittee, and yet the distinguished chairman was able to provide necessary resources to fund the priorities within each of the departments and agencies over which the subcommittee has jurisdiction.

Once again, I want to commend Senator MIKULSKI for her excellent and masterful handling of this legislation. She is entitled to the admiration and thanks of every Member of this body. I admire her for her spunk, for her courage, and for her willingness to take on the tough battles. I think of her as one who, in Roman times, if she were asked to guard a gate, would be there, alive or dead, when the hour came. I commend her.

Ms. MIKULSKI. Mr. President, I thank the Senator from West Virginia for his kind words. I have had an excellent teacher with Senator BYRD as the chairman of the Appropriations Committee. I hope I can continue to live up to the traditions of the committee.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the Senator from Arizona [Mr. DECONCINI], is seeking recognition. I ask unanimous consent I be recognized immediately upon the conclusion of his remarks.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank the Chair.

I thank my friend from Vermont for letting me have a few minutes. Before the Senator from Maryland leaves, I wish to add my commendations and congratulations to her. She has a tough, tough bill, a tougher one every

year. It takes, I would like to say, almost as big a hit as the Treasury does in the budget allocation, but because her bill is so much larger dollarwise, indeed, it is a tougher bill, I must say, in the allocations.

I thank her and her staff for the consideration they have given to this Senator, but I also thank her on behalf of this body for taking on this bill and putting together a very, very difficult legislative appropriation that does, indeed, set priorities, and one of those priorities that the Senator from Maryland has never forgotten is the veterans of our great Nation. Under severe, difficult times of allocation, she and the ranking member have continuously been able to eke out, and sometimes add to, the recognition of the need of the veterans of our Country. I thank her for that. I know she is recognized in that community as well as many other areas she deals with in this bill.

Mr. President, I do thank my friend from Vermont.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that at 9:30 a.m. Friday, August 5, the Senate proceed to the consideration of Calendar No. 527, H.R. 4606, the Labor-HHS appropriations bill.

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

THE GENEVA MINISTERIAL ON BOSNIA

Mr. DECONCINI. Mr. President, more than 19 years have passed since the signing of the Helsinki Final Act and it is with much regret that I reflect on our current policy toward Europe. I see little, if any, commitment to the principles which that document set forth. It is of little comfort that we are not alone—Europe, too, has abandoned these principles. As Chairman of the Helsinki Commission, which monitors and encourages compliance with CSCE documents like the Final Act, I am very much saddened by this fact, and, as a human being, I am enraged by it.

Last weekend, the Contact Group countries, met at the level of foreign ministers to decide on a united response to the Serb rejection of the peace plan offered them. The Contact Group decided to tighten the sanctions on Serbia once again, and put off to later any consideration of more punitive measures.

Let me say a few things about this. First, this plan was offered on a take-it-or-leave-it basis. A deadline was issued. Failure to meet that deadline with an unconditional yes carried specific consequences. The Bosnians agreed, and I must say I am surprised they did, after giving up 50 percent of their country, and the Serbs did not. As usual, the contact group weakened once again when the Serbs called their bluff. Is this the consequence those responsible for genocide should face?

Second, we decided to impose sanctions on Serbia more than 2 years ago. Implied with that decision is a decision to enforce them. Improved enforcement of sanctions cannot be used, time and time again, as a policy option. The fact that we resort to this option over and over demonstrates the emptiness of our Bosnia policy.

Third, this whole charade encourages Serb aggression and genocide to continue. The international community has so little credibility that the Serb militants assume little risk in calling our bluff. In fact, they probably calculate that the response of the Geneva ministerial would have been tougher on them had they not escalated the threat of reprisals by blocking and attacking aid convoys, shooting at relief flights, and renewing attacks on Gorazde. They were obviously right.

In the meantime, in areas of northern Bosnia which the peace plan gives to the Serbs, the militants feel they can continue to consolidate their holdings with renewed ethnic cleansing campaigns. Just recently, we have heard of horrible atrocities being committed against those few non-Serbs living around Bijeljina. A few weeks ago, it was Banja Luka. This should come as no surprise to us. We have seen, every time, we have relented, that the Serbs come back with more hostility and more aggression. This should not and does not come as a surprise. If we are unwilling to protect the areas of Bosnia and Herzegovina the Serbs are supposed to give back, they know we will do little to stop atrocities from occurring in areas we will allow them to keep.

Early on, we tried to attribute inaction to a desire to be patient and to offer in good faith a way out for the Serbs by playing a third-party mediator. The events of the past few weeks, however, have shattered any explanation of that sort. There are only two explanations for the results of the Geneva ministerial—we just do not care if genocide is happening in Europe, or, worse than that, we want the Serbs who have executed that policy of genocide to emerge the victors. There is no other explanation that this Senator can tell.

Mr. President, Congress does not have to be part of this cynical game. We can act. We can agree that the arms embargo on Bosnia and Herzegovina will be lifted, even if only unilaterally. Selected yet substantial NATO airstrikes against Serb positions, I feel, would be more effective, but we can only urge that action. Lifting the arms embargo, we can actually do. But not even the U.S. Congress seems willing to take that decisive action. Today the DOD conferees are meeting to hammer out yet another convoluted formula which once again, will probably allow the United States and its allies to do nothing but look even more ludicrous.

Our credibility is on the line if we fail to lift the embargo and lift it now. The Serbs rejected the peace plan because they know our ultimatums mean nothing. They know they can get away with all the ethnic cleansing they want. We have run out of excuses. We should begin right now, this week, to take meaningful steps to allow the Bosnians their right to defend themselves adequately with no more delays.

Let them have the dignity to at least die defending their own country.

DEMOCRACY ON TRIAL IN TURKEY

Mr. DECONCINI. Mr. President, this day marks a sad milestone on Turkey's path toward democracy. Today, before a court in Ankara, six Kurdish parliamentarians face capital punishment for expressing political views deemed treasonous by Turkey's civilian and military leadership. Altogether, 13 duly-elected deputies of the Democracy Party [DEP] have been thrown out of parliament, including six who fled the country so they could not be silenced.

Mr. President, I am flabbergasted that such a spectacle is taking place in Turkey, a staunch friend, a NATO ally, and CSCE participating state whose officials regularly express commitments to democracy and international human rights standards. This trial will take place before the world press and hundreds of lawyers, foreign parliamentarians, human rights activists and others on hand to demonstrate their concern and support. In addition to starkly illustrating how free speech and political activity is restricted in Turkey, the trial will bring attention to other underlying obstructions to democracy.

Mr. President, I was initially dismayed at the widespread popular support for the Government's dogmatic campaign against the DEP members. But what is becoming increasingly clear is that public opinion is being openly manipulated by major media outlets controlled by government or other political sources.

With respect to Kurdish rights issues and the war in southeast Turkey, informed debate has fallen victim to inflammatory prefabrications or severely restricted information. I believe, as long as major media sources remain controlled by political and military interests, and journalists and others remain silenced, informed public debate will be impossible.

Mr. President, free expression and an unrestricted press are prerequisites of democratic societies. The Turkish press must be enabled to report responsibly on Kurdish issues and other human rights concerns.

The DEP trial will also likely underscore the deficiencies of the Government's unrealistic military approach to the Kurdish question—a cornerstone

of which is the criminalization of Kurdish-based political parties. When political parties are banned, the pattern in Turkey is that like-minded groups form on their heels or members move to more extreme parties. It would seem that allowing Kurds to form legal political parties would be a plausible way of diminishing support for the PKK and other extremist groups.

The CSCE Copenhagen Document clearly outlines commitments taken by 53 participating states regarding unrestricted political party activity. The campaign against the Democracy Party and its predecessors raises serious questions about the Government of Turkey's commitment to these principles.

Mr. President, while the start of this political trial marks a dark day for Turkish democracy, one can hope that the attention drawn by this event will bring added pressure on the Government to pursue nonmilitary resolutions of the Kurdish crisis and to address other pressing rights issues.

I would remind my colleagues, that two of the deputies face the death penalty for statements made at a Helsinki Commission briefing right here on Capitol Hill in the Rayburn Building.

I find it truly unfathomable that a professed democratic government could press capital charges against elected parliamentarians simply for their speeches or writings which advocate neither violence, secession nor solutions outside of a democratic framework. On this inauspicious occasion, I urge my colleagues to join me in expressing to the Government of Turkey our disappointment at their irrational campaign to squelch free speech.

This is one of the greatest atrocities that is occurring. Several of these parliamentarians came before the Helsinki Commission of the U.S. Congress. They did not advocate a violent overthrow of the government. They did not advocate any treasonous activities toward the government, and yet now their party has been banned, and they are under indictment, and some of them have fled the country because they spoke out to a committee of the U.S. Congress.

Once again, I thank sincerely my friend from Vermont.

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I want to commend the Senator from Arizona for his comments. He has been a voice at times in a lonely place on the subject, from the early days of the Helsinki Commission on through.

He is certainly as aware of the situation as any Member of the Senate, not only because of his personal interest and the travels he has made there, and personal observations, but as chairman of the Senate Select Committee on Intelligence. I think the Senate should listen to him.

I have refrained reluctantly from supporting unilateral action of the United States to lift the arms embargo. I must say that I no longer feel comfortable doing that. We have waited for the others to join with us in lifting the embargo. These people should be allowed the means to defend themselves.

Should we have to vote again on the question of whether we lift the arms embargo, I suspect I will be changing my vote.

MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each, and that the Senator from Vermont be recognized first for such time as he may need.

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

HEALTH CARE

Mr. LEAHY. Mr. President, there are going to be a number of people speaking here this evening on the subject of health care. I would like to speak briefly.

I was thinking this morning when a group of us met to discuss health care—Senator JEFFORDS of Vermont and I, and a number of CEO's of companies, including Ben and Jerry's—I said at the time that we hear those people who oppose health care reform—they come and they speak. They holler, they have ads, they spend millions of dollars to speak out against it. They forecast disaster if we pass universal care.

Some of these same people are the same ones who said that if President Clinton's budget passed, we would have massive tax increases and a job-killing recession; everybody would be out of work; taxes would go up; the place would be a disaster.

What happened? Just the opposite happened. The budget passed. For the first time in 12 years deficits started coming down. Employment is up; inflation remains under control. Do you know what about those big tax increases is true? There were some Americans who were taxed. The top 1.2 percent of Americans finally started paying their fair share. What do we get? We get 3.8 million new jobs in the private sector. Incidentally, that is a year of new jobs; 1½ million more jobs than in the 4 years previously.

So when we hear these doomsayers come in and say, "Oh, we want health care for the poor people. We understand that Americans might be out of a job temporarily, and may lose their health care. We understand you may need it. We want it for you. Of course, we want it, but not quite yet, not quite in this form. We must make some new change. We must do something different. Of course, we want you to have health care. Of course, we want you to have this. But it is not quite right yet."

Baloney, Mr. President. Look at the people who are saying this. The people who are saying this are the people who have health care. The people who are saying this are the people who have a great deal of money. The people who are saying this have a vested interest in keeping the status company a status quo, that as tens of thousands of Vermonters know, they have no health care coverage, and tens of millions of other Americans have no health care coverage.

The people who are saying this are not the people who have a child with a serious illness and they cannot get insurance for that child. The people are saying this are not the people who have a preexisting condition and now know that they cannot get health insurance. The people who are saying this are not the people who have a spouse diagnosed with an illness a few weeks after they lost their job and they cannot get health insurance for them. Those are not the people. But the people who do not have the health care coverage are very real, and there are millions of them in this country. Do you know what this reminds me of, Mr. President? Back before I was born, they had the great debate over Social Security. While I understand we are dealing with a different type of system, the arguments are so strikingly similar. Back then, they said, first, we have to do something for these elderly, something for these people who retire, something for these people who are suddenly thrown out of work—but not yet. Can you imagine if the Congress of the United States and Franklin Delano Roosevelt just said, "I guess you have a point"? We would not have Social Security yet.

I have been here, Mr. President, for 20 years, and I have heard talk of going forward in health care. But it always has to be pushed off, for some reason, to a later time. When I was a child, Harry Truman was President, and he talked of health care.

The time is now. Both bodies have before them health care legislation, and we should go forward. I see on the floor my good friend from Massachusetts, the senior Senator from Massachusetts, the man who has led a crusade for health care. You do not see him standing here and saying: Well, let us wait another year, study it another year. He knows, as I know, as all of us know, that we have to face up to the issue now.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. LEAHY. Yes.

(Mr. REID assumed the chair.)

Mr. KENNEDY. I appreciate the kind remarks of the Senator. As the Senator may remember, it was in 1912 when President Teddy Roosevelt called for comprehensive universal care. As the

Senator pointed out—I was listening to him talk about Harry Truman—Harry Truman was asked what his greatest disappointment was, and he said it was the failure to get a national health care program.

Now we have had the President's program for 9 months and we have had both the Finance Committee's and our committee's; the programs have been out for several months. It is very interesting that—and the majority leader has made his presentation to the Senate and has introduced his plan—we have yet to have the plan of the Republicans. I know they had made a presentation in June of this year, and 44 Members signed on. We are talking about the Members on the opposite side saying they want to take all of this time because they want to find out what is in it. Yet, 44 of them signed on to a program that has not even been introduced yet.

I just am wondering whether the Senator would agree with me that the American people will know what dilatory procedures are and what dilatory processes are about and would he agree with me that they are going to be watching this debate and holding us to a very high standard? Given the fact that the future of every family in America, in a very real way, is going to be decided in the next 3 weeks—really, in the next 21 days here—on this floor of the U.S. Senate and also on the floor of the House of Representatives.

Mr. LEAHY. I could not agree more with my friend from Massachusetts. I suspect that the American people know the arguments that have been heard and have been discussed. The Senator from Massachusetts, through his chairmanship and his committee, brought to the floor of the Senate a bill. He probably does not want to think of the number of hours, days, weeks and months of hearings he had. I daresay that my friend from Massachusetts has heard every single argument for or against every single aspect of health care during that time. And he, like myself, is ready to start voting. I suspect, Mr. President, that the American people are saying that we have heard the arguments, and now we would like to know are you going to stand up and vote or not. It is put up or shut up time.

Mr. KENNEDY. Further, we had a very interesting markup of some 10 days. It was well-attended by our Republican colleagues. Just about every member of our committee attended from the earliest of morning until late into the evenings. I would say that of the 15 major kinds of policy areas, we were able to get bipartisan support on about 11 of those. We were not able to agree with regard to the issue of shared responsibility and also with regard to the issue of cost containment, trying to get a handle on the continued escalation of costs which are affecting so many American families. But we were able to reach some common ground in these other areas. Some were important with regard to cost control that we supported. It was supported virtually unanimously by all the members to give the authority to the health board that was established initially in the President's program—the responsibility that if the costs were rising and going out of the projection, they would be able to make a submission to the Congress on how the benefits could be adjusted in order to meet the amounts which had been initially recommended in terms of total health care costs. And this was a tough cost containment provision that Republicans and Democrats worked toward.

I noted this when the Senator was talking. In listening to him talking about the challenge which is before us, I gather from his speech—and I am just wondering whether it is true—that he is really trying to call on the best instincts of all of us in this institution to try to find common ground, such as in the great areas of knocking down the walls of discrimination on the basis of disability, gender, race, religion, or ethnicity, ending a war in Southeast Asia, and many of the other very, very important areas. Ultimately, even in the Social Security area in the 1930's, about three-quarters of the House of Representatives' Republicans, after resisting the mandate, the shared responsibility, there were 188 votes among Republicans in the House of Representatives that said "no" in terms of universal coverage. But three-quarters of them ended up in support of the Social Security.

We had similar resistance in terms of the Medicare debate in 1964 and 1965. The Senator may remember that between September of 1964 and the spring of 1965, I think there were 16 Members of the Senate that switched their positions and voted in favor of Medicare. One of them was not the Republican leader. It is, I think, a historical fact that he opposed Medicare because of a shared responsibility. But sometime between then and now, his views have changed.

Mr. LEAHY. Mr. President, in fact, I will note what my friend from Massachusetts said about this being a matter where we should come together and seek common ground. I think of, again, using the Social Security analogy under the leadership of President Franklin Roosevelt. As I understand it, the first check went to a woman in Vermont. If it was somebody in Vermont in the mid-thirties, I can guarantee to the Senator from Massachusetts that she was a Republican, because virtually everybody in the State was at that time.

But the point I make is, it is not just Democrats, it is not just Republicans, it is not just Independents, who have the sick child, or the aged parent, or the spouse who needs health insurance or is out of a job, or a sibling, or anyone else. It is all Americans who face this potential.

We do not pass health care legislation to protect Democrats or Republicans or Independents or black, white, yellow, North, South, anywhere else. We do it for all Americans. We are the wealthiest, most powerful Nation on Earth, but we lag behind the rest of the industrialized nations in how we protect our people from the surge of health care costs.

I took the floor earlier simply because I planned to speak after the Senator from Massachusetts. We had nobody here, and I spoke. I am going to yield the floor very quickly with this thought, only to say this morning at our meeting I mentioned Ben Cohen was there. I have been knowing Ben Cohen for a long time. He and Jerry Greenfield started out with a gas station a block from my office in Burlington, VT. Then they started making ice cream. Some was good. Some was terrible. It was trial and error. Now it is all good ice cream called Ben & Jerry's. This is not a walking ad.

Mr. KENNEDY. I am ready to sign on.

Mr. LEAHY. They said they would put in health insurance for their employees, and they have done it. They set it up.

I tell my friend from Massachusetts, you cannot imagine any smaller company. Here were two guys with a mail order catalog trying to figure out how to make ice cream; they have health insurance for their employees. Now, they are a well-respected company, and they were able to beat out most of the competition. Never once, of any size, small to large, did they question the fact they had a shared responsibility to provide health insurance.

There were a dozen other companies who were there to say the same thing.

I think that is what we must know. We are in this, all of us, together.

I thank and I applaud my friend from Massachusetts for his constant leadership.

Mr. KENNEDY. Mr. President, if the Senator will yield further, we took notice the other day in the Senate where a young enterprising businessman, Mr. Scalar, who started Burrito Brothers here, and now that business has taken off. They are going to have a $200,000 profit, the first profit this year. And you can just see the success over the period of about the last 18 months to 2 years. Everything is really falling in place. Sales have been going up. There has been interest in franchising this program. And here they are, providing health insurance for their employees.

They made the judgment as a matter of policy when they started that they were going to do this.

Then we have this gigantic pizza consortium, which not only are providing

for their workers overseas and expanding significantly overseas in Belgium, the Netherlands, Germany, France, and in Japan, and are willing to pay over there, but then are taking on a leadership role to try to defeat the President's program here at home. And, with some exceptions, they are refusing to provide the kind of coverage here at home for American workers that they were doing overseas for other workers.

Sure, they take care of their executives. And if you stayed in there long enough they would make a contribution to supplemental kinds of insurance. But for those workers, the overwhelming majority of their workers, American workers, they were saying no, they are not going to provide for their American workers here at home, and they were going to provide overseas.

I just saw our good friend from Hawaii on the floor.

So I called around to the various Pizza Huts in the area. I think I am only a few cents off, I think it is the 14-inch pizza that I think was $11.09 out in Arlington.

Then I called and found out that in Hawaii, which has the fastest growing, most favorable small-business climate of any State in the country, and has comprehensive coverage, which includes even the smallest businesses of two or three individuals, and I found out that pizza out there was $3 more. And I thought, my goodness, I bet that is probably because they had a mandate.

So then I called up to Alaska that does not have a mandate, and found out they were $4.50 more—$4.50 more—and they have no mandate up there.

The point is, seeing our good friend and colleague from Hawaii, one of the strong supporters of the program of universal coverage here, that, first of all, I think it is an unfortunate judgment and decision that Pizza Hut made in terms of providing comprehensive coverages for their foreign workers and not providing it here at home, and then taking the leadership position on that, and then effectively intimidating the television stations around here with threats of libel for a commercial that the CEO of Pizza Hut, when we watched it in our committee, could find differences in terms of emphasis, but he did not criticize the underlying message of that commercial.

Mr. LEAHY. Mr. President, I note also on that that the profit margin, as far as fast food, is about the highest in pizza. If they were all mandated to give the insurance the way we talked about, it probably would not add to the same pizza that the Senator from Massachusetts talks about—may have added 10 cents or 15 cents to it.

Does anybody suggest that people are going to stop eating pizzas because they are 10 cents more?

With that I yield to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KENNEDY. Mr. President, the fact is that we had heard the comparison of those that opposed this program suggesting that the price of pizza will go up to $19 because that is what it costs overseas. That is completely inaccurate.

The basic calculation, given the labor costs as a percent of total costs, and adding the additional cost of the health care figured into it would probably be 40 cents more per pizza here in the United States. We reviewed that during the course of the hearing.

Mr. President, I will just take a few moments. I see my friend and colleague from Hawaii, who has provided very, very important leadership on this whole issue both in educating many of us who have had the good chance to review the health care system in the State of Hawaii. We hear a great deal about how the States can be incubators, how the States can really be resources for examining ideas, and how we ought to be able to look to the States, and we rarely—although not entirely infrequently—but we rarely have the kind of example for a health insurance program with shared responsibility to take action to benefit all of the States, like we have had in Hawaii.

Effectively, they have had a system of shared responsibility. They have shared responsibility. The program has been in effect for, I believe, probably close to 20 years and has had an enormous impact on the health of the people and the cost of health care.

It has a great emphasis, and I know all the Senate will benefit from listening to our friend and colleague on the preventive aspect of health care, giving encouragement to bring people into the health care system rather than waiting until they move into a more serious illness and sickness. And then what they have been able to do in terms of the cost, and in a climate which has been one of the most constructive and positive climates for the expansion of small business.

We are not dealing with an issue, although we will hear this is some new program, new idea. We have seen the examples of Hawaii and, quite frankly, more recently the adoption in the State of Washington, a down payment on some of this program by my own State of Massachusetts, elements of the President's program, and in different forms and shapes in a number of other States.

I will not delay the Senate other than to just, as we move on into this process, draw attention once again to what is happening in our country with the increasing number of uninsured. It is large, and it is growing. Particularly vulnerable among this group are the children, the 12 million children in our society who do not have health care. Some of the poorest children get the coverage in terms of Medicaid. We have 12 million that do not get it, and that number is growing—that number is growing.

And then, if we look over at what has happened across the industrial countries of the world and what is being expended, here we are, the No. 1, with that number escalated.

No, you will say, there has been a modification of the increase in the health care. And this particular year we saw that as well. When we were debating cost containment in the late 1970's under President Carter, there was a slowdown in terms of the escalation and increase clause. Once that program was defeated the escalation started right up again. I daresay we have learned that lesson once. I do not think we have to learn that again.

Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 10 minutes.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 2363 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. Mr. President, I see our good friend and colleague, Senator PELL, on the floor to address the Senate on the health care issue. Because Senator PELL has a special credibility on this issue, hopefully, sometime this evening, he will share with us his early support for universal coverage and comprehensive health coverage when he first began his illustrious political career.

I see Senator AKAKA has returned to the floor, so I leave it up to the Chair how it wants to decide.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii seeks recognition.

Does the Senator from Rhode Island seek recognition?

Mr. PELL. I do, but I would be happy to defer to the Senator from Hawaii.

Mr. AKAKA. The Senator may go ahead.

Mr. PELL. I thank the Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

HEALTH CARE REFORM LEGISLATION

Mr. PELL. Mr. President, for almost 34-years, I have spoken on the Senate floor about a variety of subjects, ranging from war and peace to the need for certain projects in my home State of Rhode Island. And over my own 34-years here I have listened to the views and exhortations of eight Presidents, hundreds of fellow Senators, and hundreds of thousands of Rhode Islanders on subjects large and small. I have seen and participated in the development and passage of countless bills, from legislation that has changed our Nation,

like Medicare, to legislation of purely local or limited interest. It is from this vantage point that I observe where we are today, and where we hope to be tomorrow.

Never in all my years in the Senate has a moment arrived so full of promise and opportunity. We are on the brink of history—of passing, or failing to pass—legislation to reform our Nation's health care system, legislation that will touch every American in a deep and personal way. Never before, perhaps, have we tried to do something quite so ambitious, and so right. And never before have we had to summon such political courage, standing up to vested interests that are paying mightly to prevent Congress from threatening their financial interests in order to better serve the American people's best interests.

But that is where we are today. And depending on the courage, the commitment, and the principles of the Senators and Congress, people the American people have elected, we will emerge in a few short months either victorious, and on the road to quality health care for all—or defeated and facing a crumbling system that may not be reformed, in our lifetime. For if we fail, with a President and administration totally dedicated to health care reform, and with the American people wanting health care reform, it will be another generation at least before any other President or Congress can summon the political courage to try again. In my view, the moment is now, and the time is here. It is an idea whose time has come.

Mr. President, I have often said—when asked how I decide how I will vote—that I will decide based on the best interests of our Nation and our State. And that on purely economic matters, I often put aside my personal views for the good of the people of our State. And that on matters of conscience, I believe that the people of Rhode Island have elected me to use my best judgment, to strip away the rhetoric, to address the facts, and to vote for what I truly believe to be in the best interest of our people. And in the almost 34 years I have been doing this, I have never before seen the two issues—our economic well-being and the moral thing do to—coverage so completely as they have on the issue of health care reform.

That is why the issue of health care reform—despite its extraordinary complexity—is actually a pretty simple one for me.

I believe that every American deserves to have quality health care when he or she needs it. I believe that every child in this country should have access to needed medical and preventive services. I believe that every pregnant woman should have medical care early and as needed during pregnancy. I believe that no one should be denied medical care simply because they cannot afford to pay for health insurance, and that is the case today. I believe that our health care system—while it offers the best and most advanced health care in the world—is too expensive, too complicated, and too inaccessible for far too many Americans. And I believe that the business of business, rather than the business of medicine, has been the impetus for many of the changes that have taken place in our health care system up to now. It is time for us to change that.

Mr. President, early in his administration, President Clinton sent to the Congress his own health reform legislation. And during this 103d Congress, more than 100 bills have been introduced on the subject of health care reform, each reflecting the views and preferences of its sponsor and cosponsors. In addition, virtually every business group, health professional group, and consumer group in this country has offered its own suggested health care reform plan or comments on someone else's plan. It would seem impossible for anyone to reconcile all those views and interests into a single bill that everyone can support.

And yet, that is exactly what the majority leader has done. He has looked at the issues that the American people care about, and he has listened to the concerns of every Senator. He has crafted a bill that asks those of us who want to do much more to be patient, and to accept less. He has crafted a bill that asks those who want to do much less to rise to the occasion and accept more. It was not an easy task, and the result is not perfect. But the Mitchell bill will get us on the right road—the road of quality health care for all—and in the end, it deserves every Senator's support.

And getting on the right road now is critically important. In my own State of Rhode Island, 89,000 of our citizens do not have health insurance; 15,000 of those people are children, and a full 79 percent of our uninsured are in families where at least one family member works.

Mr. President, in my State of Rhode Island, 8,000 people lose their health insurance every month. And they lose it for the same reasons that Americans all across the country lose their health insurance, because they got sick, or changed jobs, or lost their job, or because their employer stopped providing insurance, or because they simply couldn't afford the rising premiums any longer. In fact, the average health care payment paid by Rhode Island families in 1993 was $7,655, or 12.6 percent of family income. This is a 140-percent increase from what these families paid in 1980. And by the year 2000, the average Rhode Island family will have to pay $14,574 each year for health care, another 90-percent increase over 1993.

The situation in my State, Mr. President, like the situation in so many others, demands action now. And I applaud the President and Mrs. Clinton for not allowing the naysayers to deter them from this critically important work. And I applaud the majority leader for recognizing that compromise is an art that can give birth to great things, and in this case, and with his plan as a beginning, I believe that it will. And I applaud the Senator from Massachusetts [Mr. KENNEDY] for the skillful, able way he guided the legislation through the Senate.

Mr. President, I am one who hopes that changes can be made in the Mitchell bill when it comes before the Senate in the coming weeks. I would like to see universal coverage happen sooner, I would like to see costs contained more tightly, and I would like to see greater employer responsibility. But in the end, I believe that we must send to President Clinton a health care reform bill that guarantees every American that this country—the wealthiest Nation on earth—will not turn its back on any of us when we are sick.

We have the best chance we have had since the founding of our Nation to achieve this objective. It is my greatest hope that we can seize the moment. And in doing this, let us be sure that our focus is on the objective and not be too concerned with the route to it. Whether it takes a little more or a little less time is not relevant when compared with the importance of our objectives—universal medical coverage.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

HEALTH CARE REFORM

Mr. AKAKA. Mr. President, our country, the House of Representatives and the Senate will soon be considering an issue that will make a huge difference in our country's future, and that is health care reform. I cannot help but reach back a year or so and think about how this all began; how President Clinton gave the responsibility to the First Lady to begin to think about health care for our country and how the First Lady recruited leaders throughout the country, experts in the health field, and people who were consumers, to come together to share their thoughts about our health care needs. This was the beginning of a great movement of minds in our country.

We have met many times with the First Lady, Hillary Clinton, with her staff, and we have also contributed with our own thoughts.

What we will be considering as a health care act are really parts that have come from many minds throughout the country—from the consumers, from the providers, and from the legislative people in the Congress.

What will occur will be the making of decisions, of putting parts together

into a health bill that will help our country.

I want to commend our President for his insights, his leadership, his vision, and also Hillary for her expertise and many others who have helped her in this effort.

I also want to commend our leader here, Senator KENNEDY of Massachusetts, for his leadership in this health care movement. I also commend our leader for his, what we call, compromise bill which has lessened the opposition to the bill and which makes it very possible for its passage in a week or so. I also want to commend Senator MOYNIHAN for his efforts.

This great movement is one that has been going on for 18 months of study and analysis. After a broad public discussion, countless town meetings, and other local gatherings, after listening to what Harry and Louise have to say about health care, and after the greatest effort at public outreach this country has ever witnessed, the time has come for Congress to act on health care.

Mr. President, I have joined today's debate on health care because the State I represent, the State of Hawaii, leads the Nation in ensuring that basic health care is available to all its people. The Hawaii system delivers high-quality care, without high costs, despite the fact that Hawaii's cost of living is among the highest in the Nation.

I am here to tell you, Mr. President, that Hawaii has achieved the American health care dream—near universal health care coverage for its citizens—and we achieved this because of what we call shared responsibility by employers. There is no reason why the rest of the country should settle for anything less than what Hawaii enjoys.

I remember back in 1973 when the idea of a prepaid health care act was introduced in Hawaii and about the difficulties that we had with our providers and with the consumers about the cost of health care in Hawaii. We had a difficult time.

What is happening to us today reminds me of what happened to us in 1973. It is very, very similar. People were scared. Small business was scared, and they felt that they could not make a go out of contributing and sharing this responsibility.

For 20 years, Hawaii has maintained a model health care system. The cornerstone of our system is the Hawaii Prepaid Health Care Act. This law requires all of Hawaii's employers—except for certain family-owned businesses and employers who compensate through commissions—to provide health insurance to their employees.

As a result, Hawaii has one of the healthiest populations in the Nation. A study by the Journal of American Medical Association found that Hawaii has one of the lowest infant mortality rates in the Nation. Our death rates from chronic health problems, such as cancer and heart disease, are also among the lowest. In Hawaii, life-threatening conditions are usually detected earlier, which reduces premature death and shortens hospital visits. Because our population has ready access to doctors, we use hospital and emergency rooms less often.

Our system is based on preventive medicine. As a group, Hawaii citizens are very healthy people. We are the closest thing you will find to a health care paradise in America today.

The employer mandate that we have discussed in the Senate and which many people, I would say, are afraid of today is the cornerstone of Hawaii's health care system. Without shared responsibility by employers, the dream of universal coverage would never be realized.

Hawaii is the last State accepted into the Union, but we are the first State to achieve near universal coverage. Americans should not accept anything less than what Hawaii has achieved.

Opponents of health care reform and the employer mandate allege that business cannot afford to pay for coverage for their employees. They contend mandating that employers provide health care insurance will lead to widespread business failures. Yet, Hawaii's requirement that employers provide health insurance has not led to a disruption of Hawaii's small business sector. Small business dominates our State, and our employer mandate has not undermined our business climate. Our small business in 1973 was scared of the system, and today, Hawaii's employers pay 30 percent less on premiums than the rest of the country.

Compared to health care in Hawaii, the Mitchell plan is modest. It is not radical. It is not revolutionary. It will bring our country in line with every developed nation in the Western Hemisphere that guarantees their citizens basic and affordable health care.

The Mitchell bill is a giant step forward for millions of middle-class Americans who simply cannot afford to get sick. It is a good bill, and Americans will have better health care once we enact it, and we should enact it.

I will tell you, Mr. President, that should we not enact this health care bill, we would be encouraging—now get this—we would be encouraging quackery in our country. I can see where, if we do not pass this bill now, that people in our country will not be going to see doctors, they will not be going to hospitals, they will be taking care of themselves, they will be going to people who claim they have the solution to cure all ailments, and this is what I mean by quackery. People will do this should we not pass this bill.

It is so important, Mr. President, that we provide a health care act for every citizen in our country. They deserve it. We need to do it for them, and we can do it.

I urge my colleagues to support the Mitchell bill. It is the best bill that we have now. It will lead to great leaps in health care and the best health care in our country and in the world. Our leaders have done a great job, and I ask my colleagues to support our leaders, support our President, and to vote "yes" on full coverage health care for every citizen in our country.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Illinois is recognized.

Mr. SIMON. Madam President, I am pleased to join my colleagues in speaking on this health care bill.

Let me talk just real candidly to those who may be viewing this on television, because they may see some empty seats here and there is nothing pending and they are wondering why are we speaking. Real candidly, we are speaking to try to reach the American public.

We are hearing right now from the special interests who profit by the status quo, and we are hearing from people who are confused, and a great many people are confused by the present situation and the present proposals. What people have to understand is that the 83 percent of the American public who are covered by insurance can keep the insurance they have right now, provided it gives basic benefits that are outlined in the legislation.

But we have to join every other Western industrialized nation that covers all of their people. The Mitchell bill—and Senator MITCHELL has worked hard on this—is a good beginning, but we ought to do better than that, real candidly, and I hope we can strengthen it. I hope the message can come from America out there, from American citizens that every American citizen ought to be covered. The new Times poll of the Nation says 79 percent of the American public believe that coverage for all Americans is very important, 17 percent believe it is somewhat important. That is a total of 96 percent. I cannot remember any controversial issue that was anything like that. Three percent say it is not important, and 1 percent have no opinion.

Ninety-six percent of the American public believe health care coverage for everyone is important. And it is not simply these statistics. It is the woman in Wausau, WI. My uncle and aunt had a 50th wedding anniversary, and I went up there. The night before the event, I went to a restaurant with a cousin of mine, Ted Albert, and his wife Joan, and a woman recognized me in the restaurant and came up to me and said, "My daughter has lupus. She is 25 years old. We can't get health insurance."

It is the woman in Putnam County, IL, who came up to me, carrying a disabled child, saying, "My husband and I

have health insurance but we have exceeded the $100,000 limit. We have now lost our home. We owe $16,000. What can you do to help us?"

I had to tell her I cannot do anything. And I had to tell her every other Western industrialized nation would protect her but the United States does not protect her.

About 3 weeks ago, I went over to the building I think they call the "Building of the States" to do a TV satellite program where you put the earpiece in and you answer questions from a Chicago television station. I was on the air for roughly half an hour. And when the program was over, the woman behind the camera came up to me and said, "Ten years ago I had a serious problem." She looked very healthy to me now. She said, "I can't get health insurance. What happens to me if I have to go to the hospital?" And she started to cry.

Those are the kinds of people we ought to be keeping in mind. That is why we have to pass coverage for every American. To say that we are going to achieve 95 percent—and that is a goal not likely to be achieved, but to say that we want to get 95 percent, that means we are leaving 12½ million Americans out. And who are the 12½ million Americans that are going to be left out? I do not know. But I do know that every economic study suggests that when you do not cover all Americans the costs go up, the costs escalate for everyone.

Mr. KENNEDY. Will the Senator yield?

Mr. SIMON. I would be pleased to yield to a person who has done more over the years to push health care in this Senate than any other.

Mr. KENNEDY. I thank the Senator for his remarks.

I see our good friends, Senator REID and Senator DASCHLE, on the floor. I just wanted to mention, I think the 95 percent is really a point on the way to universal. That is the way certainly I look at it and I hope others will look at it.

But I might just say, when the Senator was mentioning lupus, as we know, that primarily affects women. Nine out of 10 people who get it are women of childbearing age. We do not adequately give that priority.

The Senator was there when we passed a modest program to try to help and assist in developing the epidemiological histories in terms of lupus and other diseases. But the Senator is talking about a bare point.

I want to mention, even though these programs do not include a feature of the system of our friends to the north—and I just use this as an illustration—some years ago—it was actually at a hearing outside of Chicago, IL—we had individuals who were under a comprehensive universal system. This was the Canadian system. We are basically talking about a universal system and also cost controls, which the President is committed to.

One of the extraordinary things that we learned at that hearing where we met parents of children who had, in this instance, spina bifida, but also other kinds of very heartbreaking and wrenching children's diseases.

The parents—I can still remember the hearing, even though it was probably now some 20 years ago—the American parents, one was a schoolteacher and the other was a construction worker. The construction worker—it was during the winter—was out of work and he was trying to take care of the child. The mother was a teacher. But eventually the costs got so high—the tears came down their faces—that, having been wiped out financially, were then forced under the Medicaid Program to give that child up and put it in an institution.

The family that was there from Canada, a husband and wife, talked about how they had adopted five children out of institutions into their home after their children had grown up, and the only thing that the province provided was the health care needs. They were glad to provide the roof. They were glad to provide the food. They were glad to heat the home. They were glad to try to provide some of the clothing that had been passed down because they had had six children and their children were just getting ahead and leaving home.

It was the most extraordinary act of generosity. I asked these parents, I said, "Why did you do it?" And they said, "We wanted our children to know what love and caring that the Bible teaches is all about and we thought that was the best way to do it."

The difference that it made to those children who were taken out of institutions and put in homes, the costs that were being saved for the taxpayers in doing that in a humane way, the health benefits to those children, because we all know that the children improve twice as fast when they are growing up either with the parents or with nurturing loved ones, I mean it was a win-win-win situation.

That ought to be the nature of the debate that we are talking about next week. How unfortunate it is, as we are coming on the eve of what hopefully will be one of the great important debates, as Social Security and Medicare were, as we are listening to those who say we cannot wait to read this line by line and go through every single little page to find out and challenge people how to do it. I think that attitude demeans what this institution is about when it is at its very best.

I am wondering whether the Senator would not agree that we ought to be trying to find ways to provide the kind of relief to families that are being impacted by sickness, illness, disease with preexisting conditions, recognizing that it is hard enough when these families are faced with the emotional and physical difficulties, but then to be saddled as well by the loss of their job or their insurance coverage or their bankruptcy, which is virtually intolerable.

It seems to me that if we can really recognize that finally—if the Senator would agree with me—it is not only the dollars and cents, we will not hear so much the discussion and talk. But it is a very important discussion and talk about what it means to American families to be free from that fear. We cannot put a dollar sign on it. We will be challenged day in and day out. What is the cost of this, and what is the cost of that?

I wonder if the Senator would agree with me that part of this whole great moment—and I think it will be a great moment, enormously important—is that we really put the American people first, we put sensible health policy second, and that we put the sense of compassion in terms of funding this and making commonsense judgments about these issues as a bottom line, and get about the business of American health care.

Mr. REID. Will the Senator from Illinois yield?

Mr. SIMON. Let me respond to the Senator from Massachusetts, and then I will be pleased to yield to my friend from Nevada.

I could not agree with the Senator from Massachusetts more. I did not happen to see President Clinton's press conference last night. But he had a man there who was not able to afford to go to a physician.

Incidentally, those without health insurance go to a physician half as often as those of us who have coverage.

His wife was ill, and they felt they could not afford to go to a physician. They found out finally—when she got so bad that she had to go—that she had cancer. She insisted that he get on this bus express. And while he was on the bus express he learned that his wife had died of cancer.

It is stories like that over and over again.

Mr. KENNEDY. I have in my pocket the response of Mr. Cox to the suggestion of our minority Republican leader. Since the Senator initiated that discussion, he may want to share that with us now, and it is right on the point.

Mr. SIMON. Let me read this. I am going to yield to my friend from Nevada.

Let me add that if groups as varied as the AFL-CIO, the American Association of Retired Persons, and the American Medical Association all say we ought to have universal coverage for all citizens, I have to believe the U.S. Senate ought to see the wisdom of that.

Let me just read this.

On the Today Show this morning, Republican Party Chairman Haley Barbour said John Cox's problem would be solved by the Republican proposal. Senator Bob DOLE said, "Our bill fixes the Cox case."

John Cox was the man whose wife died of cancer. John Cox responded this afternoon.

Bob DOLE said his plan would resolve my family's problems. But I don't think that is true. From what I am told, the DOLE bill would not have made the insurance companies cover my wife's cancer right away, and it could have put the entire burden of paying for health coverage on my family. That is what this is about, making sure that everyone has coverage for what they need, when they need it, affordable coverage you cannot lose no matter what. That is what my wife wanted. That is what I want. And that is what President Clinton said he wants when I met him yesterday.

Delay cost my wife her life. I want Bob DOLE to understand that delays can cost lives. I wish they would stop with the politics and pass this now. That is what my wife wanted, and that is why she told me to make this journey.

Then there is a little addendum by whoever put this out, how the DOLE plan would fail to solve Daniel Lumley's health insurance problem. Daniel Lumley is not the person involved in that. He is another one.

Mr. REID. He is the man missing the arm, who was at the press conference.

Will the Senator yield? I wanted to comment, with the permission of the Senator from Illinois and my friend from Massachusetts.

One of the interesting things about Senator MITCHELL's bill, which is going to be before the Senate next week, is that it is deficit neutral. It will not cost any more money.

If we do nothing with health care this year, 1994, we are not going to be able to do anything in any year. Health care costs in America will go up over $100 billion. We will not have any better health care as a result of health care costs going up over $100 billion. The money is going into red tape, fraud, and abuse, which this legislation which the majority leader has introduced will go right to the heart of.

So we will take care of some of the problems with health care costs in this country, which are bad. We have had two special sessions in the State of Nevada as a result of health care costs. The Nevada State legislature was called into special session twice by the Governor in the past 3 years because of the high cost of health care which is causing the budget to be out of whack. And it is going on in State governments all over the country.

So we should talk about costs because, if we do not address health care costs in America this year or within the next 3 weeks, I really feel sorry for the economy of this country in the next decade because I do not think we will be willing to address it if we lose this golden opportunity.

I thank the Senator for yielding.

Mr. SIMON. I thank my colleague. I agree with him.

What I said is we have to get 100 percent coverage rather than 95 percent. Senator MITCHELL is in a very delicate and difficult situation. He has to get votes. He has sounded out our colleagues. He has come up with the best bill that he thinks can pass. But I believe if we hear from the American public, and they say to us, we want health insurance for all Americans—and I will be happy to debate anyone any time on that proposition—I think this Senate can do better.

Finally, Madam President, I want to tell about one woman who testified. Senator KENNEDY had her come before our committee. I think she was from Kentucky or Tennessee, I forget. She works at a Kentucky Fried Chicken; works about 30 hours a week at the minimum wage. She has no health insurance coverage. For her heart condition she is supposed to buy two kinds of medicine, each of which costs about $60 a month, for a total of $120 a month.

She has to choose, because she has to pay rent and other things. This is a woman I would guess to be 60 years old. I hope she does not feel offended by my guessing her age. But she has to choose between food and her heart medicine, and she has chosen food.

What a terrible tragedy. We can do better in this country. I hope we will.

Thank you, Madam President.

Mr. KENNEDY. Could I ask the Senator just a very brief question?

First of all, I thank the Senator from Illinois for bringing up that case. There was a certain sense of humor in that case. These hardworking people have been working all of their lives down there. She was divorced. So when asked what was the worst thing that happened to her, she said losing her husband was bad, but losing her health insurance was the worst thing that happened to her.

It is an extraordinary person that has worked her whole life receiving, at that time, I think about $2.75 an hour, trying to make ends meet in this country, and facing these kinds of frustrations.

I thank the Senator. Senator REID has put his finger on another very important area; as the Senator is also concerned about health care costs, what failing to act would mean in terms of the Federal deficit.

We find that the largest growing programs in Federal spending is the growth in Medicare and Medicaid, and if we are not going to be able to get a handle—and they are about a quarter of all of the kinds of health expenditures we have. Therefore, we are talking about getting a handle on the costs. We have to, obviously, deal with those issues.

I am wondering if the Senator does not feel that the failure of taking action has not only the health implications we have talked about, and what the impact will be on real people and their lives, on children, and on hardworking men and women, people that are playing by the rules of the game, working 40 hours a week, 52 weeks a year trying to look out after their family; will the Senator just tell us what his sense is of what the result of failing to act on the Federal deficit will be, and what that has to do with the terms of economic strength and vitality of this Nation and its ability to provide jobs and compete internationally and offer a sense of hope to our fellow citizens?

Mr. REID. I say to my friend from Massachusetts that I serve on the Appropriations Committee. In the past 12 years, domestic discretionary spending has gone from 25 percent of everything we spend—and domestic discretionary spending is for education, research at the National Institutes of Health——

Mr. KENNEDY. These are programs like, for example, the guaranteed student loan program, the Pell Grant Program; about $11 billion in the NIH in terms of research in cancer and heart programs; even the $400 billion in legal services to make sure that the neediest people in our country are going to be able to get lawyers, to be able to ensure that their rights are going to be protected in the court systems. These are the kinds of things—and the National Endowment of Humanities and for the Arts that provide help and assistance to virtually every community.

When you are talking about discretionary, it is not just about pushing around some other kind of program. These are matters that really reach out and have some impact in terms of the people, and to mayors and communities, and also to States.

I did not want to interrupt, but I thought it was important that people understand what these programs are.

Mr. REID. These programs help people. For example, in addition to the programs the Senator from Massachusetts mentioned, there is our National Park System. We are closing parts of our national parks because they are so rundown and deteriorated that we cannot repair them. We used to spend 25 percent on domestic discretionary spending. It is now down to 12 percent. We finished a conference on energy and water dealing with the Bureau of Reclamation and programs of that nature. These programs are being cut to the heart, programs that help people all over this country.

So why are these programs being so impacted? Our friends from the other side of the aisle—continually, I hear them say we have to do something about entitlements. Well, over 80 percent of entitlement spending is for Social Security and Medicare and Medicaid. We are not going to do anything about Social Security. We will have

the entitlement commission's meeting, and there will be changes made, perhaps. But the bulk of the changes they are talking about are in health care programs. Why? Because the cost is escalating.

I have here a chart that shows that the United States spends far more on health care than any other country. When I say "far more" than any other country, I mean there is not a close second. Look at this chart. In the United States we spend almost $3,000. The next is Germany down to $1,600. We may not like the health care that is delivered in the United Kingdom, but look at the pittance they spend.

So the question I answer is that health care has everything to do with the deficit. It has everything to do with the deficit—not only the Federal deficit, but in State and local governments.

Madam President, under the order now standing, I ask unanimous consent to be recognized in my own right.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

Mr. REID. The challenge has been provided to us here tonight—the challenge of health care for the American people; the citizens of this Nation. Our constituents, we believe must be provided with affordable, quality health care that is always there, whether they change jobs, get sick, or become disabled. Today's system is rigged against American families and small businesses.

Every month, Madam President, 2 million Americans lose their health coverage, and 100,000 of those 2 million will never get it back. We talk about universal coverage. This bill we are going to debate next week gets us to 95 percent, and we are going up. I think we realistically have to understand we are never going to get 100 percent. They do not have it in Hawaii; they have 98 percent. Even with Social Security here in America, which has been in existence for 60 years, it is only 98 percent. But we are on the road to virtually having everybody covered. That is the way it should be if we do something with this legislation. If we do not, the number of those insured will continually go down. Now we are down to maybe 82 or 83 percent coverage. The uninsured is going up and up. The sad part about it, Madam President, is that the uninsured are not people who are not working. Sixty percent of the uninsured are working people.

Health care costs have shot up more than 400 percent in the past decade; in 10 years, they have gone up over 400 percent. It is easy to say those words. It is hard to understand what they mean, because we are talking about escalating costs, not in hundreds, not in thousands, not in millions, not in billions, but in trillions of dollars. Next year, America will spend $1 trillion in health care costs.

By the end of this decade, the cost of our family health care will double—a 100-percent increase for each family. The yearly cost—as indicated by the senior Senator from Rhode Island—for every American family by the year 2000 will be $15,000. Bureaucratic red tape is a big villain. For small businesses with fewer than five employees, administrative costs consume over 40 cents of every dollar. Insurance companies employ 2.4 million people, more people than are working for the entire Federal Government.

I talked to a Las Vegas orthopedic surgeon today, and he said, "Harry, I am tired of being told what I can do or cannot do by some clerk from an insurance company." Major medical decisions are not being made by the medical profession anymore; they are being made by some clerk working for some insurance company. That is what this health care debate is all about. It is not about the scare tactics that have been propounded by the insurance industry by spending millions and millions of dollars on radio and television. It is about making health care affordable to the American public so that small businesses can afford to have health insurance for their employees.

The entire country of Canada, our sister nation, employs fewer administrators for its entire health care system than does the State of Massachusetts Blue Cross program. The whole State of Canada has fewer employees administering health care than the State of Massachusetts Blue Cross program, which covers 2.7 million people.

Despite all these facts, some say there is still no health care crisis. Madam President, there is a health care crisis. I did not know 1½ years ago of the depth of the health care crisis, but I have learned what the health care crisis is about by meeting people from the State of Nevada.

The State of Nevada is no different than the rest of the country. I frankly wish it were, but it is not, and that scares me.

I have met, for example, a woman by the name of Erin Dowell. I met her first here in Washington. She came here to testify about the extraordinary cost of her health care. She was here to talk about her health care costs being almost $½ million, a 27-year-old woman, who was a cosmetologist. She fell and was injured. She became part of the State of Nevada industrial insurance system and her industrial injury was taken care of. But by the time she got this industrial accident taken care of, she had lost her health insurance. She had no health insurance. Then this young woman got leukemia, a disease from which my father-in-law died.

She was one of those people who was caught between the rocks. She could not turn anywhere for help. She was sick. She eventually—and I say eventually, because it took a long time—qualified for Medicare coverage. But during the period of time, Madam President, that she was trying to find what nook and cranny she fit in, she qualified for a bone marrow transplant, and she had a perfect match, but the health care providers could not get it worked out in time. By the time they were ready, she had had a condition where her leukemia had flared up again. It exacerbated. They could not do the transplant.

I saw her here in Washington, a vivacious, pretty 27-year-old woman. I saw her less than a month later in Reno, NV. She was real sick. I went to her home and visited with her. I could not tell if she was the same person. She was hopeful then. She said maybe I can get better and maybe they can do the transplant.

Well, Erin has given up. Erin is not going to take anymore chemotherapy. She cannot take anymore of it in her own mind. She said all she has left is hope and $1 million in medical bills.

I have learned, Madam President, that there are lots of Erin Dowells, and that is too bad but there are. But I also learned—I am not going to give any more examples of the learning that I have had in this area dealing with individuals. But I am going to talk about a small, nonprofit agency in Nevada that served the Hispanic community and had 23 employees. They were all low waged. The highest wage they paid was $4.50 an hour. They had willing employees because they felt they were doing the right thing for their community, and in addition to the $4.50, they had health insurance.

Well, came time to renew their health insurance and you know what happened? No thanks. The insurance company will not renew. Why? Because they had preexisting disabilities? What were they? Two pregnancies and another had diabetes.

I recently started wearing glasses and my Las Vegas ophthalmologist as I was leaving the office asked to speak with me. He said: "Harry, I have 27 employees. I was just told by my insurance company they are not going to rewrite my policy and I had my office manager check around. I cannot get anybody to rewrite it. Why? Because one of the 27 got cancer during the past year."

I went to a radio station for an interview. Someone I knew for many, many years he was interviewing. He was not interviewing me. He worked at the radio station. He said: "Harry, can I talk to you." I sat down and talked to this man. He did not cry. I felt like crying. Here is a man who said his wife has 18 months to live. He makes $13,000 a year at that radio station. They offered to give him raises and a promotion. He cannot take it because he would be making too much money and it would cancel out his public assistance for his wife who has 18 months to live.

We are talking about individuals, nonprofit agencies, a doctor with a thriving practice, a prominent ophthalmologist in Las Vegas, and talking about a poor man whose wife has 18 months to live, and we are saying there is no health care crisis?

This is a crisis. It is robbing individuals of their dignity. These are not isolated cases.

You know, Madam President, I do not know if Erin Dowell is a Democrat or Republican. I have never asked her. I do not know if my ophthalmologist friend is a Democrat or Republican. I never asked him. I do not know that the people that work at that nonprofit agency dealing with the Hispanic community are Democrats or Republicans. We can take a vote and I do not know who would be the most. I do not know whether my friend who works at the radio station is a Democrat or Republican. You see, sickness, disease, and bad luck strikes Democrats and Republicans alike.

I think that it is a crying shame for Erin's sake and the sake of others in America that we are making this a political issue. This should be the high point of my congressional career, to be able to participate in a debate dealing with making health care affordable and dealing with the economic crisis that faces Americans as a result of the health care crisis—the costs of it. But it is not. It has become a nitpicking, partisan debate, and that is too bad. We must have health care reform.

The majority leader has offered to this body, to my State, to this country a fine start. Our end goal is quality, affordable, accessible health care for all Americans where we can have portable health insurance policies, take care of preexisting conditions, provide prescription drugs for seniors, improve long-term care, and achieve cost containment generally to help the kids without insurance.

This is a historic time in our Nation. We should be working together. I think we can reach these goals. If Congress can keep a reform bill moving forward which seeks to provide health security for all Americans, it will be one of the most significant accomplishments in the history of this Nation. We should draw together and realize that people who get sick and are hurt or are injured and, I repeat, have bad luck—we do not know whether they are Democrats or Republicans, and we should not, and that is how we should approach this legislation.

I call upon my friends on the other side of the aisle to come forward and work with us and bring health care reform to this country.

DESALINIZATION RESEARCH AND DEVELOPMENT ACT OF 1994

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 532, S. 617, the Desalinization Research and Development Act of 1994; that the committee amendments be agreed to, and the bill, as amended, be deemed read three times, passed, and the motion to reconsider be laid upon the table; and that any statements appear in the RECORD as if read.

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

So the committee amendment was agreed to, 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.)

S. 617

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 "Desalinization Research and Development Act of **[1993]** *1994*".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the United States and the world, it is the policy of the United States to perform research to develop low-cost alternatives in the desalinization and reuse of saline or biologically impaired water to provide water of a quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses, and to provide, through cooperative activities with local sponsors, desalinization and water reuse processes or facilities which provide proof-of-concept demonstrations of advanced technologies for the purpose of developing and conserving the water resources of this Nation and the world.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "desalinization" means the use of any process or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processes;

(2) the term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water;

(3) the term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(4) the term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses; and

(5) the term "sponsor" means any local, State, or interstate agency responsible for the sale and delivery of **["usable"]** *usable* water that has the legal and financial authority and capability to provide the financial and real property requirements needed for a desalinization facility.

SEC. 4. RESPONSIBILITY FOR THE PROGRAM.

(a) *RESEARCH AND DEVELOPMENT.*—The Secretary of the Interior shall have primary program management and oversight for conduct of the research and development **[and** the Desalinization Development Program**]** *under this Act* and shall coordinate these activities with the Secretary of the Army.

(b) *DESALINIZATION DEVELOPMENT PROGRAM.*—The Secretary of the Interior shall jointly execute the Desalinization Development Program *established under section 6* with the Secretary of the Army.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline water, the Secretary of the Interior and the Secretary of the Army shall conduct a basic research and development program as established by this Act.

(b) *CONTENTS OF PROGRAM.*—For the basic research and development program, the Secretary of the Interior and the Secretary of the Army shall—

(1) conduct, encourage, and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water into **["usable"]** *usable* water through research grants and contracts—

(A) to conduct research and technical development work,

(B) to make studies in order to ascertain the optimum mix of investment and operating costs,

(C) to determine the best designs for different conditions of operation, and

(D) to investigate increasing the economic efficiency of desalinization processes by using them as dual-purpose **["co-facilities"]** *co-facilities* with other processes involving the use of water;

(2) engage, by competitive or noncompetitive contract or any other means, necessary personnel, industrial or engineering firms, Federal laboratories and other facilities, and educational institutions suitable to conduct research or other work;

(3) study methods for the recovery of byproducts resulting from the desalinization of water to offset the costs of treatment and to reduce the environmental impact from those byproducts; and

(4) prepare a management plan for conduct of the **["Research and Development Program".]** *research and development program established under this section.*

SEC. 6. DESALINIZATION DEVELOPMENT PROGRAM.

(a) *PROGRAM RESPONSIBILITY.*—The Secretary of the Interior **[will]** *shall* have program responsibility *for the Desalinization Development Program established under this section (referred to in this section as the "Desalinization Development Program").*

(b) *DESIGN AND CONSTRUCTION.*—The Secretary of the Army and the Secretary of the Interior both shall have authority to design and construct facilities under **[the provision of]** the Desalinization Development Program.

(c) SELECTION OF DESALINIZATION DEVELOPMENT FACILITIES.—Candidate facilities **[must]** *shall* be submitted by the sponsor directly to the Secretary of the Army or the Secretary of the Interior. Sponsors **[will]** *shall* submit their application for the design and construction of a facility and certification that they can provide the required cost sharing. Facilities **[will]** *shall* be selected subject to availability of Federal funds.

(d) COST SHARING.—

(1) *INITIAL COST.*—The **["initial cost"]** *initial cost* of a facility shall include—

(A) design cost,

(B) construction cost,

(C) lands, easements, and rights-of-way costs, and

(D) relocation costs.

(2) GENERAL RULE.—The sponsor for a facility under the Desalinization Development Program [shall]

[(A) pay, during construction, 5 percent of the "initial cost" of the facility, and]

[(B) provide all lands, easements, and rights-of-way and perform all related necessary relocations.]

shall pay, during construction, at least 25 percent of the initial cost of the facility, including providing all lands, easements, and rights-of-way and performing all related necessary relocations.

(3) 25-PERCENT MINIMUM CONTRIBUTION.—If the value of the contributions required under paragraph (2) of this subsection is less than 25 percent of the ["initial cost"] *initial cost* of the facility, the sponsor shall pay during construction of the facility such additional amounts as are necessary so that the total contribution of the sponsor is equal to 25 percent of the ["initial cost"] *initial cost* of the facility.

(4) 50-PERCENT MAXIMUM.—The sponsor share under paragraph (2) shall not exceed 50 percent of the ["initial cost"] *initial cost* of the facility.

(e) *MAXIMUM INITIAL COST.*—The ["initial cost"] *initial cost* of a facility *under subsection (d)(1)* may not exceed $10,000,000.

(f) *OPERATION AND MAINTENANCE.*—Operation, maintenance, repair, and rehabilitation of facilities shall be the responsibility of the sponsor.

(g) REVENUE.—All revenue generated from the sale of ["usable water"] *usable water* from the facilities shall be retained by the sponsors.

SEC. 7. PARTICIPATION BY INTERESTED AGENCIES AND OTHER PERSONS.

(a) COORDINATION WITH OTHER AGENCIES.—

(1) *IN GENERAL.*—Research and development activities undertaken by the Secretary of the Interior under this Act shall be coordinated or conducted jointly, as appropriate, [with]

(A) *with* the Department of Commerce, specifically with respect to marketing and international competition, *and*

(B) [as appropriate] *with*—

(i) the Departments of Defense, Agriculture, State, Health and Human [Resources] *Services*, and Energy,

(ii) the Environmental Protection Agency,

(iii) the Agency for International Development, and

(iv) other concerned Government and private entities.

(2) *OTHER AGENCIES.*—Other interested agencies may furnish appropriate resources to the Secretary of the Interior to further the activities in which they are interested.

(b) AVAILABILITY OF RESEARCH.—All research sponsored or funded under authority of this Act shall be provided in such manner that information, products, processes, and other developments resulting from Federal expenditures or authorities [will] *shall* (with exceptions necessary for national defense and the protection of patent rights) be available to the general public consistent with this Act.

[(c) PATENTS AND INVENTIONS.—

[(1) Subject to paragraph (2), section 9 (a) through (k) and (m) of the Federal Nonnuclear Energy, Research and Development Act of 1974 (43 U.S.C. 5908 (a) through (k) and (n)) shall apply to any invention made or conceived in the course of or under any contract of the Secretary of the Interior pursuant to this Act, except that for the purposes of this Act, the words "Administrator" and "Administration" in that section shall be deemed to refer to the Secretary and Department of the Interior, respectively.

[(2) Paragraph (1) shall not be construed to affect the application of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) to research under this Act that is performed at a Federal laboratory.]

[(d)] *(c)* RELATIONSHIP TO ANTITRUST LAWS.—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of individuals, corporations, and other business organizations in connection with grants and contracts made by the Secretary of the Interior pursuant to this Act.

SEC. 8. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

The Secretary of the Interior is authorized to accept technical and administrative assistance from a State, public, or private agency in connection with research and development activities relating to desalinization of water and may enter into contracts or agreements stating the purpose for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary of the Interior and such agency.

SEC. 9. MISCELLANEOUS AUTHORITIES.

In carrying out this Act, the Secretary of the Interior or the Secretary of the Army, as appropriate, may—

(1) make grants to educational and scientific institutions;

(2) contract with educational and scientific institutions and engineering and industrial firms;

(3) engage, by competition or noncompetitive contract or any other means, necessary personnel, industrial and engineering firms and educational institutions;

(4) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(5) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(6) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in lands and water, facilities, and other property by purchase, license, lease, or donation;

(7) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(8) conduct inspections and evaluations of domestic and foreign facilities and cooperate and participate in their development;

(9) conduct and participate in regional, national, and international conferences relating to the desalinization of water;

(10) coordinate, correlate, and publish information which will advance the development of the desalinization of water; and

(11) cooperate with Federal, State, and municipal departments, agencies and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 10. DESALINIZATION CONFERENCE.

(a) ESTABLISHMENT.—The President shall instruct the Agency for International Development to sponsor an international desalinization conference within twelve months following the date of the enactment of this Act. Participants in such conference should include scientists, private industry experts, desalinization experts and operators, government officials from the nations that use and conduct research on desalinization, and those from nations that could benefit from low-cost desalinization technology, particularly in the developing world, and international financial institutions.

(b) PURPOSE.—The conference established in subsection (a) shall explore promising new technologies and methods to make affordable desalinization a reality in the near term, and shall further propose a research agenda and a plan of action to guide longer-term development of practical desalinization applications.

(c) FUNDING.—Funding for the international desalinization conference may come from operating or program funds of the Agency for International Development [, and the]. *The* Agency for International Development shall encourage financial and other support from other nations, including those that have desalinization technology and those that might benefit from it.

SEC. 11. REPORTS.

Prior to the expiration of the twelve-month period following the date of enactment of this Act, and each twelve-month period thereafter, the Secretary of the Interior, in consultation with the Secretary of the Army, shall prepare a report to the President and Congress concerning the administration of this Act. Such report shall include the actions taken by the Secretary of the Interior and the Secretary of the Army during the calendar year preceding the calendar year in which such report is filed, and shall include actions planned for the next following calendar year.

[SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

[(a) There is authorized to be appropriated $5,000,000 for fiscal year 1994, $10,000,000 for fiscal year 1995, and for each of the fiscal years 1996, 1997, and 1998, such sums as may be necessary for the purposes of carrying out section 5 of this Act.]

[(b) There is authorized to be appropriated $50,000,000 over a five-year period for the purposes of section 6 of this Act. Any of the funds appropriated will be made available equally to the Department of the Interior or the Army Corps of Engineers civil works program.]

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to carry out section 5 $5,000,000 for fiscal year 1995, $10,000,000 for fiscal year 1996, and such sums as may be necessary for each of fiscal years 1997 through 1999.

(b) DESALINIZATION DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out section 6 such sums as may be necessary, up to a total of $50,000,000, for fiscal years 1995 through 1999. Funds made available under this subsection shall be made available in equal amounts to the Department of the Interior and the civil works program of the Army Corps of Engineers.

So the bill (S. 617), as amended, was deemed read three times and passed, as follows:

S. 617

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 "Desalinization Research and Development Act of 1994".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the United States and the world, it is the policy of the United States to perform research to develop low-cost alternatives in the desalinization and reuse of saline or biologically impaired water to provide water of

a quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses, and to provide, through cooperative activities with local sponsors, desalinization and water reuse processes or facilities which provide proof-of-concept demonstrations of advanced technologies for the purpose of developing and conserving the water resources of this Nation and the world.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "desalinization" means the use of any process or technique for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline or biologically impaired waters, by itself or in conjunction with other processes;

(2) the term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water;

(3) the term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

(4) the term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses; and

(5) the term "sponsor" means any local, State, or interstate agency responsible for the sale and delivery of usable water that has the legal and financial authority and capability to provide the financial and real property requirements needed for a desalinization facility.

SEC. 4. RESPONSIBILITY FOR THE PROGRAM.

(a) RESEARCH AND DEVELOPMENT.—The Secretary of the Interior shall have primary program management and oversight for conduct of the research and development under this Act and shall coordinate these activities with the Secretary of the Army.

(b) DESALINIZATION DEVELOPMENT PROGRAM.—The Secretary of the Interior shall jointly execute the Desalinization Development Program established under section 6 with the Secretary of the Army.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline water, the Secretary of the Interior and the Secretary of the Army shall conduct a basic research and development program as established by this Act.

(b) CONTENTS OF PROGRAM.—For the basic research and development program, the Secretary of the Interior and the Secretary of the Army shall—

(1) conduct, encourage, and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water into usable water through research grants and contracts—

(A) to conduct research and technical development work,

(B) to make studies in order to ascertain the optimum mix of investment and operating costs,

(C) to determine the best designs for different conditions of operation, and

(D) to investigate increasing the economic efficiency of desalinization processes by using them as dual-purpose co-facilities with other processes involving the use of water;

(2) engage, by competitive or noncompetitive contract or any other means, necessary personnel, industrial or engineering firms, Federal laboratories and other facilities, and educational institutions suitable to conduct research or other work;

(3) study methods for the recovery of byproducts resulting from the desalinization of water to offset the costs of treatment and to reduce the environmental impact from those byproducts; and

(4) prepare a management plan for conduct of the research and development program established under this section.

SEC. 6. DESALINIZATION DEVELOPMENT PROGRAM.

(a) PROGRAM RESPONSIBILITY.—The Secretary of the Interior shall have program responsibility for the Desalinization Development Program established under this section (referred to in this section as the "Desalinization Development Program").

(b) DESIGN AND CONSTRUCTION.—The Secretary of the Army and the Secretary of the Interior both shall have authority to design and construct facilities under the Desalinization Development Program.

(c) SELECTION OF DESALINIZATION DEVELOPMENT FACILITIES.—Candidate facilities shall be submitted by the sponsor directly to the Secretary of the Army or the Secretary of the Interior. Sponsors shall submit their application for the design and construction of a facility and certification that they can provide the required cost sharing. Facilities shall be selected subject to availability of Federal funds.

(d) COST SHARING.—

(1) INITIAL COST.—The initial cost of a facility shall include—

(A) design cost,

(B) construction cost,

(C) lands, easements, and rights-of-way costs, and

(D) relocation costs.

(2) GENERAL RULE.—The sponsor for a facility under the Desalinization Development Program shall pay, during construction, at least 25 percent of the initial cost of the facility, including providing all lands, easements, and rights-of-way and performing all related necessary relocations.

(3) 25-PERCENT MINIMUM CONTRIBUTION.—If the value of the contributions required under paragraph (2) of this subsection is less than 25 percent of the initial cost of the facility, the sponsor shall pay during construction of the facility such additional amounts as are necessary so that the total contribution of the sponsor is equal to 25 percent of the initial cost of the facility.

(4) 50-PERCENT MAXIMUM.—The sponsor share under paragraph (2) shall not exceed 50 percent of the initial cost of the facility.

(e) MAXIMUM INITIAL COST.—The initial cost of a facility under subsection (d)(1) may not exceed $10,000,000.

(f) OPERATION AND MAINTENANCE.—Operation, maintenance, repair, and rehabilitation of facilities shall be the responsibility of the sponsor.

(g) REVENUE.—All revenue generated from the sale of usable water from the facilities shall be retained by the sponsors.

SEC. 7. PARTICIPATION BY INTERESTED AGENCIES AND OTHER PERSONS.

(a) COORDINATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—Research and development activities undertaken by the Secretary of the Interior under this Act shall be coordinated or conducted jointly, as appropriate—

(A) with the Department of Commerce, specifically with respect to marketing and international competition, and

(B) with—

(i) the Departments of Defense, Agriculture, State, Health and Human Services, and Energy,

(ii) the Environmental Protection Agency,

(iii) the Agency for International Development, and

(iv) other concerned Government and private entities.

(2) OTHER AGENCIES.—Other interested agencies may furnish appropriate resources to the Secretary of the Interior to further the activities in which they are interested.

(b) AVAILABILITY OF RESEARCH.—All research sponsored or funded under authority of this Act shall be provided in such manner that information, products, processes, and other developments resulting from Federal expenditures or authorities shall (with exceptions necessary for national defense and the protection of patent rights) be available to the general public consistent with this Act.

(c) RELATIONSHIP TO ANTITRUST LAWS.—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of individuals, corporations, and other business organizations in connection with grants and contracts made by the Secretary of the Interior pursuant to this Act.

SEC. 8. TECHNICAL AND ADMINISTRATIVE ASSISTANCE.

The Secretary of the Interior is authorized to accept technical and administrative assistance from a State, public, or private agency in connection with research and development activities relating to desalinization of water and may enter into contracts or agreements stating the purpose for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary of the Interior and such agency.

SEC. 9. MISCELLANEOUS AUTHORITIES.

In carrying out this Act, the Secretary of the Interior or the Secretary of the Army, as appropriate, may—

(1) make grants to educational and scientific institutions;

(2) contract with educational and scientific institutions and engineering and industrial firms;

(3) engage, by competition or noncompetitive contract or any other means, necessary personnel, industrial and engineering firms and educational institutions;

(4) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(5) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(6) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in lands and water, facilities, and other property by purchase, license, lease, or donation;

(7) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(8) conduct inspections and evaluations of domestic and foreign facilities and cooperate and participate in their development;

(9) conduct and participate in regional, national, and international conferences relating to the desalinization of water;

(10) coordinate, correlate, and publish information which will advance the development of the desalinization of water; and

(11) cooperate with Federal, State, and municipal departments, agencies and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 10. DESALINIZATION CONFERENCE.

(a) ESTABLISHMENT.—The President shall instruct the Agency for International Development to sponsor an international desalinization conference within twelve months following the date of the enactment of this Act. Participants in such conference should include scientists, private industry experts, desalinization experts and operators, government officials from the nations that use and conduct research on desalinization, and those from nations that could benefit from low-cost desalinization technology, particularly in the developing world, and international financial institutions.

(b) PURPOSE.—The conference established in subsection (a) shall explore promising new technologies and methods to make affordable desalinization a reality in the near term, and shall further propose a research agenda and a plan of action to guide longer-term development of practical desalinization applications.

(c) FUNDING.—Funding for the international desalinization conference may come from operating or program funds of the Agency for International Development. The Agency for International Development shall encourage financial and other support from other nations, including those that have desalinization technology and those that might benefit from it.

SEC. 11. REPORTS.

Prior to the expiration of the twelve-month period following the date of enactment of this Act, and each twelve-month period thereafter, the Secretary of the Interior, in consultation with the Secretary of the Army, shall prepare a report to the President and Congress concerning the administration of this Act. Such report shall include the actions taken by the Secretary of the Interior and the Secretary of the Army during the calendar year preceding the calendar year in which such report is filed, and shall include actions planned for the next following calendar year.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to carry out section 5 $5,000,000 for fiscal year 1995, $10,000,000 for fiscal year 1996, and such sums as may be necessary for each of fiscal years 1997 through 1999.

(b) DESALINIZATION DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out section 6 such sums as may be necessary, up to a total of $50,000,000, for fiscal years 1995 through 1999. Funds made available under this subsection shall be made available in equal amounts to the Department of the Interior and the civil works program of the Army Corps of Engineers.

NATIONAL U.S. SEAFOOD WEEK

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 194, designating "National U.S. Seafood Week," and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 194) to designate the second week of August 1995 as "National U.S. Seafood Week."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

AMENDMENT NO. 2459

(Purpose: To strike all language designating the second week of August 1995 as "National U.S. Seafood Week" so that Senate Joint Resolution 194 designates only the second week of August 1994 as "National U.S. Seafood Week")

Mr. REID. Madam President, on behalf of Senator BIDEN, I send an amendment to the desk and ask that the amendment be agreed to.

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

So the amendment (No. 2459) was agreed to as follows:

On page 3, lines 3-4 of the joint resolution, strike ", and the second week of August, 1995,".

NATIONAL U.S. SEAFOOD WEEK

Mr. STEVENS. Mr. President, on May 19, 1994, I introduced Senate Joint Resolution 194, which would designate the second week of August as "National U.S. Seafood Week."

Today, I urge my colleagues to pass this joint resolution so that we can celebrate National U.S. Seafood Week during the week of August 7-13, 1994.

As I stated in May, the purpose of the joint resolution is to increase the awareness of American consumers of the availability and superior quality of domestically produced seafood.

The U.S. seafood industry provides hundreds of thousands of jobs to fish harvesters, growers, processors, managers, biologists, ship builders and suppliers, shippers, carriers, marketing personnel, wholesale and retail sellers, grocers, and others.

Our domestic seafood industry produces roughly 10 billion pounds of seafood each year, roughly 6 billion of which come from Alaska.

Fresh seafood is commercially harvested from the oceans of every region of the country.

This joint resolution will help to make American consumers aware of the vast diversity, quality, and availability of the seafood being harvested each year in the waters of the United States.

We have chosen the second week of August to celebrate, because it comes at the peak of the summer fishing season, when many types of fresh fish are available.

Next week, at my request, the Senate restaurant will highlight seafood on the menu to celebrate this first annual National U.S. Seafood Week.

We hope that many others will celebrate with us next week, and that the celebration will grow in 1995 and in the years to come.

I would like to thank Senator KERRY for helping with this joint resolution, and to thank the 54 other Senators who cosponsored this joint resolution with us.

Thanks also to Congressman DON YOUNG for his work in the House on this important joint resolution.

Mr. REID. Madam President, I ask unanimous consent that the joint resolution, as amended, be deemed read three times and passed; that the preamble be agreed to, and the title amendment at the desk be agreed to, and the motions to reconsider be laid upon the table, en bloc.

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

So the joint resolution (S.J. Res. 194), as amended, was passed, as follows:

S.J. RES. 194

Whereas seafood is an important natural resource commercially harvested from the waters of every region of the United States;

Whereas an increasing amount of seafood is also available through United States aquaculture production;

Whereas the United States seafood industry provides hundreds of thousands of jobs and includes fish harvesters, growers, processors, managers, biologists, ship builders and suppliers, shippers, carriers, marketing personnel, wholesale and retail sellers, grocers, and others;

Whereas the buying and consumption of American seafood products boosts our national economy and supports the "Made in the USA" theme;

Whereas seafood is one of the healthiest forms of protein, and is low in calories, fat, and cholesterol;

Whereas seafood is being processed in increasingly creative forms to provide a vast market and a great variety of products;

Whereas each United States citizen consumes an average of 15 pounds of seafood annually, while citizens of some other industrialized fishing countries each consume over 50 pounds of seafood annually;

Whereas the United States harvests and produces 10 billion pounds of seafood annually;

Whereas the United States is the largest exporter of seafood in the world, but also the second largest importer of seafood, and domestic seafood which could be consumed by United States citizens is being exported to other countries;

Whereas the average American consumer will unknowingly purchase foreign seafood due to a lack of awareness about the availability and superior quality of domestic seafood;

Whereas competition in the world seafood market has increased, in part due to the subsidization of foreign seafood industries, particularly foreign aquaculture;

Whereas domestic seafood is one of the Nation's most valuable sustainable natural resources; and

Whereas the United States could become a much healthier Nation simply by eating a better diet, including eating more domestic seafood: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second week of August 1994 be designated as "National United States Seafood Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The title was amended so as to read:

Joint Resolution to designate the second week of August 1994 as "National United States Seafood Week."

MODIFICATION OF ENGROSSMENT OF H.R. 6

Mr. REID. Madam President, I ask unanimous consent that the engrossment of H.R. 6 be modified to include the correct language of Senator DANFORTH's amendment No. 2430 which I now send to the desk.

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

The Senator from Illinois is recognized.

HEALTH CARE REFORM

Ms. MOSELEY-BRAUN. Madam President, I rise in behalf and I would like to speak for a moment regarding the monumental health care debate that we are about to engage here in the Senate. We are at an historic moment in our country.

We are about to have the battle of the century, if you will, between health care reform or the status quo. The reasons for health care reform should be by now evident to everyone. We have in this country, unfortunately, a health care nonsystem, a nonsystem that wastes money, that costs more, than anywhere else in the industrialized world that leaves some 37 million people without health care coverage, health care costs are still the No. 1 cause of bankruptcy in our country.

And that, as the Senator from Nevada rightly pointed out, is about to break the bank in terms of cost.

We have, with this initiative by Senator MITCHELL, a chance for reform. We have an opportunity to put some rationality and fairness into the health care system.

Right now, with 1,500 different health care plans, not to mention Medicare and Medicaid, we are wasting almost 25 cents on every dollar just in administrative costs alone. The reason for those administrative costs, really, is the fact that this is a nonsystem. There is no rationality to it. That is why we have so much waste. That is why we are getting such little bang for our buck, if you will.

We have a chance for reform, an opportunity to help working Americans achieve health care security that could never be taken away, as the President has talked about. No more preexisting illnesses. And I know everyone listening to the debate knows of horror stories of people who have been denied insurance coverage because of a preexisting illness. No more job lock, stuck in your job and unable to move for fear that you will lose your health care coverage if you do. No more discrimination based on age or where you live in terms of access to health care coverage.

This opportunity for reform will help us correct the imbalances and the dysfunctions of the nonsystem that we have.

Madam President, it is very important that we not lose this chance for reform. The initiatives to reform health care in this country go back in my own experience as a young person when I started out practicing law some 20 years ago, almost. There was legislation then, an attempt to try to reform health care. They tried to bring some rationality to the system then, but the big money interests killed that initiative and we continued with the feeding frenzy and with the spending frenzy.

We have now a health care system that looks like nothing so much as a Rube Goldberg contraption with system on system on system and plan on plan and different plans. It is a system that has no sense to it. It is gobbling up some 15 percent, almost, of our GDP, our Gross Domestic Product.

We spent almost $850 billion last year on health care. And yet, again, there is hardly a person that cannot tell a story of someone who fell through the cracks, slipped through the cracks, had some tragedy and was unable to access health care in this, the greatest nation on Earth. This system has been patched and patched time and time again.

Again, following my own career and my involvement with health care issues in this 20-year period, I started off in litigation around reform efforts some 20 years ago. When I went to the State legislature, we worked on issues and passed the first PPO legislation, the preferred provider option. We passed legislation having to do with setting up managed care plans and the HMO's and all these terms I am sure most Americans are familiar with now, having tried to shop between the various options and opportunities and Catch-22s that are out there in terms of health care now.

And even though we patched and patched, the system still does not work. It has been referred to on this floor as one that is very complex. Well, it is complex for a reason, Madam President. It is complex because, on the one hand, health care has macroeconomic implications. It affects our international competitiveness. It affects our budgetary processes. It affects billions of dollars. It is a major segment of our economy.

On the other hand, it is still as personal as whether or not your daughter, your son, or your neighbor can get health care, can access it when they need it. It is as personal as the ads we have seen and the tragedy Senator MITCHELL mentioned in his speech the other day of people who have to go to their friends and neighbors with hat in hand in charity campaigns to pay for cancer treatments or to pay for an illness that strikes unexpectedly when health care insurance is not available. It is as personal as those people.

And we all hear the stories, and I know we will hear them time and time again on this floor, of people who are forced onto welfare or forced to stay on welfare because they cannot afford health care insurance otherwise.

Madam President, this is our chance. This is our opportunity to rise to the occasion to correct this problem, to fix this system, to provide health care to Americans in a system that is rational, that is fair, that works.

I have maintained all along in this debate that, from my perspective for my State of Illinois, there were essentially four cornerstones of reform that I would want to see met in any health care reform initiative.

As a matter of fact, I have asked to cosponsor the Mitchell plan. I was a cosponsor or asked to sponsor the single payer plan. I am convinced there are a number of initiatives and a number of different ways to get down this road to reform. But the real battle is between staying with what we have now or changing it. And I believe that the initiative that we have with the proposal of the Senator from Michigan is a real opportunity for us to change it. This is our chance.

The four cornerstones of reform that I have talked about all along are: Maintaining the quality of care that we have. We have the greatest health care in the world here in America, if you can afford it, and if you can access it. We want to make certain that everyone is entitled and eligible and capable of accessing that high quality of care that is available to those who right now have the means and have insurance.

We ought to have universal coverage. It seems to me not to ask too much in a country as great as this one, with the kind of money that we are spending on health care, that every person have access to health care coverage.

We want to maintain freedom of choice of providers. I think Americans want to be able to go to a doctor or a hospital, the provider of their choice, instead of being forced to go to somebody else's choice. Freedom of choice of providers is a very important element and is one of the four cornerstones of reform that I have talked about all along.

And, of course, there is the cost containment aspect; making certain that, if we are going to spend 15 percent of our GDP, we have the highest quality health care in the world for every American and that we rein in the rise of health care cost so that it does not threaten to rob our children, frankly, of their opportunities for the future.

Right now the cost of health care so far outstrips the cost of anything else that we do that it is threatening to break the bank and to foreclose our options for growth in this economy.

The Mitchell plan, Madam President, meets the four cornerstones of reform.

With regard to quality care, it sets up a research trust fund. It talks about academic health centers and basic health centers. It talks about health

services research. It talks about capital improvement for development of rural and inner city health care, which, as you know, in a State like mine, I have two options in Illinois, it is rural communities and big cities. Well, there are a number of smaller towns, as well. But in my State, there is a real challenge to see to it that the needs of rural communities are met and, at the same time, the needs of the urban centers are met. This bill does both.

Provider incentives, wellness incentives, and an increase of coverage for children and pregnant women. These are all quality imperatives in this plan that I believe the American people have every right to expect.

With regard to freedom of choice of provider, the Mitchell plan provides us with the opportunity to choose either a traditional fee for service or point of service or an HMO. So the options remain for people to access the kind of coverage, the kind of plan that they want to participate in. I think that is important.

And, at the same time, specialty care insurance is assured in this bill and long-term care is addressed and assured in this bill. And so freedom of choice, home-based care, all of these things are addressed in the Mitchell plan.

With regard to cost containment, we have a system and a plan that will put some rationality into the way that we fund health care. This is a major step forward. Frankly, I applaud the majority leader for his almost Solomonic accomplishment here, because he manages to fund this plan without going to the mandates which are such an object of controversy.

I do not know how he managed to do it—we are waiting now to see the CBO analysis—because it is nothing short of Solomonic, nothing short of miraculous because the thinking has always been that you had to have some sort of employer mandate in order to fund health care. The Mitchell plan says we are going to turn it around, do it slowly, do it in a 6-year period. But by the year 2000 we will have 95 percent coverage. And any State that has not achieved 95 percent coverage by then will have to come up with a plan as to how they are going to meet universal coverage thereafter. So it is a gradual approach, a gradual approach that will allow us to fund health care reform without going to the mandates that have been such an object of controversy—I daresay mistaken in many instances.

There has been an awful lot of propaganda and an awful lot of conversation about employer mandates. I am digressing now, Madam President, but I do not believe half of what has been said out there, that employer mandate was as bad as suggested. In fact, if anything, the system that we currently have requires small businesses, those that provide coverage for their employees, to pay more for health insurance by virtue of the fact that other small businesses do not pay at all. That is one of the reasons why the system so badly needs to be changed.

The financing of health care in this country really has not had any rationality to it. And the Mitchell plan, I believe, will bring us the opportunity to have real cost containment, cost containment that will provide an opportunity for working families to have health care coverage at a reasonable rate. That, it seems to me, is nothing short of an enormous step forward.

I believe insofar as the four cornerstones of reform are met, insofar as this plan is an innovation, insofar as this plan represents a major step forward, bringing the various people and interests together, I believe it gives us a wonderful starting point for this debate. I support the Mitchell plan. I support the leadership. I am going to engage with others, frankly, to try to see if we cannot try to reach that 100 percent coverage sooner. I think it is important to talk about the critical aspect of universality of coverage. But I say, Madam President, the challenge now is to achieve reform; not let the forces of status quo win the day again; not allow this nonsystem that we have continue to strangle our economy and hurt our people; not allow our country to lag behind the rest of the industrialized world with regard to health care because we cannot get our act together.

We have a chance in this Congress, in this Senate, to get our act together. We have a chance to achieve reform. I encourage my colleagues to engage in this debate, to engage with this initiative, to support this initiative and to help us achieve in this Congress of the United States health care security for Americans that can never be taken away.

The PRESIDING OFFICER. The Senator from California is recognized.

PRIVILEGE OF THE FLOOR

Mrs. BOXER. Madam President, first, I ask unanimous consent that Krisma Martinelli, a Senate intern, be granted the privilege of the floor this evening.

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

HEALTH CARE REFORM

Mrs. BOXER. Madam President, it is indeed a pleasure to take to the Senate floor to talk about an issue that means so much, I think, to all America. I compliment the Senator from South Dakota [Mr. DASCHLE]. I also see on the floor Senator ROCKEFELLER. Senator KENNEDY was here before. I thank these gentlemen, and, of course, the majority leader and others, for their steadfast commitment to health care reform.

Madam President, I join in the sentiments expressed by the Senator from Nevada [Mr. REID], when he said how important it is that we set aside our political differences here in the U.S. Senate and stop thinking about who is going to get credit for what health care bill and really sit down around the table and get it done. We need to fix the health care system, and we have to do it soon. The clock is ticking on too many Americans.

It is clear that no Democrat is going to get everything he or she wants in this bill. And no Republican will get everything he or she wants in this bill. That is the beauty of the legislative process. We all could write our own bill, and I know, Madam President—you and I have discussed this—we have ideas on how to write it so it is the best for California, and we are going to make sure it is the best it can be for our State. But we all come together here from all the States and we try to work together and come up with a plan that is going to give real security to the people of our Nation.

I was so pleased when the majority leader made his first speech right before he introduced his bill because he spoke about a young man that I knew who came to see me when he was about 17 years old, who was suffering from cancer, a cancer that had lain dormant since he was just a little boy. He was a strapping football player. He needed a very serious operation, and he was denied it by his insurance company.

But what was so important to Andy Azevedo when he came to see me was that he knew that when he turned 21 and was out of school—and he was optimistic that he would live well beyond the age of 21 —that he would no longer be able to get health insurance because he would have finished school, he would have been on his own, and, yes, he would have had a preexisting condition.

I had never heard of that before. When Andy came to me years ago I was in the House of Representatives. He really taught me firsthand about the fears that he felt, the way his family felt, how he knew if he lost his insurance his family would go broke because they would always stand by him. And this is a hard-working family, a ranching family in the northern part of our State.

Andy Azevedo never made it. His mother and I have kept in touch. I have to tell you, I promised her on this floor of the Senate a long time ago—and I remember, when I made the speech months ago, Senator ROCKEFELLER was there, and he came up to me afterwards and he said, "That is what we need to do. We have to keep telling the American people the real stories of what happens to people. And that is the focus." So, I promised her then, and I promise her now in Andy's memory, that we will enact health care reform.

Madam President, I want to tell you about another story. I remember it so well because I was campaigning for the Senate and it was a warm day out on

the road. I ran into a woman named Mrs. Jan Fish. She came all the way from Jackson, CA, to Stockton, and she talked to me about health care reform. She drove a long way. That may not seem unusual, but Mrs. Fish had just turned 79 and the hour drive was not something that she was used to. She had a mission, just as we have a mission concerning health care reform. And she had a message and a story that I would like to share with you, Madam President, with my colleagues, and with the American people.

We like to think if we are responsible people and we make responsible decisions and we have insurance, that it will be there when we need it. It was not true for Mrs. Fish and it was not true for her husband, Colonel Rue Fish. When Colonel Fish was in the Army stationed in the beautiful Presidio in San Francisco in 1968, he and his wife attended an Army-sponsored lecture on health insurance. The offer of private insurance that would always be there for them sounded good, and Colonel and Mrs. Fish signed up, along with many other Army families. They were told they would never, ever have to worry about a hospital or a medical bill again.

Until they left the Army in 1970 they did not because they were taken care of by the military. The few things they needed were taken care of at Letterman Hospital. Mrs. Fish told me how healthy the colonel always had been. She said the only thing that was ever wrong with him was he had his tonsils out. He never had anything more complicated than that. But to be safe and secure, they paid their insurance premium every month, just in case they would ever need that coverage.

In the late 1980's, Colonel Fish began sleeping a lot. He occasionally lost his balance and he seemed distant from Mrs. Fish and their friends. She attributed it to retirement and getting older. But in 1990 they went on vacation, and when they came home, Colonel Fish seemed worse than usual so they went to the doctor. After a hushed conversation with her husband's doctor—and we have all gone through something like this in our lives—Mrs. Fish took the colonel to the admitting room, and that was the last day she saw him out of the hospital.

At first, the doctors thought it was Alzheimer's but more tests revealed that the colonel had suffered six or seven strokes that had never been diagnosed. So Colonel Fish, who was a proud man, went from being a retired Army colonel living at home to a long-term care, chronically ill patient. The doctors refused to let Mrs. Fish care for her husband at home. She wanted to, but her age, her bad back, her bad knees would never let her do the daily tasks needed to take care of her husband. But they had insurance, did they not? Insurance that would make sure they never had to pay a lot for medical care ever again. That is what they were promised.

That first year of care at Amador Hospital cost $59,000. The insurance company rejected every single claim.

Yes, the same company Mrs. Fish had been paying every month for years, the same company that said, "Don't worry," when they made their presentation, now sent them, every time they sent in a claim, a rejection letter, a form letter. And where was Medicare? Medicare does not cover long-term care.

Just a short time ago, I met with a number of people from California who came to talk to me about the importance of long-term care. They brought me drawings and poems done by children who have lost someone they love to Alzheimer's and other long-term illnesses.

Charlotte deKohning, who is 8 years old, wrote on her drawing:

I lost something vere speshel—

And she spells special s-p-e-s-h-e-l.

She said:

I lost something vere speshel—my grama.

And 11-year-old Elizabeth Turner wrote:

When you lose someone, when you cherish someone, then you lose them. It hurts more than you can say.

What are we giving our children as a future? Another generation at the mercy of insurance companies who put their bottom line before the lives of their policy holders? I hope not.

Are we asking our children to grow up in a world of insurance forms, not reform? I hope not. Of preexisting conditions and the threat of bankruptcy just because you dared to get sick, like my mother or your mother or Senator ROCKEFELLER's mother?

I asked Mrs. Fish if she sued the company. She said, "I couldn't go through all that. I'd have to get an attorney and I can't afford one and, anyway, all I cared about was taking care of my husband." That is the kind of person she is, and that is the kind of people we have in the United States of America.

All she really wanted was to be able to take care of her husband. She was not screaming about spending all of their life savings, she did it. She wanted to make sure the man she loved for so many years was receiving the best possible care.

When she came to see me on that day, she said: "I'm not here to complain. We're lucky we had savings and pension that could all go to medical bills. It's the other people, the young people, the little guys, the little guys. You have to do something for them."

I told Mrs. Fish that I understand, and I do. I told her about how my own mother, who thought she had everything right, all the insurance she could need, wound up in a nursing home, spent her last dollar there, lost all of her dignity, could not leave a penny to her grandchildren. I told her that story.

This cannot continue in this country, Madam President, where we strip the dignity away from our people who have worked so hard and saved and served their country. We have to make sure that people do not go broke fighting to get health care that they deserve, or fearing that they will die alone and broke.

Mrs. Fish had to move her husband to a less expensive care facility after the first year. They were out of savings. Colonel Fish died in May 1992. Mrs. Fish said: "The care was good. The insurance company was horrible."

We cannot allow such pain to continue. We cannot allow people in America to have this done to them on a regular basis. We cannot stand around arguing whether health care is a crisis, not a crisis, a problem, not a problem. We have to act.

In closing, I want to say to you, Madam President, and to my friends, we have to let the American people know that the time for politics on this is over.

I ask unanimous consent to print in the RECORD an article written by William Kristol. It is entitled, "Memorandum to Republican Leaders from the Project for the Republican Future."

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

[From the Washington Times, July 27, 1994]

HEALTH: CONGRESS IS NOW MORE DANGEROUS THAN MR. CLINTON

(By William Kristol)

The fate of health care reform is now out of the hands of Bill and Hillary Clinton. The intellectual case that once justified the Administration's health care campaign has collapsed so completely that even its onetime supporters are embarrassed by it: "It smacks of excess government and the smell of socialism," says Senator Max Baucus (D-MT), an original sponsor of the Clinton legislation. Hill Democrats are now hard at work writing their own legislation. Mr. and Mrs. Clinton, meanwhile, are reduced to the function equivalent to cheerleading party chairmen, addressing hand-picked crowds at pep rallies and bus stops.

The End of Ideology. Indeed, what is so striking about this final stage of the health care debate is how shallow it has become. We recall that this effort began with the loftiest motives to "accomplish what our nation has never done before," as the First Lady put it last September. And for all its big-government madness, the Clinton plan was at least a consistent and coherent attempt to overhaul the way health care is financed and delivered in the United States. Based on European social-democratic models, the mandates, the taxes, the alliances, and the premium caps were all aspects of a single vision: sweeping federal control of American medicine. It was public policy consciously designated after the wide-ranging transformations of American society achieved by the New Deal and the Great Society.

It has been a spectacular failure. What the Clintons have painfully learned over the past

ten months is that the public will not embrace government-supervised health care. White House pollster Stan Greenberg's theory that Democrats would be well-advised to "once again become the party of government" and to relegitimize government to the American people has been disproved: American skepticism of the federal government runs too deep. The White House committed itself to a far-reaching, big-government health care reform strategy and has thereby made itself irrelevant to the final debate.

The Mitchell-Gephardt Farce. Sometime before the end of this week, Acting Presidents Mitchell and Gephardt will unveil a new Democratic health care bill. Senator Packwood has correctly pointed out that it is ludicrous to begin immediate debate on a bill that no one has read, as the majority intends. But the problem is not that the Democratic timetable does not permit adequate study of their bill; we believe their bill neither requires nor deserves careful study. No one can accurately predict what precise mix of triggers, subsidies, phase-ins, commissions, exemptions, and regulations will emerge from the Mitchell-Gephardt cauldron, but the actual details of this not-quite-universal-coverage bill don't matter. Sight unseen, Republicans should oppose it. Those stray Republicans who delude themselves by believing that there is still a "mainstream" middle solution are merely pawns in a Democratic game. Mitchell and Gephardt have finally dropped all pretense of concern for American health care per se; their interest is now exclusively with passing something—anything—so as to forestall electoral disaster in November. Health care reform is now about politics, and absolutely nothing else.

Our message this week should therefore take the form of a preemptive strike: whatever the Democratic leadership produces in the next few days is certain to be politically motivated, intellectually incoherent, and substantively dangerous. If Mitchell and Gephardt have their way, this final stage of the national debate over health care will be conducted through the crude and ordinary means of normal Democratic politics: highstakes interest-group lobbying and the steady incantation of evocative but now meaningless phrases like "universal coverage." That's why we don't need a few more days to "see", what kind of bill the Hill leadership comes up with, much less the rest of August to engage in futile debate with an insincere Democratic leadership.

The Path Toward a Bad Bill. The intellectual defeat of Clinton's ambitions, however, has not guaranteed a political defeat over Democratic health care legislation. Our enemy is no longer Clinton, it is Congress. Mitchell and Gephardt, we suspect, have correctly concluded that even the Clinton-style bills that passed three House and Senate committees cannot survive a floor vote. But rather than explicitly abandon their pursuit of compulsory universal courage, they will seek to "delay" or otherwise disguise it. They are acting in bad faith. Federally mandated universal coverage cannot pass: good riddance. And the only other meaningful and principled approach to health care possible this year, the conservative reform embodied in the Dole and Rowland-Bilirakis bills, is unacceptable to the Democratic leadership for purely partisan reasons.

Instead, we will be offered a classic, eleventh-hour, disingenuous potpourri of half-baked health care reform ideas, and the process for enacting that plan will be lobbyist heaven. The president and Mrs. Clinton, self-described crusaders for the middle class, have effectively yielded control of health care to every special interest group imaginable, each of which will spend the next three weeks busily carving out its own piece of the health care pie. There will be no principles at stake, only spurious genuflecting to the "shared goal of universal coverage"; Congressmen and Senators will boast about their willingness to compromise; no one will be able accurately to predict the effect of the changes they endorse. With the grand promise of sweeping reform having been abandoned, interest group liberalism will be triumphant again. Why bother?

The Fraud of the Finance Bill. The best existing model for this likely outcome is the disconnected jumble of health care notions that passed the Senate Finance Committee, a bill fraudulent even by current Washington standards. Without requiring mandates immediately, this bill nevertheless establishes much of the bureaucratic machinery necessary for a more expansive government role in health care in the future. Eight years from now, a politically appointed commission would tell Congress what methods of government coercion it must use to mandate universal insurance coverage. Debate on the commission's "recommendations" would, by statute, be brief and limited.

In the meantime, the bill establishes a board in the Department of Health and Human Services responsible for defining an approved standard benefits package that applies to every health insurance policy in America (with a phony abortion exemption that opens the door to federal funding of the procedure). The bill taxes all health insurance plans and adds a 25 percent surtax to arbitrarily determined "high cost" policies, which include many existing plans that have long been part of labor-negotiated compensation packages. Fee-for-service physicians and specialists will be prohibited from "balance billing," a price control prohibition that will drive most doctors into HMOs. The inflexible insurance reforms the bill proposes will drive up premium costs. Every state will have to establish a health purchasing alliance. COBRA, the successful transition program that permits people to purchase the same health insurance plan for 18 months after they leave a job, will be truncated to six months. And Medical Savings Accounts, the one truly innovative free-market idea to emerge this year, will be prohibited altogether.

It's not the "Clinton plan." It may not even qualify as "Clinton lite." But the Finance bill is still plenty bad, just the same: it unmistakably moves the country toward health care by government commission, and for the more than 80 percent of Americans who are satisfied with their current health care arrangements, the Finance bill would make things worse, not better, and right away.

Why was the Finance bill passed? Because it was the only bill that Finance could pass, and for no other reason. How was the Finance bill constructed? A series of lobbyist-friendly special interest provisions were glued together without concern for overall consistency or effect: academic health centers for Senator Moynihan; purchasing alliances for Senator Chafee; tax-exempt state risk pools to please Senator Breaux. And why are we so confident that Mitchell and Gephardt are moving in Finance's direction? Because they, too, are concerned only to pass something—and they don't care what it is or how it happens.

Opposition Without Apology. At bottom this debate is now a political one. In the final, frenzied Democratic rush to produce any legislation, Republicans should stand steadfast. We cannot allow a Democratic Congress to throw together, for their own selfish political ends, legislation that has profound consequences on the medical care that every American receives. What George Mitchell is fashioning on the second floor of the Capitol is not a health care bill; it's a fall campaign gimmick.

If our analysis is correct that no principled, conservative reform bill is likely to prevail this year, then the appropriate Republican response is to take the noble road of opposing any alternative the Democrats offer and insist on starting over in '95. We should do so with pride and without a speck of guilt. Health care is not like the annual budget bill that must be passed before Congress adjourns. Robert J. Samuelson's column in the July 18 issue of Newsweek persuasively demolishes the case for the phony Finance committee bill—and by extension, any other bill the Democratic leadership is likely to produce: "What should not be forgotten in the inevitable clamor to 'do something' is that a bad bill would be worse than no bill at all. Opposing such a bill is prudence, not obstructionism."

We have reached the point where the initial Clinton plan has become a policy failure of historic proportions. Case studies of its demise are already being prepared at public policy schools. But we remain in a precarious period when Democratic loyalists in Congress, bereft of leadership or ideology but spurred by November politics, are making a last, desperate effort to salvage enough from the wreckage to claim a victory.

Mrs. BOXER. I am going to quote briefly from this, just two sentences, and I say to my colleagues, listen well. This is what the Republicans are saying:

> Sight unseen, Republicans should oppose—
>
> The Democrats' bill.
>
> Sight unseen, Republicans should oppose it * * *. Our message this week should [be] a preemptive strike; whatever the Democratic leadership produces * * *.
>
> We should oppose.

And in closing this article, saying of the Democrats:

> We should send them to the voters empty handed.

In other words, Mr. President, the theme of this article is that the health care issue is not about health care at all, it is about who gets the credit for what we do here.

I beg the American people, I urge the American people to forget about whether you are a Republican or a Democrat, whether you voted for Ross Perot or George Bush or Bill Clinton, whether you voted for BARBARA BOXER or TOM DASCHLE or JAY ROCKEFELLER, or Senator LEVIN. Forget about who you voted for and come together around this issue of health care.

The majority leader's bill is a commonsense approach to reform. It will mean that we are on the road to coverage for all our people, that we will all have access to an insurance policy that we can afford, and it will not be taken away from us when we change our job; it will not be taken away from us when we get sick or a member of our family

gets sick. And with the long-term care provisions, we begin to make sure in our country, in our great country, that stories like the one I told about a decent, hardworking, patriotic, Army family, that those stories will be a thing of the past and some day, we can look at our great grandchildren or our grandchildren and say, "Can you believe there was one time in America where people went bankrupt because they couldn't get health insurance?"

Let us say, Mr. President, to all of America—Republicans, Democrats, independents, people who do not vote, people who do vote—that we are going to come together and we are going to turn this country around and we are going to make sure that every American has the security that will come to them when they know they can have health care insurance that can never be taken away.

It has been a privilege to participate in these floor statements with my colleagues. It is going to be a rough-and-tumble road ahead. But I believe from the bottom of my heart that we are correct to pursue this.

In the old days when they fought about Social Security and Medicare, there were always those naysayers: "Oh, we can't do it, there are reasons not to do it, I don't like this, I don't like that part of the bill." None of us will be perfectly satisfied with the product, but I think all of us will be proud when the President signs the bill and our people have a real sense of security that they never had before.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from South Dakota.

Mr. DASCHLE. Mr. President, let me compliment our colleague, the Senator from California, for a very eloquent, passionate statement. She spoke for many of us when she articulated so well the consequences of failure of health reform and the importance of success. I thank her very much for participating in the colloquy this evening.

Mr. President, this Saturday marks the first anniversary of the passage of the President's economic reform package, and I think it is appropriate that as we mark the first anniversary, we recall that very divisive debate, that we remember, the unfortunate partisanship demonstrated during that debate; that we recognize, in spite of the fact that the President pleaded for bipartisanship and made an earnest attempt to reach across the aisle, there was very little cooperation and absolutely no assistance from our Republican colleagues in the passage of that legislation.

I recall that debate very vividly because of the extraordinary predictions about what would happen if that legislation were to pass.

A Senator from the South, one of our Republican colleagues, said, "We are buying a one-way ticket to a recession."

One of our Republican colleagues from the Northeast said, "It will flatten the economy."

One of our Republican colleagues from the West said, "This plan cannot help the economy in the short term."

Instead, we all know now the results of that legislation—4 million new jobs, an economy growing faster than anyone would have imagined, deficit reduction way beyond the goals set out by our own budget process.

Alan Sinai of Lehman Bros. in a recent report called this, "The healthiest American economy in 30 years."

The Federal Reserve Chairman Alan Greenspan reported, "The outlook for the American economy is as bright as it has been in a decade. Economic activity has strengthened. Unemployment is down. And price trends have remained subdued. In addition, unlike earlier periods, business spending on new plant and equipment has been an important contributor to growth. The strength in investment will enhance economic efficiency and lay the foundation for the productivity gains that will bolster the economic welfare of our Nation."

So obviously, Mr. President, the predictions made by many of our colleagues were just wrong.

I also recall the predictions they made about jobs. A Senator from the Southeast said, "This bill will cost American jobs, no doubt about it."

One of our Republican Senators from the West said, "Make no mistake, these higher rates will cost jobs."

But in the first 18 months of the President's term, 3.8 million new jobs have been created. We are creating jobs at a rate of 77,000 per day. In 1½ years, the economic plan has helped create 1⅓ million more jobs than were created during the entire 4 years of the Bush administration. The unemployment rate, which was 7.7 percent when the President took office, has been reduced by almost 2 full percentage points.

Mr. President, I repeat all of these statistics and dire warnings because, in a sense, it is "deja vu all over again." We hear many of the same dire predictions now as we begin the debate about health reform. The economic consequences of health reform again are the subject of debate, and again our Republican colleagues make very similar dire predictions about the consequences of this piece of legislation.

A Senator from the Midwest, from the Republican Caucus recently said, "America will pay a predictable price for heavy-handed Government control in the quality of health care, in more Government bureaucracy, in higher taxes, and in lost jobs."

A Senator from the South: "Mandates kill jobs, but even worse, they cost Americans freedom."

A Senator from the Great Plains, "The job loss estimates from this employer mandate will run from 600,000 to 3.1 million."

Dire predictions, Mr. President. But in my view these predictions sound more like politics than analysis. In my view, again, it is a regurgitation of the dire, and mistaken predictions we got last year about the economy.

But before we get caught up in politics and lose sight of the analysis, perhaps it is important to draw attention again to more objective analyses provided to us by those who are knowledgeable about this issue. The Employee Benefit Research Institute is a nonpartisan, nonprofit institute, that provides objective information on the tradeoffs inherent in all of the health care reform proposals. Here is what they said, "Health reform could result in the creation"—you heard me, the creation, not the elimination—"of as many as 660,000 new jobs."

Using a variety of assumptions, they produced a range of estimates on the employment effects of the Health Security Act, the original Clinton health reform bill, ranging from 660,000 jobs created to about 168,000 jobs lost. But they show how sensitive these estimates are to the assumptions one makes when setting up a study. This suggests we have to look very carefully at the assumptions that opponents use in claiming job loss.

EBRI has issued their analysis. They are not Republican. They are not Democrat. They have looked at all the data provided to them in as many ways, shapes, and forms as can be considered, and they have concluded that health reform actually could mean an additional 660,000 new jobs.

The Economic Policy Institute, again, a nonpartisan organization, suggests that the net result of health reform will be an increase of 76,000 jobs by the fifth year and $18 billion in savings to the manufacturing sector in 1994 alone. The Council of Economic Advisers in concert with the Department of Labor reported they, too, believe that over 600,000 new jobs could be created.

The Brookings Institute reported in a recent study that health care reform could lead to the creation of 750,000 jobs in home health care alone. Tremendous new opportunities in various sectors of health care that do not exist today.

But you know, Mr. President, as so many of my colleagues have demonstrated again tonight, these statistics sort of wash off the shoulders of listeners. It is the faces, it is the human experience that perhaps has the greatest effect in the debate that we will have in the coming weeks.

Gary Sprague is the owner of an independent trucking company in New Mexico. Gary Sprague makes it very clear. He said he cannot afford health insurance today. As much as he would like to provide it, he simply cannot do

it under the current system. "If you give me the ability to offer health care to my employees, I'll create a job tomorrow—my business will grow."

That is experience talking. Gary Sprague knows. He confirms that these independent studies are right, that jobs can be created. And so I hope, Mr. President, that as we again hear all of these dire predictions, we recognize how far off the mark they were just a year ago. We can now compare results with predictions. And I hope that we could use that as some gauge by which to carefully consider the accuracy, the veracity, the real expectations of the predictions made again during this debate.

I am very concerned, frankly, that the same partisanship that was so clearly evident in the debate about that economic plan is again evident as we debate health care, something even more critical, this year.

I am concerned, as the Senator from California indicated, that our colleagues on the other side of the aisle are continually getting advice to delay health care reform, to do little, or to do nothing; that the country can benefit if they can paralyze this institution once again. I am concerned about the polarization that continues to be so evident as we get into the heart and soul of this debate.

I am concerned about the semantic evolution of the debate on mandates. I say "semantic" because I believe in my heart that there are many people on the other side of the aisle who understand the importance of a mandate, who understand truly when we say that universal coverage is important, that we can only achieve it in one of two ways: taxes or a mandate. Twenty of our Republican colleagues felt so strongly about a mandate less than a year ago that they put their name on a bill requiring one; over 20 Senators.

My good friend, the Republican leader, has indicated time and again that he, of course, would not support the repeal of Medicare, and I doubt he would support the repeal of Social Security, two mandates we have in law right now. He voted against the Medicare bill in the 1960's, but supports the mandate today. Somewhere between the time he voted "no" and now, he changed his mind about Medicare. He was wrong in the 1960's. He is right now, with regard to Medicare. I believe that he is wrong now on health care and would be right to change his mind.

So I hope, Mr. President, that during this debate we can reach out across the aisle to our Republican colleagues who have been on record in the past in support of approaches to ensure universal participation in Medicare, in Social Security, and even in health reform.

There has been so much partisan criticism of the Clinton bill. Of course, in the last couple of days there has also been extraordinary partisan criticism of the Mitchell bill. Republicans praise the Dole bill. Yet, there is no Dole bill. In fact, perhaps we should call it the stealth bill. We are still looking for it. I hope that at some point in the not too distant future we will see a Dole bill so we can compare side by side the Dole bill and the Mitchell bill. Let us try to examine in a realistic way what the Republicans would suggest as an alternative to the Mitchell approach. It is not too much to ask. We have waited now for weeks and weeks in an expectation that along with the criticism of the Mitchell plan will come some constructive suggestion about what we do to accomplish the goals we say we all have. Mr. President, the Republicans ought to be concerned about the devastating consequences of the failure to achieve meaningful health reform this year, of failure to take advantage of an opportunity now that we have had on only a few occasions throughout this century. I think it is safe to say this will be the last opportunity we have this decade, in this century, to achieve what we have all indicated we want.

But there is also a political consequence of action. That was indicated again just this morning in the Wall Street Journal. My colleague from Pennsylvania, who is on the floor this evening, pointed this out to all of our colleagues earlier today. I think it really bears some discussion because the American people are beginning to see through all of this partisanship. They are beginning to understand that gridlock may be here once more. In spite of the fact that this has been one of the most successful sessions of Congress that we have had since the early 1950's, in spite of the fact that over the last couple of years we have made remarkable progress with this administration, gridlock again may be on the horizon.

The poll asked: "Do you think Congress will pass or will fail to pass some type of major health reform this year?" Sixty-three percent indicated that they do not think a bill will pass this year; 31 percent suggested otherwise. That is the cynicism. That is the skepticism evident among the American people today.

They do not think we will act for good reason. They hear these daily suggestions of delay, and the constant criticism. They hear these suggestions that perhaps we ought to hold off until next year, that we cannot do anything this year.

Yet, as this article indicates, this is more than just a political question. This is a fundamental problem affecting millions of people across this land. The article is datelined "York, Pennsylvania," obviously a community my colleague from Pennsylvania is very personally familiar with. In surveying a number of people in York, the article says:

> The people here, most of whom have health insurance, many of whom have been without it before, and all of whom worry about rising medical costs, urgently want Congress to pass some health care legislation this year. All want universal coverage. But nearly all would rather accept a bill that falls short of that aim rather than wait for Congress to act next year. Their anger suggests that Members of Congress from both parties may face a backlash if Congress fails to act on health reform this year.

A backlash, anger from our constituents—if we have not seen enough of it yet, it is about to increase unless we are prepared to do something.

> The people disagree about a number of things: whether small business should be required to help pay for their workers' health insurance, whether government programs are the right solution to the country's health care problems. But waiting to resolve these issues will only make the problem worse, most say. And hardly anyone buys the argument often put forth by Republicans these days * * * that taking longer to study the problem will lead Congress to a better solution.

Mr. President, I do not need to remind anyone, in this Chamber certainly, of the cynicism so evident in the American people today about Congress' ability to do the right thing. I hope, in spite of the fact that 63 percent do not think we can do the job, that we can prove them wrong.

It is interesting that on the same page in the Wall Street Journal there is another headline that responds to the skepticism expressed in the first article. The headline reads: "Mitchell's vision of the health reform bill may offer the best hope to pass this year."

That is the answer. Mitchell's vision of the health reform bill may offer the best hope to pass this year—the best hope, not the only hope, but certainly a recognition that it is a doable plan that there is a consensus in this Chamber that we must act and that it is the minority who would keep us from acting.

So I hope as we begin this debate—and it will begin in earnest within the next couple of days.

I would hope we could declare a 3-week truce. We see so much divisive partisan politics. We saw it last year on the economic plan. We have seen it now for the last 8 months on the health reform. How nice it would be if we could just declare a 3-week truce—Republicans and Democrats saying let us forget politics for just 3 weeks; let us put our best minds to work on health reform. There will be philosophical differences, let there be no mistake. But what a tremendous opportunity it is for both sides of the aisle to work together to accomplish something we know the vast majority of the people of this country want.

Mr. President, today, I believe, was the final rally involving those who participated in the Health Security Express. It took place on the West front of the Capitol. I had the opportunity to be with them briefly this afternoon. As you looked out over that audience, you

saw people who had come from all over the country, people in wheelchairs, people on crutches, people who are disabled, people with stories to tell that chill us to the bone. They were here with a message. That message was: We are counting on you; we need you; we must pass health reform this year.

Among those in the audience this afternoon was a man quoted frequently this morning, and quoted earlier this evening. His name is John Cox. John Cox was involved with a religious broadcasting company. His wife encouraged him to get on the Health Express. He was reluctant at first, but he did it after some encouragement. He was on the Health Express, and as it rolled toward Washington, his wife passed away. And now he is here with a message. The message is very simple: Until we get health reform, the pursuit of life, liberty, and happiness is only a dream that cannot be realized.

It is up to us, if we want to accomplish that dream, to respond to those who were out on the west steps this afternoon. This is a fight for freedom. It goes beyond just health care. On top of the Capitol dome is the Statue of Freedom, symbolizing that we hold freedom as one of the highest virtues. As we join in the fight for freedom, we recognize that 200 years ago, there were those who fought for freedom from oppression; and 80 years ago, there was a tremendous fight in this country for the freedom to vote for all women; 30 years ago, there was a fight for freedom to acquire fundamental civil rights. So this, too, is a fight for freedom, recognizing that there cannot be real freedom until every man, woman, and child has health care that cannot be taken away. Again, we hear the dire predictions; we hear all of the problems associated with health reform. But the bottom line is that unless we achieve meaningful health care reform, a bad situation will get even worse.

Mr. President, our task in the next 3 weeks is to put partisanship aside, to recognize that there are those who are watching right now, who will watch and join in this debate for the next 3 weeks, who recognize the cost of failure, who believe as we believe, that this is an issue fundamentally affecting the freedom of every American today. Let us respond by telling them at long last that they, too, will enjoy their freedom, that the result of this fight is their freedom. They will be free at last.

Mr. President, there are many others who wish to speak tonight, and I know my colleague from Pennsylvania has listened and is prepared to speak.

I yield the floor.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. WOFFORD], is recognized.

Mr. WOFFORD. Mr. President, I thank Senator DASCHLE for giving such leadership in this effort. I salute Senator MITCHELL, who said that the greatest challenge of his life in this body would be to pilot a successful health reform bill through, for which he said he turned down the Supreme Court appointment.

Under Senator MITCHELL's leadership, we in the majority have now come to the health care table with a strong hand and an open mind. Having listened to the voices of the people, we have crafted a deliberate and moderate approach that provides a common sense, common ground for achieving universal, affordable private health insurance that cannot be taken away. Not more Government-run medicine, but less. Not less choice of your own doctor and your own preferred plans, but more choice. We will see that as this debate moves forward over the next 3 weeks.

We need to hear further from the American people who are concerned about achieving health security. We will hear a lot from the special interests, but now is the time for the American people to speak, to speak up and to be counted.

The question now before this body is whether our Republican colleagues will reject gridlock and put the working families they represent ahead of party politics, and whether they will focus more on the needs of the next generation and not the next election. The vast majority of people in this country support the idea of employers contributing something to their employees' health insurance, as most working people find their employers doing today. That is the American private health insurance system.

It is incredible to me that the very same Members of Congress who oppose having private employers contribute to their employees' coverage have arranged to have their employer—the taxpayers—contribute to their private health insurance.

They are going to have—if they pursue this course of total opposition—a very hard time going back to the people and saying that they blocked a plan to give working families the kind of affordable coverage, employer contribution, and choice of private health plans that they as Members of Congress have arranged for themselves.

If they think that gridlock is great because health care no longer ranks high on the list of public concerns, believe me, they are living in an inside-the-beltway fantasy world. That is like saying that domestic violence was not a big concern before the O.J. Simpson case, or will not be after the media spotlight shines somewhere else. The reality is that issues like crime, or jobs, or health care, are life and death issues that are always central to the quality of life for working families in this country. Each may rise and fall in this week's polls, depending on the numbers of network news stories or magazine covers, but the political establishment, like the media, would be unwise to mistake its own short attention span for the daily, ongoing concerns of American families.

It is easy for people in this Capitol to say go slow, wait until next year. It is easy for them to say that because they have health insurance paid by the taxpayers. But look at what has been happening out there to most American families. It is not just the tragic stories which are legend, it is not just John Cox, grieving over the death of his wife who lacked health insurance in crucial moments that might have saved her life. It is also the grinding daily reality that working families face of losing coverage they thought was secure and paying ever higher premiums and deductibles they can no longer afford.

I have met those working families all across Pennsylvania and they know this has been the experience of their lives. They do not need to read reports or hear statistics about it, they have seen it happen year after year and on a greater scale.

But let us look at some of the numbers. More and more employers are dropping coverage altogether. According to the current population survey, in 1983 two-thirds of American workers were covered for health insurance through their employer. Today only 60 percent of workers receive coverage at work. As a result, 71 percent, nearly three-quarters of the uninsured today are not out of work they have jobs. They just do not have any health insurance. And those who are lucky enough to have coverage at work are losing increasingly their choice of doctor and health plan.

According to a Kaiser/Peat, Marwick June 1994 survey, today 84 percent of firms offer only one choice of plan to their employees. It is not reform that is taking choice away, it is the system we have today and where it is headed, headed down to less and less coverage and less and less choice of plans and doctors.

Those numbers should tell you why the latest New York Times poll showed last week that health care is now moving ahead of crime on the issue hit parade.

Those numbers should tell you why most Americans want to see this Congress take action on health reform this year. Read today's Wall Street Journal which my colleague and partner from South Dakota reported on, this account of a focus group of middle-class citizens in York, PA.

Mr. President, I ask unanimous consent that the article from today's Wall Street Journal entitled "Survey Group Wants Some Form of Health Coverage This Year," be printed in the RECORD.

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

[From the Wall Street Journal, Aug. 4, 1994]

SURVEY GROUP WANTS SOME FORM OF HEALTH COVERAGE THIS YEAR

(By Hilary Stout)

YORK, PA.—Debbie Rudisill comes from one of those middle-class working families President Clinton says a system of universal health coverage will help the most.

Her family lost its medical insurance last December when her husband was laid off from a job that paid more than $35,000 a year. Today he is in business for himself and can't afford a health policy. Mrs. Rudisill wants Congress to pass legislation that meets the president's goal of health coverage for all.

But she'll accept something less—as long as Congress approves it this year. If Congress keeps stalling, or Mr. Clinton vetoes a bill that falls short of universal coverage, "it will never be put into place," Mrs. Rudisill says. "You've got to start somewhere."

CONFUSION TURNS TO ANGER

Mrs. Rudisill's view is shared by most of those in a group of middle-class residents of this midsize southern Pennsylvania city convened at The Wall Street Journal's request by Peter D. Hart Research Associates Inc. to discuss health-care reform. When these people first met last March, they were mostly confused about the issue. Today they're mostly angry.

"If they pass something they can improve upon it, but you can't start from nothing. Nothing from nothing is nothing," says Susan Mayer, a 51-year-old automobile saleswoman, who didn't have health insurance earlier this year because she was unemployed. She now has coverage through her new job.

The group here wasn't a scientific sampling, and a recent Wall Street Journal/NBC News poll found that 61% of the public thinks Congress should debate health care and act next year. However, the people in York are deeply skeptical that Congress will be any better able to act next year. And an even larger majority in the national poll, 70%, think Congress and the president should continue their efforts to fix the health system, echoing the sentiments in the York group.

DOUBTS ON ACTION THIS YEAR

More than anything the people here see a health-care reform debate run amok by politics and increasingly unresponsive to the wishes of average citizens. As Congress readies for votes on major health-care bills this month, passage of any health legislation this year is very much in doubt. The Democratic leadership in both the House and Senate has substantially rewritten President Clinton's original proposal in an effort to win support, but Republicans and many moderate and conservative Democrats still are balking.

"The longer this thing goes on, the more I see this as being divided along party lines, and I see it as an example of our country not working together for the benefit of the people," says Jahan Bashir, a 44-year-old secretary and mother of seven who works largely so her family can have health insurance. Her husband is self-employed, and they can't afford coverage any other way.

Both parties are to blame, most say. Fred Bingaman, a customer service representative whose employer recently switched him to a managed-care network, asserts: "I think the whole thing boils down to the issue of Republicans vs. Democrats, and I think that if they could forget about that for a while—which they probably can't—maybe we could have a good health plan."

But Republicans seem to come under the harshest criticism. Robin Doll, a 45-year-old financial specialist who receives health coverage through her employer, doesn't believe in party affiliation. But she has particularly angry words for the Republicans. "They are not even trying to make it happen. You know, 'Let's not make it happen before the next election and give Clinton credit for anything.' I think they're really holding up the process."

Echoes Ms. Mayer: "They need to do something, but are they looking at the overall picture of what's best for us or—is it, 'I'm a Republican, and I'm not going to vote for this bill because Clinton wants it?'"

The people in this room disagree about a number of things—whether small businesses should be required to help pay for their workers health insurance and whether government programs are the right solution to the country's health-care problems.

But waiting to resolve these issues will only make the problem worse, most say. And hardly anyone buys the argument, often put forth by Republicans these days, that taking longer to study the problem will lead Congress to a better solution.

"Unfortunately they're going to come back with the same mentality as this year," says Ms. Doll.

Linda Baumer, a 42-year-old computer programmer who has health coverage through her husband's employer, is one of the few who disagrees. She worries that the momentum for passing a system of universal coverage will collapse if President Clinton signs a partial solution this year. "If he goes half way the issue will die down," she says.

As it was five months ago, the group is bewildered about not only President Clinton's health-care reform proposal but the other bills under deliberation in Congress. Most of those here say they don't think much of the president's plan, which even Mr. Clinton's allies in Congress say is dead. Yet, when presented with written descriptions of the president's health-care bill, a proposal by Senate Republican leader Bob Dole, and Democratic leadership bills in the House and Senate—without identifying who is behind each proposal—the Clinton plan is the first choice of six of the nine people in the group. The House leadership bill, which includes the president's core proposal of requiring all employers to help pay for their workers health insurance, comes in second with two votes.

Mr. WOFFORD. Mr. President, these people in York, PA, do not think that gridlock is great. They do not think it is acceptable to do nothing. They are angry at the thought that we will not rise to this occasion in this Congress this year, and those who try to block health reform are going to face the wrath of the American people.

So let us cut the game-playing and the gridlock. Let us ask why so many Republicans have done a total flip-flop on their own constructive Chafee plan. Let us have no more song and dance about how long and complex the Mitchell bill is.

We do not even have a Dole bill yet to pick up and to handle. Where is it? People are waiting, waiting. And people do not believe that complexity in this matter should be an excuse for doing nothing. They do not believe that it should be an excuse for delaying further. They know that justice and health insurance, like justice delayed, can be for people like John Cox and his wife, justice and health insurance denied.

Do you want to see something that is long and complex? Let us see. These are five volumes of the North American Free-Trade Agreement, popularly known as NAFTA. There it is. This is the treaty that Senator DOLE, Senator GRAMM and a lot of other people voted for last fall.

I was against it because I did not think it was the right treaty at the right time for Pennsylvania workers. But I did not sit there and demand that every page be read on the Senate floor. Neither did the American people. They understood very well the choices this magnum opus represented.

And here is the Uruguay round of GATT, which will be before us pretty soon, supported by some of the Members of this body who are saying that Senator MITCHELL's bill is too long for them to handle.

As a matter of fact, I have a question for Senator DOLE and Senator GRAMM and the others who really want to delay and seem to want to do nothing. Did you read every page of these five NAFTA volumes of the NAFTA treaty before you voted for it? Did you read every page? Are you reading every page of this GATT agreement before you support it?

Do you think those people in York, PA, and all over this country cannot tell what this argument about the length of the bill, the need for delay adds up to?

Let me tell you those people in York and all over Pennsylvania, and I believe all over America, are tired of the political games and the special-interest gridlock. Fifty years since Harry Truman started this fight, they want the buck to stop with this Congress. Because if we do not, the people will not forgive us. Not only the people of York, PA, but the people in Atlanta, GA, and Russell, KS, and Fort Worth, TX.

Let us do the job the American people sent us here to do. It is what the people of Pennsylvania especially sent me here to do. Let us give other Americans the kind of affordable coverage and choice of private plans that Members of Congress have arranged for themselves.

"If you build it, they will come." So said the film, "Field of Dreams." Between the Mitchell bill in the Senate and the Gephardt bill in the House, we are on the way toward building a moderate, careful, deliberate, reform bill that the American people will demand we pass.

It will not, as I said in the beginning, be more Government-run health care. It will, as we look at the details of this bill, be clear to the American people it will be less Government-run medicine.

It will not be a one-size-fits-all system, but a consumer choice system in

which consumers, workers, and working families are in the driver's seat with more choice in fact than most of them have today.

How can the opponents of universal coverage go back to the people and say they would block such a plan that would give working families the kind of affordable coverage and choice of private plans that they, as Members of Congress, enjoy themselves?

By the way, Mr. President, as we get into this debate I am not interested only in how we phase it in over a longer period of time or how we drag it out beyond the turn of the century, beyond the year 2000. I am interested in how we do the major steps forward toward insuring every American with private health insurance choices. I am interested in how we do those steps sooner, rather than later. And I am convinced that many of the key elements of this can start in year one.

I urge my colleagues to not only look at to how you slow it down, but how we get the savings out of the system and bring costs down so we can speed it up.

I also want to pay tribute to Senator MITCHELL for including in the bill a number of the key items that I have been fighting hard for.

First, opening the Federal Employees Health Benefit Program to private citizens.

Here is the plan that I was given when I had the honor to come to this body and discover the kind of guaranteed choice, no preexisting conditions, portability of plan from State to State within the Federal system, and the contributions from your employer. In this plan no medical examination can be canceled, and a range of 25 or 30 choices that every year Members of Congress can make for themselves.

It works for 9 million Federal employees and their families and the Members of Congress. I am glad that the Mitchell bill not only has this as a model of the kind of private health insurance, but in fact proposes ways that for many Americans will be actually opened for them to be part of this plan.

Second, changing mandatory Government-run health alliances into completely voluntary, consumer-run purchasing cooperatives for those who choose them.

I do not know if Harry and Louise on the television ads are going to flog the horse of mandatory alliances. That horse will be gone for a long time. A lot of us said there should not be mandatory unduly Government regulatory alliances, but consumer-run voluntary purchasing cooperatives, open to small business, independent entrepreneurs, farmers, individuals who need that choice of plan with reasonably low premiums.

Third, including protection for early retirees whose promised health benefits so often in recent years become broken promises.

There are significant provisions in this bill that will give vital protection to some of those workers who have found themselves out in the cold in health care after having for many, many years worked hard days to pay their dues on the assumption the projects made for health care and retirement would be there, before they were entitled to the Medicare security that was provided for Americans in 1960's.

Fourth, providing coverage for prescription drugs and long-term care in the home and community.

And that is one of the items, Mr. President, that it is vital that we start sooner rather than later and that we show the ways to get the savings to make that possible.

Fifth, a fiscal discipline, stay-within-the budget, do-not-increase-the-deficit provision, with teeth in it, as in the other matters that we are now taking action on that have led now to the third year of actual deficit reduction, the first three years since Harry Truman's time that that has been a fact. That must be one of the key elements of this bill. And Senator MITCHELL has included those provisions we developed in the Labor Committee and also the Finance Committee.

Sixth, creating a voluntary self-financing insurance option to help older people pay for long-term nursing home care without giving up their life savings or their dignity.

I hope my colleagues will look at this provision that I pressed for and we developed in the Senate Labor Committee that will give assistance and relief to millions of Americans. It is voluntary and self-financing. I think people will see, as those who looked at it with care, that it will work and it will help and that should begin in year 1.

Finally, simplifying the administration of the billing and data collection system through the private sector, instead of creating a new Federal bureaucracy.

We will talk more about that. But this was a step forward that we made in our Labor Committee and I am glad that Senator MITCHELL has pressed it forward to this body.

And then there is one general principle that I think is in the structure of Senator MITCHELL's bill that is very important, and that is to allow maximum State flexibility, so that different States can create their own unique ways to extend coverage and control costs—so that States like Pennsylvania, which have worked hard to develop State alternatives, can move ahead sooner, rather than waiting for a Federal deadline.

So, Mr. President, I think this is a test for us as to whether we can govern, whether we the people of the United States through our representatives in Congress and with the support of our President can win that battle that Harry Truman started.

I came out of World War II from the Army Air Corps in time to cheer Harry Truman on when he started this battle. I am one of those who cheered him when he was alive. Many revere him now, but he did not have that kind of support when he started this battle.

And he did not have that kind of support when he pressed for the Marshall plan. He made the comment, at one point when he was at the bottom of his popularity and nobody thought he had any chance of reelection, he essentially said, "Thank God that this was not the Truman plan." It was the Marshall plan, named after a distinguished son of Pennsylvania, from Uniontown, PA. George C. Marshall, one of the founders of the Civilian Conservation Corps and our leader in World War II.

Mr. President, it is time for this Congress this year to see through the cause and to win the battle that Harry Truman started and—to give him credit—Richard Nixon carried on nearly 20 years ago. We can do it. We can do it if we rise to the occasion, inspired by the first great Republican. And if our Republican colleagues will remember that first great Republican, Abraham Lincoln, who called on the American people to return and to tap the better angels of our nature.

TRIBUTE TO GLEN GOODNOW

Mr. SASSER. Mr. President, I rise today to pay tribute to one of the original staff members of the Congressional Budget Office, Glen S. Goodnow, a principal analyst in the scorekeeping unit of the Budget Analysis Division. Mr. Goodnow will retire later this year, after 23 years of Government service, most of which has been with CBO.

Glen Goodnow began his public career in 1971 as an adjudicator with the General Accounting Office. From 1973 to 1975 he was a staff assistant for the Joint Committee on Reduction of Federal Expenditures. With passage of the Congressional Budget Act 20 years ago, the duties and personnel of the Joint Committee were transferred to the Congressional Budget Office. When CBO began its operations early in 1975 with the appointment of Alice Rivlin as its first Director, Mr. Goodnow and the four other members of the Joint Committee staff became the Office's first employees and the nucleus of the Budget Analysis Division.

A primary duty of the Joint Committee staff was to keep track of congressional budgetary decisions in relation to the President's proposals. With the establishment of the Budget Committees and new procedures for acting on the annual budget, the focus of scorekeeping shifted to the congressional budget resolutions. Scorekeeping sounds like a relatively easy task, but it is in fact quite complicated and often very controversial. The Budget Committees look to CBO to

provide the necessary technical judgments and numerical estimates that go into scorekeeping decisions.

One of the reasons why the Congress has been able to stay within the guidelines set forth by the budget resolutions is that we can rely on CBO to produce scorekeeping reports which tell us where we stand on all the spending and revenue legislation that is considered each year. Glen and his colleagues in the CBO scorekeeping unit over the years have provided invaluable assistance to the Budget Committees in monitoring the congressional budget process.

Glen Goodnow's expertise centers on direct spending measures, sometimes referred to as "backdoor spending," as well as the authorization process. He has been responsible for producing the "early warning" reports alerting congressional staff to provisions that might have direct spending impact and a current status report on all paygo legislation. Glen is one of the few people I know who reads the CONGRESSIONAL RECORD from cover to cover each day. He has patiently helped new CBO budget analysts and committee staff through the maze of scorekeeping rules and precedents. Glen has been a stalwart member of the CBO staff and he will be sorely missed.

Mr. President, the appreciation we feel for the work of the Congressional Budget Office is due in no small part to the conscientious efforts of people like Glen Goodnow. I wish him well in his retirement. He deserves the gratitude of us all.

Thank you Mr. President, I yield the floor.

IN HONOR OF THE USCGC "RED WOOD"

Mr. LIEBERMAN. Mr. President, I rise today to recognize the 30th anniversary of the U.S. Coast Guard Cutter *Red Wood*. The *Red Wood* has served the Connecticut maritime community with distinction since her commissioning on August 4, 1964. As the first of the coastal buoy tenders, the *Red Wood* was considered state of the art for her time in engineering, work, and berthing spaces. After being built at the Coast Guard Yard in Curtis Bay, MD, the *Red Wood* was homeported in New London, CT, where it has served every since. Her area of responsibility covers the Connecticut coastline of the Long Island Sound from Watch Hill, RI, to the mouth of the East River in New York.

During her career, the *Red Wood* has serviced over 1,000 aids to navigation including both buoys and lighthouses and she is a leader in technological advancements for aids to navigation. She has cared for and renovated nine lighthouses and served as the test platform for the differential global positioning system [DGPS], a system that places floating aids to navigation with unprecedented accuracy. The *Red Wood* also has served the needs of recreational boaters on Long Island Sound. The *Red Wood*'s many important missions have included search and rescue, recreational boating safety, marine pollution control, and icebreaking.

The *Red Wood* has worked around the clock to ensure the safety of the waterways under her jurisdiction. She has been able to keep the waterways open and safe even after hurricanes and northeasters. This has allowed the Long Island Sound and its adjoining waterways to remain operational without the loss of even one commercial traffic day.

The *Red Wood* has been honored with numerous commendations in her 30-year career. She has received the Coast Guard Unit Commendation Ribbon with Operational Distinguishing Device, two Coast Guard Meritorious Unit Commendation Ribbons with Operational Distinguishing Device, the Coast Guard Bicentennial Unit Commendation Ribbon, two National Defense Medals, the Humanitarian Service Medal, and two Coast Guard Special Operations Service Ribbons.

The U.S. Coast Guard Cutter *Red Wood* has had and will continue to have an illustrious career. Her 30th anniversary is a perfect time to recognize and honor her and the officers and enlisted personnel who have served on her these past 30 years. Today, I commend the *Red Wood* and thank her for her faithful service to the people of Connecticut. She has truly given meaning to the Coast Guard motto, "Semper Paratus."

THE ORTHODOX UNION IN UKRAINE

Mr. MOYNIHAN. Mr. President, the Members of the Senate are familiar with the important work of the Orthodox Union, the parent body of most of the Orthodox Synagogues in the United States. The Union's National Conference of Synagogue Youth flourishes in every North American Jewish community and the Union's Institute for Public Affairs and kashruth-certification service are respected national institutions.

I rise today to report on the Union's newest program, a fascinating effort to revitalize the long-dormant Jewish community in Kharkov, Ukraine. During 74 years of Soviet rule the substantial Kharkov Jewish community was decimated by Soviet leaders who forbade any Jewish educational, cultural, or religious life, and by the numerous transgressions committed by the Nazis during the Holocaust.

This has all changed with the collapse of the Soviet Union and the 70,000 Jews of Kharkov—the fourth largest community in the former Soviet Union—have once again been allowed to identify with their tradition. The Kharkov program is headed by Prof. Sidney Kwestel of the Touro College Law School, currently the chairman of the board of the Orthodox Union—having served as its president from 1984 to 1990. The program is named in memory of Joseph K. Miller, the Orthodox Union's indefatigable treasurer who was murdered in the terrorist attack on Pan Am 103. I spoke to Professor Kwestel recently and was delighted to learn that several thousand Ukrainian Jews of all ages and backgrounds have already participated in the Orthodox Union's program which includes as summer camp for teenager, nightly classes for adults, a morning Yeshiva for university students, and special programs to teach about Jewish holidays.

Sidney Kwestel shared with me a letter he wrote after a recent visit to Kharkov and I ask unanimous consent to place excerpts from this moving letter in the RECORD.

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

FEBRUARY 1994.

DEAR FRIEND: I recently returned from a deeply moving and exciting three week visit to Israel and the former Soviet Union. What I saw can only be described as the Miracle of Kharkov.

Last Pesach, Rav Simcha HaCohen Kook, the Chief Rabbi of Rehovot, Israel, was in Kharkov. During the first seder, Yoni—a star product of our Kharkov project—stole the afikomon. For its return, Yoni asked Rav Kook to bring him to Israel for his bar mitzvah. Rav Kook agreed. I, my wife Debby and Mrs. Joseph K. Miller attended Yoni's bar mitzvah celebrations in Yeshivat Sha'alvim, and on shabbat in Rehovot. It was an electrifying experience. Yoni received national attention the day of his arrival in Israel when he appeared on Israeli television and was interviewed in Hebrew, which he speaks as well as an Israeli. On shabbat, all of our hearts swelled when Yoni said the brachot and read the haftorah of Shirat D'vorah. Rav Kook noted that this was first time in history that a bar mitzvah boy learned his haftorah in Kharkov and said it Rehovot. Yoni, who was circumcised in Israel—with Rav Kook as the sandek—has had a profound influence on his brother and parents. His bar mitzvah celebration inspired all of us and the many Kharkov youth who attended. I had enormous satisfaction seeing these Kharkov youth, Ariel, Cladik, Yura, Alex, Roma, Shlomo, Gena, Katya, Katrina, Leah, Anya, Tanya, Ira—products of our Kharkov program—who are currently attending Israeli yeshivot. Indeed, Friday night when the youth came to Rav Kook's home, Rav Kook challenged the Mayor of Rehovot, who addressed the group, to tell him who were Israeli born and who was born in Kharkov. The group was indistinguishable!

From Israel, I travelled to Kharkov, where I had a second exhilarating experience. Even after ten trips, I am still amazed and inspired by what is happening in the former Soviet Union. You can imagine how I felt when I walked into our Joseph K. Miller Kharkov Torah center and was greeted by ten teenagers—all of whom will be going to study in Israel or will be making aliyah with their families during the next six months.

We are reawakening those who were spiritually destroyed by the communists, and are bringing them to a Torah way of life. We are successfully teaching them what it means to be Jewish and are giving them an understanding of our Torah heritage. They emerge proud to be Jewish and are instilled with a strong attachment to Israel and the Jewish people.

This year we are again planning an intensive summer camp and seminar for over 300 children, teenagers and university students. There some will begin, and others will strengthen, their ties to Judaism. Together they will experience a daily Torah life. The importance of the summer experience cannot be overstated. Jewish youth are thirsting to learn what it means to be Jewish. As Igor (now Yigal in Haifa) put it when he started in our first summer program:

"I like to be among Jews and this is why I'm here and I like to remember the traditions which my parents and grandparents have forgotten. Its important to continue the things that began thousands of years ago but were stopped by the revolution."

God has given our generation a once in a lifetime opportunity to reclaim the souls of Soviet Jewry. We must seize this historic moment. Soviet Jews have no understanding of what it means to be Jewish; nor do they have the personnel or the funds to help themselves. They must be considered our spiritual children. We must guide and teach them. The most effective place to reach our Soviet brethren and reattach them to their Torah heritage is in the former Soviet Union. We are their lifeline and hope for a Jewish tomorrow. This is not a cliche—it is a plain fact. If we do not do it, they will remain behind. We will lose a precious part of our people.

Cordially,

PROFESSOR SIDNEY KWESTEL,
Chairman, Orthodox Union
Soviet Jewry Commission.

IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, before we ponder today's bad news about the Federal debt, how about a little pop quiz: How many million would you say are in a trillion? And when you figure that out, just consider that Congress has run up a debt exceeding $4½ trillion.

To be exact, as of the close of business on Wednesday, August 3, the Federal debt stood—down to the penny—at $4,640,189,985,631.40. This means that every man, woman, and child in America owes $17,798.21, computed on a per capita basis.

Mr. President, to answer the question—how many million in a trillion?—there are a million, million in a trillion. I remind you, the Federal Government, thanks to the U.S. Congress, owes more than $4½ trillion.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, I continue to hold out hope that the debate we begin next week in this Chamber will result in a bipartisan solution to some of our health care problems. I must say, however, that some of the comments made by the President last night at his news conference, followed up today by Vice President GORE and, I guess, even since then, by my colleague from South Dakota, Senator DASCHLE, will make it increasingly difficult to hang on to that hope.

Do not get me wrong, all of us have made our fair share of partisan comments in the U.S. Senate and outside the Senate on health care and probably everything else. But there seems to be an intensification now of the rhetoric from the White House, and it is not only misleading the American public, it has a potential to do a lot of harm. I will just single out one area.

The administration continues its relentless claim that the plan that Senator PACKWOOD and I, along with 38 other Senators, have proposed does nothing to help Americans when it comes to health care. To continue to make these claims leads me to believe they either have not read the plan or they do not want to talk about their own plans. And they have several of them and nobody knows precisely which one the President really favors. I will just give you a couple of examples.

At his press conference last night, President Clinton introduced America to Daniel Lumley and John Cox. Mr. Lumley is a young man who lost his arm in a motorcycle accident. The President said Mr. Lumley is concerned he will not be able to obtain insurance because of his "very apparent preexisting condition."

Mr. Cox left his job with health insurance for one that did not have insurance. When his wife became ill, they decided not to seek medical care because they did not have insurance. Finally, his wife became so ill he had to seek medical care. By that time, Mrs. Cox's cancer progressed to the point where it could not be treated. Tragically, Mrs. Cox passed away just this last week.

The stories of Mr. Lumley and Mr. Cox point out what every Member of this Senate has known throughout this debate: There are Americans in real need and they are everywhere. They are in your hometown, everybody's hometown. They are in your home State, everybody's home State, and they are real. I think all of us in one way or another are trying to address those real needs. No question about it, there are Americans out there who need help, and that is what this health care debate should be about.

The Vice President said today that the Dole-Packwood plan, or what we refer to as the "American option," would leave these two gentlemen out in the cold. The fact is that our plan would help John Cox, Daniel Lumley, and countless other lower- and middle-income Americans who find themselves in similar situations.

Under the Dole-Packwood plan, the insurance laws would be changed so that people with preexisting conditions like Daniel Lumley would no longer be locked out of the system. I must say, I watch television a lot; I watch news a lot; I watch some of the specials on health care. And you see these tragic stories repeated time after time after time. I would guess that 90 percent of these stories are based on a preexisting condition where they could not get coverage.

As far as I know, every single bill that has been introduced by Democrats, Republicans or bipartisan groups, takes care of the preexisting condition. It takes care of it. So people like Daniel Lumley and others would not have this problem.

I just suggest that we should not make politics out of people's misery in the first place, but if we are going to make reference to these gentlemen, in this case, who have had tragedies in their own life and the loss of Mr. Cox's wife, then I think we ought to be very careful that we do not, by inference, say, "Oh, well, the Republicans don't care about these people," or "Republican plans don't help these people."

The Dole-Packwood plan would also help Mr. Cox and all those who are employed by small businesses that may not be able to afford health insurance for their employees, like the Christian radio station where Mr. Cox worked.

For example, the Dole-Packwood plan would allow small businesses to join together in pools, thereby lowering the cost of insurance. We would also allow small businesses to enroll their employees in the Federal Employees Health Benefits Program, giving them the same choice among benefits packages that Members of Congress and the President now enjoy.

The Dole-Packwood plan also contains Federal subsidies for low-income Americans who may not be able to afford insurance. Nearly all the plans have subsidies, some may be higher. Ours is cut off at $22,000, some go as high as, I think, $35,000 for a family of four. But somewhere you have to draw the line, somebody has to pay for it.

So I just want to underscore, I do not recall any time during this debate, and many of us—in fact, the two of us left—are members of the Finance Committee. We tried to be very attentive and attend most of the hearings. We heard a lot about concerns in America, and the concerns ought to be addressed.

So we want to deal with issues like preexisting condition, like helping small businesses, like portability, like subsidies for low-income Americans and a host of other things, like self-employed people. Give them—whether it is a farmer, rancher, small businessman, small businesswoman—the same right to deduct the cost of their insurance as other people have. In our bill, you can deduct up to 100 percent. It is going to be phased up to 100 percent, and the bill introduced by Senator MITCHELL is only 50 percent. So there are differences in all these bills.

In fact, for over a year I have said that Congress should put together a package of reforms that have universal support. We talk about universal coverage. I can put together a package that would have universal support in this Chamber, and I think I would be joined by my colleagues, whether from New York or wherever, because there are a number of issues where there is not any different view. We all have the same view. They ought to be addressed. We could help millions of people this year and not have any rancor, not have any partisanship, not have any politics in this Chamber. Just think of the people we would have helped had we passed such a bill last year.

So I just suggest that there are a lot of concerns about health care. There are a lot of concerns about the Government-run health care and the Government's getting into Medicare, Medicaid, VA Hospitals, the Public Health Service. So it is already into health care to a great extent. But most Americans, regardless of politics, regardless of party, regardless of where they are, who they are, or what they do, have this little fear of the Federal Government taking over all of health care, one-seventh of the national economy.

I hope that all of us, including this Senator, when—obviously, we are going to be looking for flaws, what we consider to be flaws, and we have pointed out some in the bill introduced by my friend, Senator MITCHELL. And I assume they will be looking for flaws in the plan that Senator PACKWOOD and I hope to have completely drafted by tomorrow. And there probably are shortcomings, depending upon your point of view, in every plan.

But I would say that the President's plan collapsed. It was suffocated by mandates, by taxes, by deficit spending, and by price controls. And I would just suggest to the Vice President, instead of criticizing our plan, maybe he ought to decide which plan he is for. Is he for the original Clinton plan or for the Clinton-Gephardt plan or the Clinton-Mitchell plan or for some other plan? Perhaps we could have another secret task force we have not heard about. Maybe they could draft a new plan over the weekend.

President Clinton also said last night the Republicans have backed away from their commitment to health care reform, and that is just not the case. It is not the case. I might say what Republicans and many Democrats have done. We have listened and learned from the American people.

I do not have the bill before me, but it weighs 14 pounds. It is 1,400 pages long. It was delivered last night at 8 o'clock. We start the debate next Tuesday—maybe. And we are supposed to inform the American people the best we can over the weekend what is in this massive piece of legislation.

When we hear from the American people, I think our perspective gets a little better, a little clearer. So we want to help the Lumleys and the Coxes and the others who have problems, up to a point. We do not want to turn the system over to the Federal Government.

We want to improve the best health care system we have in the world today. The American system is the best in the world. I think that is what Senator PACKWOOD has in mind, and 38 other sponsors, certainly what I have in mind. And I know, as I said at the start, there will be a lot of partisan lobs back and forth. But sooner or later we have to ask, are we going to help anybody this year? Why not? Are we going to go for broke, going to roll the dice and say, "If I can't have everything, I don't want anything?"

I just hope that whatever happens, when we make statements, and when we have a press conference, and we get all ginned up at one of these rallies outside the Capitol, we at least be accurate in what we say and not misrepresent the facts and not misrepresent what somebody else's bill may do, whether it is the Dole-Packwood bill or the Mitchell bill or the Finance Committee bill, which the Senator from New York, the chairman of the Finance Committee, worked long and hard on, or whether it is any other bill. We have a right to lay out what we believe to be flaws in that bill, but we have no right to misrepresent what may or may not be in the legislation.

I thank my colleagues.

Mr. MOYNIHAN. Mr. President, may I ask the Republican leader to remain just a second for me to say that he is absolutely right in stating that every major legislative proposal in the Senate—I believe it is true in the House—including his, has all-important insurance reforms, preexisting condition, as the term is, that you cannot be turned down because you have lost an arm in a motorcycle accident, and portability, and such matters. And it would be a terrible outcome if, when we have 100 votes in this body, or 98, on those measures of great consequence, we should let it slip by.

I thank the Senator for his statement.

Mr. DOLE. I thank my colleague.

CORRECTION OF REFERENCE

Mr. SMITH. Mr. President, on Monday during debate on the Elementary and Secondary Education Act, I inadvertently attributed a publication entitled "Young, Gay and Proud" to the Sex Information and Education Council of the United States, or SIECUS. This is actually a publication of Alyson Publications.

SIECUS is responsible for one publication that I read from, entitled "Let's Talk About Sex."

I apologize for the error.

MORE TEMPORIZING ON BOSNIA

Mr. BIDEN. Mr. President, I rise today to decry the inaction of our Government, and of our allies, in the face of brazen provocations by the Bosnian Serbs and to repeat my call for lifting of the arms embargo against the Bosnian Government and for use of air strikes to protect U.N.-designated safe havens.

This painful subject may strike my colleagues as repetitive. Indeed it is: It is nothing short of scandalous that 2½ years into the Bosnian horrors our policy remains all bark, no bite—grave threats, no action—pious statements, but no relief for the beaten, raped, and tortured.

One would think that there was nothing new to say about the vicious aggression that has left a once-thriving, beautiful, southern European country a desolate landscape of burned-out villages, shell-scarred cities, and destitute and demoralized refugees.

But, Mr. President, there have been new developments in this tragedy, to which, I regret to report, we have not reacted. In recent days the Bosnian Serbs have not only rejected the peace proposal put forward in Geneva by the contact group of the United States, France, Britain, Germany, and Russia—but have also demonstrated their contempt for the world community by engaging in a series of provocative acts on the ground in Bosnia.

At the same time, detailed, credible, corroborated reports have surfaced of a Serbian death camp for Moslems in eastern Bosnia—an unspeakable genocide factory not seen in Europe since Buchenwald and Bergen-Belsen.

What in heaven's name is going on? What are we—the United States of America—going to do about it?

The Bosnian Serbs' rejection of the contact group's plan for carving up Bosnia was not surprising in light of their insatiable greed and pathological hatred of their Moslem and Croatian fellow citizens.

My colleagues know of my own opposition to the contact group's plan, since the very hatred of which I speak guarantees the plan's failure in practice. The Bosnian Serbs may have spared us from the misguided sending of American troops to Bosnia as so-called peacekeepers of a nonexistent peace, of playing apartheid cops in a war zone.

It is not the Bosnian Serbs' rejection per se to which I object—although they are rejecting the plan for indefensible reasons. No, Mr. President, it is their accompanying actions that I deplore. These actions, while they follow a script the Bosnian Serbs have refined since they began their aggression in 1992, have in the last 10 days set a new standard for insolence.

The Bosnian Serbs have begun a rollback of the measures imposed by Western threats of force last winter that

brought a semblance of normality to the life of Sarajevo. They have blockaded the land routes into the Bosnian capital, even going as far as to ambush a clearly marked U.N. convoy, killing a British peacekeeper and wounding others.

Furthermore, they have forced the suspension of international relief flights into the city by firing on aid planes trying to land at Sarajevo Airport. I might also add, Mr. President, that Secretary of Defense Perry and his party had to abandon a planned visit to Sarajevo last month because of Serbian shooting.

In the past 2 weeks the Bosnian Serbs have continued to violate last February's agreement by moving heavy weaponry back into exclusion zones around Sarajevo and Gorazde.

Not content with military aggression, the Bosnian Serbs have, as part and parcel of their policy, consistently made war on innocent civilians. They have now resumed their sniping at civilians in Sarajevo, hitting, among others, passengers in the streetcars whose resumption of service has been a morale boost to the long-suffering populace.

Even more ominously, since mid-July the Bosnian Serbs have stepped up their vile policy of ethnic cleansing by expelling hundreds of Moslem civlians—including women and children—from the eastern Bosnian town of Bijeljina and from the northwestern city of Banja Luka.

There has also been a report from Tuzla that armed Serbs have taken a group of Moslem men to a nearby labor camp.

Mr. President, these continued despicable acts of ethnic cleansing have been put into a ghastly context by Roger Cohen's meticulously researched articles in this week's New York Times on a Serbian death camp called Susica.

Mr. Cohen documents in grisly detail how in the spring and summer of 1992 Bosnian Serbs, under the direction of units of the former Yugoslav National Army from Serbia proper, systematic arrested, interned, tortured, and murdered thousands of their Moslem neighbors.

The killings stopped, Mr. President, not because of any moral compunction, but because the murderers had simply run out of available Moslems to victimize.

As Mr. Cohen points out, the Bosnian Moslems—and to a greater extent, the Bosnian Croats—have also run detention camps where atrocities have been committed. They are inexcusable, and I condemn them in the strongest possible terms.

What distinguishes the Susica death camp and Serbian killings elsewhere in Bosnia from the Moslem and Croat outrages, however, is the systematic coordination and widespread scope of the Bosnia Serbs' policy of genocide. They aim to purge non-Serbs from the territory they control—usually by deporting the women and children, and by slaughtering the men.

There was a time when the Western democracies, led by the United States, saw fit to put a halt to aggression and to punish war criminals. I regret that we seem to have abandoned the idealism which distinguished us from other nations and won the admiration and respect of millions around the world, in favor of misguided alliance solidarity and a new friendship with the Russians.

Simply put, the response to the Bosnian Serbs' thumbing of their noses at the contact group has been a lame communique of vaguely worded threats that will frighten no one. This lowest common denominator was drafted so as not to offend the Russians and not to endanger further the British and French peacekeepers who are virtual hostages of the Bosnian Serbs.

What does the contact group recommend? Well, economic sanctions against Serbia and Montenegro are to be tightened. I won't even speculate as to how soon that will have a decisive effect.

How about the U.N.-mandated exclusion zones? In vintage diplo-speak the document only requests the "finalization of planning to permit strict enforcement and extension of exclusion zones."

Nothing is said about enforcing existing no-fly zones against the Bosnian Serb crop duster air force. Nothing is even mentioned about air strikes to break the newly imposed Serbian siege of Sarajevo, even though air strikes have already long been authorized by the U.N. and NATO. Perhaps as a rhetorical sop to this Congress, a murky statement is included that the unilateral lifting of the arms embargo against the Moslems could possible become unavoidable.

Mr. President, I call upon this House to put this glacial process into fast-forward and make it unavoidable. For 2 years I have called for a "lift and strike" policy—lifting the unjust arms embargo against the Bosnian Government and striking from the air against any aggressor who dares violate U.N.-designated safe havens. History will not forgive us if we dither any longer.

But, Mr. President, precisely at this pivotal moment, I am chagrined that the administration plans to temporize further. Despite a strong vote in the House for unilaterally lifting the arms embargo against the Bosnian Government and only a razor-thin defeat in the Senate, it is my understanding that in the ongoing conference on the Defense authorization bill the White House remains opposed to any congressional language that would force the United States unilaterally to lift the embargo, even after we have failed to lift multilaterally. The administration is only prepared to consult with the Congress on the progress of the contact group's plan.

This business-as-usual attitude will simply no longer suffice. The time to act is now, before we squander the last shred of credibility in American ideals and American foreign policy.

We must not let aggression go unpunished, lest other would-be aggressors be encouraged in the future. The administration seems mesmerized by one-dimensional alliance considerations and erroneous historical analogies.

Britain and France understandably worry about the safety of their peacekeepers in Bosnia if we should unilaterally lift the arms embargo against the Bosnian Government. Mr. President, alliance unity is a worthy goal, but at what price? If we do not lead NATO into policies that will stifle the emerging security threat to southeastern Europe, what is the alliance worth?

Some in Europe warn that enforcement of a lift and strike policy would widen the Bosnian war and ultimately lead to a World War III. But Sarajevo 1994 is not Sarajevo 1914. There are no competing alliance systems with great powers committed to aid their Balkan proxies. Mr. President, there is, however, one superpower, and that superpower, thank God, has a tradition of crushing tyrants and rescuing the persecuted.

And what about the Serbian death camp and other crimes against humanity? Here there is a ray of hope. An "International Tribunal for the prosecution of persons responsible for serious violations of international humanitarian law in the territory of the former Yugoslavia" has been created according to a May 25, 1993, U.N. Security Council resolution.

The respected South African judge Richard Goldstone has been named prosecutor of the tribunal and will take over his duties on August 15. I am happy to say that 20 U.S. Government employees have been detailed in various capacities to the International Tribunal. Courtroom facilities in The Hague, The Netherlands, will be completed by October, and indictments are expected to be handed down later this fall.

Of course, unlike Nuremberg where the accused war criminals were already in custody, the likely accused in former Yugoslavia must first be apprehended. But a good start has been made to hold genocidal murderers responsible for their actions.

The administration has briefed the Committee on Foreign Relations that it will soon submit legislation to enable the United States to cooperate with the International Tribunal. I hope and trust that this will be speedily accomplished in the coming weeks.

Mr. President, the war in the former Yugoslavia, Europe's bloodiest conflict

since World War II, has already claimed more than 200,000 lives, made more than a million persons homeless, and physically and psychologically disfigured countless others.

Let us not forsake our heritage. Let us wake up to the horrors taking place in Bosnia. Let us do the only honorable—and the only efficacious thing: Lift the unconscionable embargo on the Bosnian Government and utilize our air power to strike against those who attack safe havens.

WILL THE WASHINGTON POST AND THE WASHINGTON BLADE MERGE?

Mr. HELMS. Mr. President, I guess this is called rising to a point of personal privilege. I do not do this out of any anguish, and certainly no anger. More than anything else, I am amused by the turn of events involving the Washington Post. I think somebody ought to call the hand of the Washington Post, because it is making itself look ridiculous. One of the things that the members of the Washington press corps whisper about these days is how come the Washington Post is so "gosh darn" defensive when anything—anything—even implying criticism of the lifestyles of homosexuals and lesbians is voiced by anyone.

Just watch, Mr. President, whenever a step is taken by Congress to interfere with efforts to portray sodomy as just another lifestyle, the Washington Post news and editorial people go ballistic. See what they write the day after any amendment is offered by Bob SMITH or Jesse HELMS, as was the case this week. From time to time, reporters—surely jesting—suggest that the Washington Post and the Washington Blade may merge any day now, becoming the "Washington Post-Blade," or something like that. In any case, the Washington Post's bias reared its snorting head in the Tuesday morning edition this week.

Just consider this headline, if you will. I have it enlarged on a chart here. This was the headline and there is the story—and the problem is that the headline has nothing to do with the story: "Senate Votes to Cut Off Funds if Tolerance of Gays is Taught." I hope C-Span is showing this blowup of the Washington Post headline and the story.

Mr. President, the headline is absolutely ridiculous. The amendment was nothing like that at all. The headline was flat out false, and the person who wrote that headline for that Associated Press story is bound to have known that it was false.

Let us examine the exact text of the amendment offered by the distinguished Senator from New Hampshire and this Senator from North Carolina. I am going to read part of it. The C-Span cameras may wish to follow me on this chart.

The amendment says: "Section" filled in with a number. "Prohibition against funds for homosexual support."

(a), PROHIBITION.—No local educational agency that receives funds under this act shall implement or carry out a program or activity that has either the purpose or effect of encouraging or supporting homosexuality as a positive lifestyle alternative.

Then it says this, and this is the heart of the amendment:

DEFINITION.—A program or activity for the purposes of this section, includes the distribution of instructional materials, instruction, counseling, or other services on school grounds, or referral of a pupil to an organization that affirms a homosexual lifestyle.

So you see, Mr. President, the amendment prohibits efforts in the schools to teach acceptance of homosexuality as a positive lifestyle. It makes no reference one way or another, implicit or explicit, about tolerance for homosexuals. Yet, that headline appeared.

What goes on at the Washington Post? Is this the result—as many of their journalistic fraternity members are saying—of an inordinate amount of gay sensitivity in the news and editorial departments of the Washington Post? I do not know. I make no charge, but I just suggest that this is what people are saying. They are saying that the Washington Post ought to merge with the Washington Blade if they are going to be so blatant in the way they play the news and write their editorials about things involving people who commit sodomy—that is to say, homosexuals and lesbians.

And then, on Wednesday morning, yesterday, there came the predictable and convoluted reasoning of a Washington Post editorial which strained to take Senator SMITH of New Hampshire and me down a notch or two for proposing our amendment on Monday—an amendment, by the way, which the Senate approved 63-36. That Post editorial murmured that 63 Senators supported the Smith-Helms amendment which "entirely undercuts a bedrock conservative principle that local communities should run their own schools." That is what the Post editorial said.

But, Mr. President, the Washington Post's philosophical meandering all over the lot had nothing to do with any conservative principle whatsoever. In the first place, the Washington Post was a leader in shouting down conservatives some years ago—and I was one of them—who tried to warn that Federal aid to education that was being proposed then was sure to be followed by Federal control of education.

Just take a poll of the men and women trying to run the schools of America today and ask them about the deluge of Federal controls and the rulings and regulations pouring out of the Federal educational bureaucracy in Washington, DC. They will tell you about it. I happen to be the father of an elementary school principal. If you cannot find anybody else, talk to Jane Helms Knox.

Furthermore, this awkward posture by the Washington Post stands straddle-legged over a paper that insists at all other times that the Federal Government monitor and control almost every other aspect of the lives of the American people. Yet whenever an issue involving homosexuality or other examples of perverted morality are involved, they insist that putting strings on the use of Federal tax dollars somehow threatens the Nation's constitutional foundations.

Do you recall how they jumped up and down when anybody suggested that Congress ought to look at the content of the so-called art produced by people who are just warped mentally—with the help of taxpayer funds? I have stood on this floor many a time and put pictures of what the National Endowment for the Arts has spent the taxpayers' money for, and the Washington Post just snorts and raves how great it is and dares Congress try to restrict Federal funding for it.

It is all right, you see, for the Congress to control the military, the schools, and every other use of Federal funds, but, oh, no, Congress better not control pornographic or homosexual art and it better not try to control efforts to teach homosexual values in the schools or to hand out homosexual literature to little children—how old are the youngest ones, I will ask the Senator from New Hampshire?

Mr. SMITH. Three years old.

Mr. HELMS. Three years old. And I do not know of a single Senator who dared to go over to BOB SMITH's desk the other day and look at the material that has been distributed in schools across this Nation. But the Senate voted properly on the amendment anyway. Some Senators made a mistake and voted against the Smith-Helms amendment, but it carried nevertheless.

Mr. President, I suppose the fanciful speculation that the Washington Post and the Washington Blade are really planning a merger is being spread in jest. I do not believe it myself. But both papers do, and for a long time have, promoted homosexuality. They continue their biased reporting and absurd editorial posturing.

The Washington Post is not qualified to lecture any conservative in America about conservatism. They have demonstrated over the years that they do not know one darn thing about it.

The Washington Post is, of course, free to distort the positions and the purposes of conservatives and conservatism. That is a part of freedom of the press. I do not like what they print sometimes, but they have the right to do it under the first amendment.

But the paper is also free to make a laughing stock of itself, which it so

often does. And it certainly has in this instance in its reports on the Senate-approved amendment forbidding Federal funds to any school that encourages or supports homosexuality as a positive lifestyle.

Mr. President, nothing positive happened to Sodom and Gomorrah, and nothing positive is likely to happen to America if our people succumb to the drumbeats of support for the homosexual lifestyle by media organizations such as the Washington Post.

One final note, Mr. President. Aides, assistants to Senator KENNEDY, have assured the Washington Post and other members of the news media that the Smith-Helms amendment will be dropped in conference. Aides of the Senator from Massachusetts have candidly stated that Mr. KENNEDY submitted his watered-down alternative amendment as part of a strategy to ignore the will of the 63 Senators who voted for the Smith-Helms amendment, as well as all of those Congressmen in the House of Representatives who voted for a very similar amendment.

We are going to see whether Senator KENNEDY repeats his all too familiar act in conference—as he did when he killed the school prayer amendment which the U.S. Senate and the U.S. House of Representatives had approved overwhelmingly. We are going to see. We are going to be watching him, not just BOB SMITH and me, but hundreds upon hundreds of people across this country are going to be looking at what happens.

And they are prepared to make some calls to Massachusetts and some visits to Massachusetts and let the people there know what is going on. We have been down that road before—this business of killing amendments in conference.

I serve fair warning, however, with all due respect to Senator KENNEDY and his boastful aides, that if the Senator from Massachusetts does, in fact, attempt to gut this amendment in conference—as he successfully did the school prayer amendment earlier this year—there are Senators who will have a great deal to say about it on this Senate floor, and it will take a great deal of time.

Moreover, there are a number of strong and well-organized national religious and conservative groups who have served notice that this is an issue that they intend to take to the people of Massachusetts. I am making no threat. I am simply stating the facts. There are increasing numbers of citizens and groups of citizens who no longer will stand idly by while the Senator from Massachusetts, or anyone else, arrogantly and single-handedly tosses aside principles supported by the overwhelming majority of the American people. Maybe the Senator's support by liberal newspapers in his home State can and will override the resentment that is building. That is up to the people of Massachusetts and we will see.

Mr. SMITH. Mr. President, will the Senator from North Carolina yield?

Mr. HELMS. Yes; I am glad to yield to the able Senator.

Mr. SMITH. I thank my friend for yielding.

This is an interesting debate here. The whole issue was an interesting debate. As the Senator from North Carolina has correctly stated, the Senate did vote overwhelmingly to say that if these materials were to be placed in the school districts, Federal aid would not be forthcoming.

It is interesting that from that we have such words as "tolerance" being used, which was never mentioned by either of us in the debate, as far as I know. And also it is very interesting in some of the interviews that I did after the amendment I was told repeatedly by members of the press what Senator WELLSTONE's interpretation of my amendment was. I suggested that next time Senator WELLSTONE offers an amendment, they might want to give me a call so I can tell them the intent of his amendment.

One of the points that is made here in the Washington Post editorial is that Senator WELLSTONE said that the provision would forbid counseling of gay students. The amendment does not.

Mr. HELMS. Of course.

Mr. SMITH. I wrote the amendment, along with the Senator from North Carolina. We know what the intent was. We know what the language says. It does not have anything to do with that. We debated this amply before. And on another matter now.

I will just say I do not think I had a chance to tell the Senator from North Carolina a very interesting development happened as I walked out after the vote. I spoke to one of the young ladies who was trying to talk to Senators about the materials, and she had carried some of those materials with her, and she was trying to show them to Members of the Senate as they were coming in to vote. She was threatened with arrest by the Capitol police for distributing pornographic materials or trying to, which is a very interesting observation in and of itself in the sense that we could not display them here on the floor of the Senate, we could not display them, we could not pass them out to Senators coming in, and yet we can put them in a school district anywhere in America. I guess that is all right according to the opposition. So I find that to be quite interesting.

I was attacked by someone alleging to be some national representative of the PTA who indicated that I was now trying to dictate the curriculum as a conservative. Why would I want to be dictating the curriculum of any school district?

Again, we are not dictating any curriculum. We are just simply saying that the Federal dollars would not come into your State or your district if you in fact used those materials. So if you do not use the materials, what is the problem?

So I would think rather than attacking Senator HELMS or Senator SMITH, maybe the PTA around the country ought to be looking in the school districts to see if any materials are there. That might be a good idea.

I would hope that maybe if the Washington Post feels we are way off base and we are wrong on this, maybe they ought to publish those materials on the front page of the Post tomorrow morning. Let them put all the materials out word for word. I will be happy to provide them to the Post if they want to, if they do not have them. I will be happy to provide them if they do not have them. I will assume they will not do it because of the copyright laws, and I am sure they can work it out. They can put it on the front page of the Post and we will see what happens.

Mr. HELMS. I cannot imagine even the Washington Post daring to publish some of the garbage that has been handed out to schoolchildren as young as 3 years old.

I thank the Senator, and I was honored to join with him on his amendment, and I congratulate him for his good work.

THE TOBACCO PROGRAM IS ABOUT WORK, NOT HANDOUTS

Mr. FORD. Mr. President, Labor Day is just around the corner. For most of America, it marks the close of summer and the beginning of the new school year. But for one of my constituents, Mattie Mack of Brandenburg, KY, it also marks the time when she and her husband begin or are in the midst of harvesting their tobacco crop.

The days between now and when they actually bring their crops to the warehouse for sale, will be long, labor intensive, and critical to the quality of the tobacco.

Like the tens of thousands of other tobacco farmers in Kentucky, years of experience will guide them in deciding just when to harvest the yellowing leaves.

If it is burley tobacco, first they will drop tobacco sticks down each row, then plant after plant, cut the tobacco down with a tomahawk-style knife, spearing six or so plants to each stick. The cut tobacco is left out in the sun for a day or two to wilt until it is ready to be housed in special tobacco barns.

Any of you who have driven through tobacco country have seen curing barns with open slats for ventilation. Because curing is such a delicate process, the farmer must control temperature, humidity, and the rate of curing.

The tobacco sticks are hung from rails running the length of the barn.

And like the entire curing process, this is hard labor, yet requires a very delicate touch.

Curing will actually change the chemical and physical properties of the leaf, and mistakes can ruin an entire crop. Too much heat can rush the process, resulting in low weight and bad color, commonly called "houseburn."

Each morning, the Macks and their workers pick up where they left off the evening before until every plant has been cut and housed.

Mattie and other Kentucky tobacco farmers will still be at it in November, when you and I will be thinking about elections. About this time, the tobacco is "in case." It is moist enough to be handled and will be brought down, stripped from the stalk, sorted and graded.

The draining work of hanging a barnful of tobacco in the last hot, humid days of summer, will seem light years away to workers pulling it back down again in the cold fall nights.

The last stage, stripping, is considered as much a craft as stitching a quilt, with a farmer sorting leaves into bundles by size and quality. The tobacco is now ready for market.

This entire process, which varies depending on the type of tobacco, can last throughout the winter. Between field management and labor, some estimates put the work level at an average of 250 hours for each acre harvested, not to mention the expertise necessary for curing.

The annual harvest means money to invest in new equipment, to pay the mortgage, for health care and college educations.

In 1964, for Mattie and Bill Mack, it meant owning a farm. Any entrepreneur can tell you how difficult it can be to get a bank loan to start up your small business. So where the bank failed, tobacco succeeded.

For the past 30 years, that annual harvest has meant even more for Mattie and Bill. It meant an education for their own four children, and for the 38 foster children they have taken care of over the years. For those children, it meant owning a productive future.

As Mattie already told the House Ways and Means Committee;

My husband and I raised four children on tobacco. The money from our tobacco crop has paid for their medical care, for their food and for their education.

We have also raised 38 foster children on our farm. The welfare office always sent the "problem children" to us. I discovered that the real problem was that these children did not have anything to do but to get into trouble. So I put them to work on our farm—they cleaned out the barns, they helped put in the tobacco crop, they hoed the tobacco and they helped top the tobacco. After a long days work, those kids ate a good supper, took a shower and went straight to bed. There was no energy left in them to cause trouble.

My own children and our foster children saved money from tobacco so that they could go to movies or ball games. I always told those kids: When you spend that money, tell people you earned it from tobacco.

While Mattie's story is certainly special, in many ways she represents the average tobacco farmer. Nine out of ten tobacco farmers own the farmland they operate, and the majority are smaller than the average farm—approximately 94 acres versus 462 acres.

And as Kentucky farmer and writer, Wendell Berry said, for Mattie and the 60,000 other tobacco farm families, "In tobacco country, the choice not to grow tobacco is tantamount to a choice not to farm."

According to the Community Farm Alliance:

Tobacco producing areas of the United States include 21 States and Puerto Rico. But over 90 percent of the $2.9 billion that American growers earned from tobacco in 1991 came from only six States: North Carolina, Kentucky, Tennessee, Virginia, South Carolina, and Georgia.

Financially, that means that on average, tobacco can represent as much as $57.20 of every $100 in farm cash receipts from crops for a Kentucky tobacco farmer.

And again according to a Kentucky agriculture association:

Tobacco generated one in 16 jobs in the Commonwealth during 1991, or 6.3 percent of the State's total work force. Within one of the State's regions that annually produces high volumes of tobacco, one in five households earned some family income in 1991 by either raising burley tobacco or by leasing their quotas to active growers. * * *

In Kentucky, that adds up to 100,000 jobs and a billion dollars annually in farm income alone. This is multiplied more than threefold when you consider the benefits on the rest of the economy.

And what Mattie and other tobacco farmers will tell you, is that despite all the myths about Government subsidizing tobacco, they are part of a program that pays its own way.

In fact, the price support program is probably the most successful agriculture program in the United States.

The program operates under the simple principle that farmers will be guaranteed a minimum price for each grade of tobacco produced, in exchange for the farmer's commitment to keep the supply in line with the demand.

In practice, that means tobacco falling below the support price is placed under loan, but still under the individual farmer's title until it is ultimately sold by the cooperatives. While the Government supplies the loan, the farmer repays it with interest and all expenses.

To assure the program is operated at no net cost to the taxpayer, farmers and manufacturers are assessed a cent or two per pound to pay administrative costs. In addition to the assessment fee, tobacco farmers pay inspection and grading fees to cover all of these costs. And in an effort to reduce spending for all farm programs in general, tobacco farmers pay a budget deficit assessment which is projected to generate $25.3 million in fiscal year 1994.

Mattie Mack will tell you, the tobacco program is about work, not handouts.

Perhaps she put it best when she told the House Ways and Means Committee:

The Bible says that you earn your living by the sweat of your brow and I can tell you that farming tobacco makes you sweat. But farmers are accustomed to hard work. We are also accustomed to dealing with the hardships of nature—we always have to worry about too much rain on our crop, or not enough. But no amount of hard work or resiliency will prepare us for dealing with the man-made hardships that come from Washington. American tobacco farmers cannot survive this threat to our livelihoods.

Mr. President, I ask that the testimony of Mattie Mack before the House Ways and Means Committee be printed in the RECORD.

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

TESTIMONY OF MATTIE MACK

Mr. Chairman and Members of the Committee:

Thank you Mr. Chairman. I am a tobacco farmer from Brandenburg, Kentucky, and I have come here today to share with you my concerns about the proposed tobacco tax to pay for health care reform.

I want to start by telling you what tobacco means to me and my family.

I began farming tobacco back in 1963, when my husband brought me to Kentucky to start our own farm. Over the years, we have built up a 100 acre farm on which we raise cattle, corn, hay and 10,000 pounds of tobacco each year.

Our tobacco crop has been the foundation on which we built our farm and our family. My husband and I raised four children on tobacco. The money from our tobacco crop has paid for their medical care, for their food and for their education.

We have also raised 38 foster children on our farm. The welfare office always sent the "problem children" to us. I discovered that the real problem was that these children did not have anything to do but to get into trouble. So I put them to work on our farm—they cleaned out the barns, they helped put in the tobacco crop, they hoed the tobacco and they helped top the tobacco. After a long days work, those kids ate a good supper, took a shower and went straight to bed. There was no energy left in them to cause trouble.

My own children and our foster children saved money from tobacco so that they could go to movies or to ball games. I always told those kids: When you spend that money, tell people you earned it from tobacco.

Tobacco is our livelihood.

I am here today because our livelihood is being threatened. I cannot express enough how deeply concerned I am about the President's proposal to increase tobacco taxes to pay for health care reform. Farm families like mine stand to suffer a great deal if this proposal becomes a reality.

I want to tell you that I support the idea of health care reform. When I was young, I studied to be a nurse and worked for a while in the Louisville Children's Hospital. I know first hand that our health care system is in serious need of reform and I congratulate the President for recognizing this fact.

But the President has proposed a 75 cent per pack cigarette tax as the sole tax to pay

for health care reform. This proposal asks farmers, like me, to foot the bill for a system that benefits the entire nation. That is unfair.

It is unfair to tobacco farmers whose hard work already generates $62,000 per acre in state and federal taxes. It is unfair to black farmers, many of whom grow tobacco, and who historically have lost their farms at a faster rate than white farmers. It is unfair to my home state of Kentucky, which stands to lose over 300 million dollars, and it is unfair to the South as a whole, which stands to lose the very foundation of its economy.

The Bible says that you earn your living by the sweat of your brow and I can tell you that farming tobacco makes you sweat. But farmers are accustomed to hard work. We are also accustomed to dealing with the hardships of nature—we always have to worry about too much rain on our crop, or not enough. But no amount of hard work or resiliency will prepare us for dealing with the man-made hardships that come from Washington. American tobacco farmers cannot survive this threat to our livelihoods.

I want to invite President and Mrs. Clinton and all of the members of this committee down to Kentucky to see the people who are working so hard to make ends meet—they are doing it with tobacco. I want them to meet tobacco farmers and their families—face to face—and to learn just how much our crop means to us, and to the South. If they understood that, I am certain they would not insist on this unfair tobacco tax.

The simple fact is that tobacco farmers cannot afford to pay for health care reform and we should not have to. All Americans stand to benefit from changes in our health care system and all Americans should pay for it. This is the American way and it is the fair way.

I serve on the credit committee on the Community Farm Alliance which issues small loans to farmers in need. I can tell two things from that experience. There are a lot of farmers out there in rural America who are already fighting day after day to hold on to their land. There will not be enough money in the coffers of the Community Farm Alliance, or in the coffers of any other farm support groups, to help those farmers survive if this unfair tax becomes a reality.

On behalf of my family and the many tobacco farmers who will never get the opportunity to come here and talk to you, I ask you to work with the President to develop a health care program that is fair to all Americans, including tobacco farmers, tobacco plant workers and southern communities. A tobacco tax increase does not meet this test.

Thank you.

AMENDMENTS TO VA/HUD APPROPRIATIONS BILL

Mr. COVERDELL. Mr. President, I would like to thank the distinguished Senator from Maryland [Ms. MIKULSKI] and the ranking Member from Texas, Senator GRAHAM, for working with Senator NUNN and I on these two important amendments to the bill. Many of my colleagues have heard from me and the senior Senator on the initial devastation that occurred during the flooding in the southern portion of our State. They have responded by providing necessary funding for agricultural, housing, and business assistance to those Georgians most drastically affected by the floods. These Georgia flood victims, along with their counterparts in Florida and Alabama, now race a tougher challenge: to reconstruct their communities from the ground up in a mission I have termed "Operation Buildback."

The two amendments that Senator NUNN and I have worked on and approved through Senator MIKULSKI will address many of the needs that will arise in "Operation Buildback." The first amendment provides for an additional $180,000,000 in State and local government grants for carrying out community programs to States, local governments, and businesses to assist in disaster recovery. This will certainly be important in our community rebuilding efforts, particularly in the business sector.

The second amendment will provide $12,500,000 to fund $50,000,000 in additional loan authority to FEMA to be used to assist local governments in recovering from revenue losses associated with the loss of county utilities, a prime revenue source for these governments.

These two amendments address important needs, and I thank Senator MIKULSKI and Senator GRAMM for efforts on Georgia's behalf.

HONORING OF KARL KITT

Mr. MCCAIN. Mr. President, I just wanted to take a few minutes of the Senate's time to honor a great man who passed away recently in Arizona. I'm speaking about Karl Kitt. Karl is a legendary figure in the sport of wrestling who enjoyed a distinguished career as head coach at both the Naval and Air Force Academies.

Karl will always be remembered as a man of great character, integrity, and compassion, particularly to the thousands of young people who are privileged to call him their mentor and friend. He was, in every way, a coach—not just in the sport which he loved so much, but in life for the young people about whom he cared so much.

Karl leaves a legacy of achievement. Yes, there were many honors and championships. But more important to Karl was the human legacy—the people whose lives he touched and changed with the enduring qualities of a life well lived—hard work, integrity, mental toughness, and courage.

A graduate of Southwestern State College in Oklahoma, Karl wrestled on two NAAU championship teams in 1934 and 1937, placed second in NCAA championships in 1936, third in NAAU in 1937, and earned All-American honors in his junior year.

In 1942, Karl joined the Navy and was later assigned to the Naval Academy as assistant wrestling coach and a physical education instructor. He won the Hawaiian Open championship at 145 pounds and coached the U.S. Navy team to the Central Pacific Area championship. In 1946, Karl returned to the Naval Academy and coached two national championship squads, in 1948 and 1952. He went on to join the U.S. Air Force Academy as head coach, where Karl further distinguished himself as one of the Nation's top wrestling coaches.

Several decades have passed since I was privileged to be under Karl's tutelage at the Naval Academy. Like so many of those whose lives Karl has touched, I will never forget his influence.

Karl Kitt's contributions to his Nation will never be forgotten. With his passing, we have lost an exceptional man who carried out his duties as a coach, as an American, and as a man with the greatest integrity, commitment and highest moral character. He has always been an inspiration to me, and I am proud and privileged to have known him.

Our Great Nation is much better for having known Karl, and we are saddened by his passing. He's a dear friend and we will miss him. Our thoughts and prayers are with Katherine and the family. We thank you for your love, devotion, and service.

INTERNATIONAL COOPERATION IN SPACE

Mr. BENNETT. Mr. President, sometimes, in the heat of debate and the flurry of technical, detailed exchange of information, we forget that sometimes the source of information most useful to us in making our decisions comes from the people whose lives are affected by the votes we cast.

As I stated yesterday, when we are talking about the space station, we are talking about the future. When we talk about the future we should be thinking about those who have the greatest stake in the future—the children.

Even though we voted on space station yesterday, I want to share with my colleagues the viewpoint of a 12-year-old student from Fairfax, VA, Blaire Bingham. She wrote the following brief essay on international cooperation in space:

Over the past several years, there have been numerous international efforts in space. Shuttle flights carrying the Spacelab Research Facility as an International Microgravity Lab is one, and astronauts of many countries that have flown on both Russian and American spacecraft is another. But what I think is the most important effort is the International Space Station Alpha (ISSA), formerly Space Station Freedom. ISSA is the most recent united project in an effort to bring countries together to build a space station. This joint effort includes the European Space Agency (ESA), the National Aeronautics and Space Administration (NASA), the National Space Development Agency (NASDA) from Japan, the Canadian Space Agency (CSA), and the new Russia's Space Agency (RSA). That to me is a huge amount of international efforts which represents almost every country world-wide that has a space program.

Since different sections of ISSA are coming from different country agencies, I believe ISSA is a sign of unity. When you put the different sections of the space station together, it forms ISSA. If we can do this in space international efforts, then maybe we can do this in our own world. If we can, then I and millions of other kids in this violent world won't be afraid of playing in our playgrounds after school, or of being robbed, kidnapped, or murdered. You see, if ISSA completes its mission and goes up in space, it can show the world that yes, maybe we can be like ISSA, one big peaceful united group.

Also, the men and women that go up could discover new technologies and even medicines that our children can use in their generation. We might not be around to see it all happen, but at least we would know that thanks to us, their lives are happier. If ISSA or any international efforts are demolished, by not approving the funding for the project, then we would be missing out on many opportunities.

To tell you the truth, I don't know exactly how we can continue with the efforts to fund ISSA, but I know we can find a way. I may only be 12 years old and I might not be able to do many things that can help international efforts keep going, but I strongly believe that we should continue with them.

Mr. President, we may not be around to see it all happen, but hopefully, because of our actions, our children's lives will be happier and better. But to bring that to pass, we must have the courage to invest in the future. I thank my colleagues for joining me in voting for the kind of future that Blaire Bingham envisioned.

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 868. An act to strengthen the authority of the Federal Trade Commission to protect consumers in connection with sales made with a telephone, and for other purposes.

H.R. 2457. An act to direct the Secretary of the Interior to conduct a salmon captive broodstock program.

H.J. Res. 374. Joint resolution designating August 2, 1994, as "National Neighborhood Crime Watch Day."

At 3:47 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, with amendments, in which it requests the concurrence of the Senate:

S. Con. Res. 40. Concurrent resolution to authorize the printing of the book entitled "Constantino Burmidi: Artist of the Capitol", prepared by the Office of the Architect of the Capitol.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3474) to reduce administrative requirements for insured depository institutions to the extent consistent with safe and sound banking practices, to facilitate the establishment of community development financial institutions, and for other purposes.

The message further announced that the House agrees to the report of committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3841) to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking and branching.

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate (H.R. 4426) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1995.

The message also announced that the House insists upon its amendment to the bill (S. 1587) to revise and streamline acquisition laws of the Federal Government, and for other purposes, disagreed to by the Senate, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Government Operations, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Mr. CONYERS, Mr. SYNAR, Mr. NEAL of North Carolina, Mr. LANTOS, Mr. OWENS, Mr. TOWNS, Mr. SPRATT, Mr. RUSH, Mrs. MALONEY, Ms. MARGOLIES-MEZVINSKY, Mr. CLINGER, Mr. MCCANDLESS, Mr. HASTERT, Mr. KYL, Mr. SHAYS, and Mr. SCHIFF.

As additional conferees from the Committee on Armed Services, for consideration of the Senate bill, and the House amendment, and modifications committed to conference: Mr. DELLUMS, Mr. SISISKY, Mr. EVANS, Mr. BILBRAY, Mr. EDWARDS of Texas, Ms. FURSE, Mr. SPENCE, Mr. KASICH, Mr. BATEMAN, and Mr. WELDON.

As additional conferees from the Committee on Education and Labor, for consideration of sections 4024(d), 4101(b), 4101(c), 6101, and 6102, 8005(c)(2), and 11001–11004 of the Senate bill, and section 4105 of the House amendment, and modifications committed to conference: Mr. FORD of Michigan, Mr. MURPHY, and Mr. FAWELL.

As additional conferees from the Committee on the Judiciary, for consideration of sections 1421, 1422, 1437, 2451, 2551–2553, 2555, that portion of section 4011 that adds a new section 29(b)(2) to the Federal Procurement Policy Act, sections 4024 (a), (b), (c), and (f), 4101 (b) and (c), 6001–6004, 6053, and 8005 (c)(3) and (c)(4) of the Senate bill; and that portion of section 4011 that adds a new section 4B(c) to the Federal Procurement Policy Act, that portion of section 4031 that adds a new subsection (c)(9) to section 23012a of title 10, United States Code, that portion of section 4041 that adds a new subsection (c)(2) to section 302A of the Federal Property and Administrative Services Act of 1949, sections 4051, 5003, that portion of section 7106 that adds a new section 2285(a)(12) to title 10, United States Code, that portion of section 7205 that adds a new section 314D(a)(4) to the Federal Property and Administrative Services Act of 1949, and section 7301(b) of the House amendment, and modifications committed to conference: Mr. BROOKS, Mr. BRYANT, and Mr. FISH.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 1056 and 1067 of the Senate bill and modifications committed to conference: Mr. MINETA, Mr. TRAFICANT, and Mr. SHUSTER.

As additional conferees from the Committee on Small Business, for consideration of sections 1055(b)(2), 2554, 4102–4105, that portion of section 4011 that adds a new section 29(b)(1) to the Office of Federal Procurement Policy Act, sections 4012, 4014(d), 4015(d), and 4074 of the Senate bill, and sections 4104 and 8002 of the House amendment, and modifications committed to conference: Mr. LAFALCE, Mr. SMITH of Iowa, and Mrs. MEYERS of Kansas.

ENROLLED BILL SIGNED

At 7:46 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1458. An Act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

PETITIONS AND MEMORIALS

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

POM-608. A resolution adopted by the Okanogan County Resource Roundtable, Chelan, Washington relative to timber workers; to the Committee on Appropriations.

POM-609. A joint resolution adopted by the Legislature of the State of California; to the Committee on Commerce, Science, and Transportation.

"SENATE JOINT RESOLUTION NO. 37

"Whereas, The Northridge Earthquake occurred on January 17, 1994, measuring 6.6 on the Richter Scale, causing more than 50 deaths, thousands of injuries, and an estimated 20 to 30 billion dollars in direct economic damages to Los Angeles and Ventura Counties; and

"Whereas, More than 18,000 people have been forced from their homes and businesses as a result of this recent tragic earthquake; and

"Whereas, Schools, hospitals, water systems, freeways, and other vital systems have been destroyed or heavily damaged by this natural disaster; and

"Whereas, California has experienced in recent years the 1987 Whittier-Narrows Earthquake, the 1988 Winter Freeze, the 1989 Loma Prieta Earthquake, the 1991 East Bay Firestorm, the 1992 Los Angeles Unrest and Riots, and the 1993 Wildfires of Southern California, with tragic losses of life and property; and

"Whereas, The seismic experts warn that California continues to be at risk of an even more disastrous earthquake than those experienced in the last 50 years, one which may register 8.0 or more on the Richter Scale; and

"Whereas, A significant number of other states also subject to disastrous earthquakes and all states are in danger of other major disasters such as hurricanes, tornadoes, and floods, which endanger thousands of lives and cause billions of dollars in property damages; and

"Whereas, A catastrophic earthquake in a populated, developed area would inflict severe damage on the nation's economy; and

"Whereas, Consumers, insurance companies, and government at all levels need to make advance preparations including taking mitigation measures and applying cooperative efforts to respond to a major earthquake disaster; and

"Whereas, The Natural Disaster Protection Act has developed a program for both a primary residential earthquake program and federal reinsurance program to provide an economic safety net in the event of a major earthquake; and

"Whereas, The Natural Disaster Protection Act would ensure that the public receives affordable, reliable, and adequate insurance against the risk of earthquake, protect people and businesses by providing for the prompt and efficient handling of claims, reduce the inevitable economic fallout from a devastating earthquake, and avoid large amounts of federal disaster relief by relying on a prefunding mechanism through the vehicle of insurance; and

"Whereas, In addition to providing for protection from earthquakes, the Natural Disaster Protection Act would also provide protection from hurricanes and volcanic eruptions; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the Congress and the President of the United States to enact the Natural Disaster Protection Act, contained in S. 1350 and HR 2873, which establishes a federal program of hazard insurance, mitigation, and reinsurance against the risks of catastrophic disasters such as earthquakes, hurricanes, windstorms, volcanic eruptions, and flooding, it being understood that this memorialization of support for the natural Disaster Protection Act is expressly conditioned upon the bills being amended before enactment to provide equitable treatment for policyholders in the various states of the Union; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-610. A resolution adopted by the Okanogan County Resource Roundtable, Chelan, Washington relative to the timber industry; to the Committee on Energy and Natural Resources.

POM-611. A resolution adopted by the House of the General Assembly of the State of Illinois; to the Committee on Governmental Affairs.

"HOUSE RESOLUTION NO. 2540

"Whereas, The 10th Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

"Whereas, The 10th Amendment defines the total scope of federal power as being that specifically granted by the United States Constitution and no more; and

"Whereas, The scope of power defined by the 10th Amendment means that the federal government was created by the states specifically to be an agent of the states; and

"Whereas, Today, in 1994, the states are demonstrably treated as agents of the federal government; and

"Whereas, Numerous resolutions have been forwarded to the federal government by the Illinois General Assembly without any response or result from Congress or the federal government; and

"Whereas, Many federal mandates are directly in violation of the 10th Amendment to the Constitution of the United States; and

"Whereas, The United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

"Whereas, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the United States Constitution; therefore, be it

"*Resolved, by the House of Representatives of the Eighty-Eighth General Assembly of the State of Illinois*, That the State of Illinois hereby claims sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution; and be it further

"*Resolved*, That this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and be it further

"*Resolved*, That copies of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and to each member of the Illinois Congressional delegation."

POM-612. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary.

"SENATE CONCURRENT RESOLUTION NO. 11

"To memorialize the Congress of the United States to propose an amendment to the Constitution of the United States which would provide that no federal tax shall be imposed for the period before the date of the enactment of the tax.

"Whereas, the Omnibus Budget Reconciliation Act of 1993 signed into law by President Clinton on August 10, 1993, included the largest tax increase in history: $115 billion in new taxes, a 47% increase in income tax rates; and

"Whereas, the income, estate and gift tax components of the tax increase were retroactive, taking effect on January 1, 1993; and

"Whereas, Treasury Secretary Bentsen has declared that more than 1.25 million small business will be subject to retroactive taxation despite the administration's claim that the tax increase "only affected the rich."

"Whereas, the Omnibus Budget Reconciliation Act of 1993 retroactivity is unprecedented in that it became effective during a previous administration—before President Clinton or the 103rd Congress even took office; and

"Whereas, passage of the bill resulted in a loud public outcry against retroactive taxation; and

Whereas, retroactive taxation places an unfair and intolerable burden on the American taxpayer; and

"Whereas, retroactive taxation is wrong, it is bad policy, and it is a reprehensible action on the part of the government. Therefore, be it

"*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to propose and submit to the several states an amendment to the Constitution of the United States which would provide that no federal tax shall be imposed for the period before the date of the enactment of the tax. Be it further

"*Resolved*, That a duly attested copy of this Resolution shall be immediately transmitted to the president of the United States, to the secretary of the United States Senate, to the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, and to the presiding officer of each house of each state legislature in the United States.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation To Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1994" (Rept. No. 103-325).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Denny Chin, of New York, to be United States District Judge for the Southern District of New York;

Rosemary S. Pooler, of New York, to be United States District Judge for the Northern District of New York;

Denise Cote, of New York, to be United States District Judge for the Southern District of New York.

John G. Koeltl, of New York, to be United States District Judge for the Southern District of New York;

Blanche M. Manning, of Illinois, to be United States District Judge for the Northern District of Illinois;

Harold Baer, Jr., of New York, to be United States District Judge for the Southern District of New York;

Paul D. Borman, of Michigan, to be United States District Judge for the Eastern District of Michigan;

Jose A. Cabranes, of Connecticut, to be United States Circuit Judge for the Second Circuit;

Lewis A. Kaplan, of New York, to be United States District Judge for the Southern District of New York; and

Mark W. Bennett, of Iowa, to be United States District Judge for the Northern District of Iowa.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DECONCINI:

S. 2359. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mrs. MURRAY, Mr. JOHNSTON, Mr. GORTON, and Mrs. HUTCHISON):

S. 2360. A bill to amend the Magnuson Fishery Conservation and Management Act of 1976, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2361. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. DURENBERGER (for himself, Mr. HARKIN, and Mr. WELLSTONE):

S. 2362. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. GORTON:

S. 2363. A bill to establish registration and tracking procedures and community notification with respect to released sexually violent predators; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 2364. A bill to provide for school bus safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DECONCINI:

S. 2359. A bill to modify the boundaries of Walnut Canyon National Monument in the State of Arizona; to the Committee on Energy and Natural Resources.

WALNUT CANYON NATIONAL MONUMENT BOUNDARY MODIFICATION ACT OF 1994

• Mr. DECONCINI. Mr. President, I introduce the Walnut Canyon National Monument Boundary Modification Act of 1994. Walnut Canyon is an exquisite, historically important archeological and natural treasure. This legislation would protect the unique resources in the area directly adjacent to the current park.

First established in 1915, the Walnut Canyon National Monument contains over 400 archeological sites. While most of these sites, including cliff dwellings of the prehistoric Sinagua culture are located within the monument, two of these dwellings are not protected.

This bill would modify the boundaries in order to help the National Park Service meet its original goals of protecting the Walnut Canyon area for future generations. Those goals include preserving the ethnologic, scientific, and educational value of these sites. Approximately 1,300 acres will be added to the monument by this legislation, including the two overlooked cliff dwellings. Only Federal land is involved in the proposed boundary change and the change will have no effect on any private or State lands.

Congresswoman KARAN ENGLISH has introduced identical legislation on this matter in the House and I applaud her hard work and leadership in this area. This legislation will complete the job begun in 1915, to protect the unique, natural, archeological treasures in Walnut Canyon. Enactment of this legislation will ensure that future generations will be able to enjoy and learn from these remarkable historic lands.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2359

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 "Walnut Canyon National Monument Boundary Modification Act of 1994".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that:

(1) Walnut Canyon National Monument was established for the preservation and interpretation of certain settlements and land use patterns associated with the prehistoric Sinaguan culture of northern Arizona.

(2) Major cultural resources associated with the purposes of Walnut Canyon National Monument are near the boundary and are currently managed under multiple-use objectives of the adjacent national forest. These concentrations of cultural resources, often referred to as "forts", would be more effectively managed as part of the National Park System.

(b) PURPOSE.—The purpose of this Act is to modify the boundaries of the Walnut Canyon National Monument (hereafter in this Act referred to as the "national monument") to improve management of the national monument and associated resources.

SEC. 3. BOUNDARY MODIFICATION.

Effective on the date of enactment of this Act, the boundaries of the national monument shall be modified as depicted on map entitled "Boundary Proposal—Walnut Canyon National Monument, Coconino County, Arizona" numbered 360/80,008, and dated June 1994. Such map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

SEC. 4 ACQUISITION AND TRANSFER OF PROPERTY.

The Secretary of the Interior is authorized to acquire lands and interest in lands within the national monument, by donation, purchase with donated or appropriated funds, or exchange. Federal property within the boundaries of the national monument (as modified by this Act) is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national pursuant to the boundary modification under section 3 is hereby transferred to the administrative jurisdiction of the Secretary of the Interior for management as part of the national monument. Federal property excluded from the monument pursuant to the boundary modification under section 3 is hereby transferred to the administrative jurisdiction of the Secretary of Agriculture to be managed as a part of the Coconino National Forest.

SEC. 5. ADMINISTRATION.

The Secretary of the Interior, acting through the Director of the National Park Service, shall manage the national monument in accordance with this Act and the provisions of law generally applicable to units of the National Park Service, including "An Act to establish a National Park Service," approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), and for other purposes.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purpose of this Act.•

By Mr. BREAUX (for himself, Mrs. MURRAY, Mr. JOHNSTON, Mr. GORTON, and Mrs. HUTCHISON):

S. 2360. A bill to amend the Magnuson Fishery Conservation and Management Act of 1976, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT AMENDMENTS OF 1994

• Mr. BREAUX. Mr. President, the bill I am introducing today would amend the Magnuson Fishery Conservation and Management Act in order to restore public confidence and integrity in the system by which we manage our fish harvesting and processing industries and the valuable fishery resources on which they depend. This bill is intended to focus the debate in this current reauthorization cycle on the critical need to reform and modernize our national fishery policy to respond to the realities facing fishery management today. While there are other areas of fishery policy which may merit attention this year, I feel very strongly that until we bring our fisheries management system up to date with current demands, no other conservation or management initiatives are likely to be successful in achieving their objectives. To appreciate fully the purposes and significance of this effort, I think it is first important to consider the events which have led me to this position.

In my years as chairman of the House Subcommittee on Fisheries and

Wildlife Conservation and the Environment, our attention was heavily focused on underutilized species, particularly in the Gulf of Mexico, and the foreign dominance of already developed fisheries occurring within our then recently extended 200-mile jurisdiction. Our efforts were appropriately focused on research, development, and Americanization of these fisheries. In hindsight, we can now see that this was actually only the first phase of what was to become a far more complex and evolutionary process.

The objectives of that first phase of U.S. fisheries were clear and the challenges now seem relatively simple. First, we needed to take immediate measures to prevent overfishing by foreign fishing operations that were using fishing techniques completely incompatible with our sustainable yield objectives. The second and closely related objective was to provide a mechanism that would attract the necessary investment capital for U.S. fishermen to develop the technology and capacity to harvest, process, and gradually achieve the full development of our underutilized resources and the phaseout of foreign fishing.

Congress responded to these challenges with the adoption and aggressive pursuit of policies and programs that not only provided American fishermen and processors with priority access to our Nation's fishery resources, but also encouraged, if not required, foreign fishing nations to contribute to the development of the U.S. fishing industry. Our fish-and-chips policy was particularly important to the cooperative United States-Japan research and development of underutilized fisheries in the Gulf of Mexico. The important point is that the phaseout of foreign fishing and fish-and-chips policies were wholly designed to address what was then a timely emphasis on fishery development by American fishermen and processors. An even more important point is that, while the Americanization phase is long over and our resources are now fully developed, the conservation and management system in place today has remained essentially the same.

I recall that the Americanization and development phase of fisheries was largely a harmonious time for American fishermen and processors who, flush with the pioneering spirit, were widely galvanized by the single-minded objective of displacing the foreign presence and of discovering and fully developing new fisheris. I also recall that several of my colleagues in Congress today were among the most vocal advocates of placing the full force and effect of our new law and our new international political might behind the development of practically any and every U.S. fish harvesting and processing capability that would contribute to the development of new fisheries and the displacement of foreign fleets. We promoted catcher boats and over-the-side joint ventures, catcher/processors and mothership operations alike—anything that might be used to capture the fishery for the U.S. from the foreigners. Similarly, we entered into joint venture research and development projects in the Gulf of Mexico and established new programs such as MARFIN, all of which were entirely devoted to development. It was a time of national perspective with little emphasis placed on how we were going to effectively manage what were inevitably to become competing domestic interests in these newly developed and captured fisheries. Admittedly, my colleagues and I were quick to take responsibility for shepherding in the Americanization and development phase of our fisheries, and equally quick to accept plenty of the credit for the indisputable success once our fisheries were fully developed and our own fleets took over. It was indeed a very successful policy.

But that was then and this is now. Just a few short years after fully developing and capturing our fisheries, things are not so harmonious; there are few signs of unanimity that I can identify. It is increasingly difficult to identify a national perspective among fishery policymakers, and this includes Congress, which has been forced to enter regional and domestic sector disputes over how to allocate fish harvesting and processing privileges among U.S. citizens.

In many ways, we are beginning to realize that U.S. fishery management today has become the victim of the development-oriented policy successes of the 1980's. Today the debates in fishery policy are consumed by the very complex and divisive decisions concerning domestic allocation that have little, if anything to do with development and Americanization other than being a direct consequence of it. Yet our policies remain designed largely for that single outdated purpose.

What is worse, our intensely aggressive research, development, and Americanization policies and programs created an unintended monster with the capacity to harvest and process many times over the available resources. Excess harvesting and processing capacity in the U.S. fisheries is not just a serious economic problem for our fishermen, it has created a management nightmare. Overcapitalization has greatly intensified the competition for limited resources and thereby unimaginably exacerbated the difficulties in preventing overfishing and allocating U.S. fishery that we faced in the Gulf of Mexico a long time ago when our offshore shrimpers were forced out of Mexico at the same time we were providing very attractive financing for vessel construction. Meanwhile, we continue to wrestle with the consequences of overcapitalization in the offshore shrimp industry, consequences of resources collapse, or of overzealous development.

It is certainly clear to me, and I trust to my colleagues as well, that what was right then is not right today—that the Americanization and development-oriented policies and programs of the past cannot meet the needs of an already developed and Americanized fishery. If there is any Americanization left to achieve, it may lie in our processing sector, and that is an issue worth considering. But, we need to accept the fact that the first phase of our fisheries policy development was completed several years ago, and that the current scenario focused on domestic fishery management represents a second and very distinct phase requiring an equally distinct approach. Logically, we should develop a policy which is designed specifically to address these realities of this current phase and provide our fishery managers with an effective and efficient system for achieving our national objectives. Perhaps we even need to reassess our national objectives. In any case, of one thing I am certain, I and my colleagues are seriously overdue in accepting responsibility for such badly needed policy reform, and I look forward to working with them to develop the necessary reforms.

At the center of this difficult and complex situation are, of course, the Regional Fishery Management Councils which we established in order that U.S. fishermen have an opportunity to participate directly in the conservation and management of those resources on which their livelihoods depend. This has been a rare and, I trust, coveted opportunity for the U.S. fishing industry to be the stewards of their own futures.

Unfortunately, now that the focus has become domestic management, it is apparent that we neither envisioned nor adequately equipped the Councils with the standards, rules and procedures that would be necessary to protect this system of management from the perceptions and very real problems concerning conflicts of interest and proper decisionmaking. Indeed, the Councils are not just stewards of their own futures—they are stewards of an extremely valuable and fragile public resource. They have a weighty responsibility to the American people and we need to better equip them to face these new challenges.

To me, evidence of the inadequacy of our outdated Americanization policy and the need for Council system reform is compelling in all regions. The New England groundfisheries, which really provided much of the original impetus for the Magnuson Act, are no longer decimated by foreign fleets. Today, they, are, instead overfished by domestic fishermen to the point that the resource cannot sustain an industry and

our fishery managers are reduced to administering assistance programs instead of a national resource management program.

In the gulf, where I spent so much attention promoting the research and development of new and underutilized commercial fishing opportunities, the excitement of discovering and developing new economic opportunities appears long gone. Instead I see a commercial fishing industry largely disenfranchised from a management process that, from their prospective, has only served to limit progressively and inequitably their access to the very resources they first developed. The Councils in this region seem overwhelmed with the fundamental differences in State policies with respect to commercial and recreational utilization, and so even the most fundamental resource conservation and management problems, including gear use and how to deal with incidental catch, have become distorted by such underlying politics. Until this system is reformed, I don't see how we can expect to resolve some of the really difficult issues facing our area.

And the north Pacific region, in which our Nation's most valuable fisheries occur, is operating under a system of management so complex and so confusing as to be nearly incomprehensible to the fishermen—a system that now requires a veritable army of lawyers and professional lobbyists just to sort through the daily maze of regulations. Perhaps because the north Pacific fisheries are so valuable, it is in this region where the problems have become most acute.

Not surprisingly, many of us, and certainly much of the public, have lost confidence in the Council system of management. While there is a real reluctance to give up what should be viewed by the U.S. industry as an extraordinary privilege to self-manage in a manner that no other U.S. industry can, there is also a great temptation simply to wipe the slate clean and start over with a new approach which will ensure that the public's interests are served.

Nevertheless, rather than abandon the Council system altogether, this legislation is intended to address directly many of these concerns—real or perceived—and to provide the Councils with a fresh new start. It is a good government bill designed to establish stronger standards and to revamp procedures of operation for our fishery management program nationwide. It is intended to get to the root of the problems by eliminating conflicts of interest, requiring critical management decisions to be based more on factual evidence and science than on local and State politics or the financial interests of the Council members, and to provide a new level of transparency and accountability in the decision-making process. It is intended to expand the national standards for our national fishery management decisions. Overall, these provisions are intended to strengthen the Council process, not to weaken or impede its ability to make good decisions. However, the bill will, I hope, make it more difficult for the Councils to make bad resource management and allocation decisions. Finally, title II of the bill also provides a mechanism to encourage the reduction in the capitalization of our fisheries. This will help make our fisheries more economically efficient and to reduce pressure on the Council management system to accommodate too many fishermen with too few fish.

The bill represents a blending of many ideas and suggestions from a wide variety of sources within the industry and outside the industry, including many recommendations of the inspector general of the Department of Commerce, the National Marine Fisheries Service, the environmental community, and fishery interests. These suggestions were generated by an extensive series of hearings in the House and Senate over the past 18 months led by Chairman KERRY and Senator STEVENS.

At the root of the disparate problems in each region is the Council management system. It is the Council system which largely has the responsibility for managing the fisheries and many of the fundamental inadequacies of that system. Again, until we reform this system, I hold little hope for succeeding in any new initiatives much less resolve any of the old.

Mr. President, the reality is that as more and more of our fisheries resources become overfished, and as the intensity of over capitalization and competition among our U.S. fishermen transcends the capabilities of the Council management system, it has become clear that we must take strong and definitive action to correct the course of fishery management today. I call on all sectors of the fishery community, and especially, my colleagues in Congress, to share with me today the responsibility for reforming the programs we started nearly two decades ago.●

● Mr. GORTON. Mr. President, I'm pleased to join with my colleagues in introducing needed amendments to the Magnuson Fishery Conservation and Management Act. I would like to recognize my colleague on the Commerce Committee, Senator BREAUX, for his leadership in advancing this issue. His commitment is important because many of the problems that face the fisheries at this time are not just regional issues—they are national in scope and demand a Federal solution.

Commercial and recreational fishing accounts for $50 billion in domestic economic activity. Thousands of jobs are dependent upon the health of this industry. Yet, too often, the decisions made to manage the fisheries have not been based upon sound conservation practices; the results have been disastrous in many areas of this country. It is time to institute reforms which will emphasize conservation and responsible management and use of the Federal fisheries resources. I believe the Breaux bill provides a very good start in trying to address these concerns.

The Breaux bill includes several important conservation-oriented reforms including: it amends National Standard No. 5 to elevate and highlight the importance of reducing overcapacity in the industry and reducing the amount of bycatch; it requires the Scientific and Statistical Committees of the Council to set the allowable biological catch; it requires fishery plans to be based on a clear preponderance of the evidence in the RECORD; it requires a full range of options to be examined.

The bill also should result in better management decisions by making the Councils and those who participate at Council meetings more accountable. The legislation would require: that the Councils comply with the Federal Advisory Committee Act which governs nearly every other governmental advisory committee; that the Council members be subjected to strict financial disclosure requirements; that Council members recuse themselves from voting on a matter when they have a financial conflict; and that people who testify before the Council be placed under oath and disclose their own financial ties with the industry.

Finally, in an effort to be fair to everyone and to seek consensus on important Council decisions that would result in an economic allocation of catch and bycatch among fishery user groups, the bill would require a two-thirds majority for all such Council decisions.

As I said when I opened my remarks, this bill is not a regional bill. Because I respect and want to work with my colleague, Senator BREAUX, I am backing this measure even though it does not contain measures that deal specifically with an imbalance that exists in the representation of only one council—the North Pacific Council. Nor, does it contain what I believe is an important provision that a similar bill introduced by my Washington-State House colleagues, Representatives UNSOELD and CANTWELL, included in their bill—two additional Council seats for all Councils that would be filled by nonindustry representatives. I hope this issue can be addressed as the committee works on this legislation.

The reauthorization of the Magnuson Act is vitally important for Washington State. Washington has the largest commercial fishing fleet in the country harvesting over 50 percent of the domestic seafood catch in the United States. Thousands of Washington residents work in the offshore and onshore

segments of the fishing industry. I am committed to trying to advance a bill that will help all Washingtonians—those in the industry and the millions of other residents who simply enjoy sitting down to a delicious Northwest seafood meal.●

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 2361. A bill to reaffirm and clarify the Federal relationship of the Burt Lake Band as a distinct federally recognized Indian Tribe, and for other purposes; to the Committee on Indian Affairs.

BURT LAKE BAND OF CHIPPEWA AND OTTAWA INDIANS FEDERAL RECOGNITION ACT OF 1994

● Mr. RIEGLE. Mr. President, I rise today to introduce legislation providing Federal recognition for the Burt Lake Band of Chippewa and Ottawa Indians. I am pleased to be joined by my friend and colleague from Michigan, Senator LEVIN.

We in the Federal Government have failed to create the relationship of trust with Indian tribes. The history of our Government's relationship with native American people is full of broken promises. Today, over 200 years after the first interaction between the Federal Government and Indian tribes, many issues remain unresolved.

It is inconceivable, yet true, that Indian tribes, which predate the founding of the United States of America and whose residents wish to remain distinguished from the larger populace, have not been formally recognized. In fact, tribes that have existed for centuries in one part of what is now the United States, have not been formally acknowledged by the Federal Government. This unfortunate situation merits our attention and demands our intervention.

The Federal Government, over the last two centuries, has often attempted to formalize its relations with Indian tribes. The current Federal recognition process, administered by the Bureau of Indian Affairs, is the latest attempt to resolve longstanding issues related to Federal recognition. Unfortunately, like other efforts to define the Federal Government's relationship with Indian tribes, the Federal Acknowledgment Process, administered by the Bureau of Indian Affair's Branch of Acknowledgment and Research, is in need of fundamental reform. Many tribes have been waiting patiently for BIA action—action that appears unnecessarily delayed and prolonged.

The Burt Lake Band of Chippewa and Ottawa Indians has assembled a great deal of documentation to support its claim for recognition, including a record that details its tribal history and its relationship with the Federal Government.

The Burt Lake Band was a signatory tribe to the treaties of 1835 and 1855, and is therefore federally recognized through these treaties. Since a tribe's relationship with the Federal Government can be terminated only through explicit congressional legislation, the Burt Lake Band should still be federally recognized.

Our Federal Government failed to carry out the provisions of the 1836 treaty which created a reservation for the band. The band members, accordingly, pooled their funds, purchased land and put it into trust with the State of Michigan during the 1840's. Unconscionably, these apportionments were ultimately lost through tax sales by the State government and the band was expelled from its village.

The Burt Lake Band continues to meet and exist as a tribal entity. The Federal recognition granted to them through the 19th century treaties has never been revoked by Congress. It is necessary for the Burt Lake Band of Chippewa and Ottawa Indians to seek assistance from the U.S. Congress. Mr. President, the Burt Lake Band of Indians should be federally recognized. The historical record supporting recognition is well-developed and convincing. Reading and hearing the history of band helps us understand how the Federal Government has not met its obligation to America's native people.

I believe that Federal recognition of the Burt Lake Band of Chippewa and Ottawa Indians will help in a small way to create a new level of trust. It is long overdue. I urge my colleagues to support this legislation.●

By Mr. DURENBERGER (for himself, Mr. HARKIN, and Mr. WELLSTONE):

S. 2362. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE COMPREHENSIVE TORTURE VICTIMS RELIEF ACT OF 1994

Mr. DURENBERGER. Mr. President, I rise today to introduce the Comprehensive Torture Victim Relief Act of 1994. I am pleased that Senator HARKIN has joined me in this effort as lead cosponsor.

Mr. President, the international community, and the United States as an international leader, have floundered in the area of human rights in recent years. There is no coordination on an international level. We impose embargoes or sanctions that do not work because somebody, often one of our allies, does not abide by the punishment. Human rights must have an international focus. The United States can not go it alone. There must be cooperation, and there must be followthrough.

The bill we are introducing, Mr. President, is one area where the United States can make a significant contribution to an international crisis. The word "torture" evokes some pretty horrible images, and rightly so, for it is a horrible practice. The victims of torture bear the scars of this atrocity, physical and psychological.

I strongly believe, Mr. President, that torture is the most serious human rights issue of our time. Governmental torture, torture practiced with the knowledge of the Government, occurs in at least 70 countries. And providing treatment for torture survivors is one of the best ways we can contribute to the promotion of human rights and democratic principles. The international community, and the United States, have been increasingly aware of the need to prevent human rights abuses and punish the perpetrators when abuses take place. But we have failed to address the needs of the victims. We pay little if any attention to the treatment of victims after their rights have been violated.

Although we may decry torture simply on humanitarian ground, it must also be recognized that torture is the most destructive, long-term weapon against democracy.

Repressive governments target strong personalities, which include opposition politicians, journalists, ethnic leaders, leaders of trade unions, and student groups. The aim, is not, as we might often think, to obtain information. The aim is to break and make it impossible for those who protest and fight for human rights and democracy to continue to function. As a result, entire societies are consumed by fear.

The military in Haiti rule by fear or torture, rape, and death. The crisis in Bosnia has resulted in countless torture and rape victims. Providing rehabilitative services to those who have been tortured helps to strengthen the leadership of emerging democratic societies. It provides healing to the victims, allowing them to reclaim their lives and resume their roles in promoting a pluralistic society that respects human rights. It helps to create a society that can nurture victims and help them overcome the fear and isolation that torture engenders.

Recently, Congress passed legislation implementing the Convention Against Torture, the aim of which is to eliminate torture. The legislation I am introducing attempts to support those for whom torture has been a reality.

First of all, the Comprehensive Torture Victim Relief Act will provide special considerations for asylum or refugee applicants who are victims of torture.

Second, the legislation mandates a study by the Centers for Disease Control [CDC] to identify the estimated number and geographic distribution of torture survivors now living in the United States, their needs for recovery, and availability of services. The CDC study will result in a report detailing the findings as well as any recommendation for increasing available services and any recommendation for additional legislation to address this matter.

Finally, the act authorizes appropriations for grants to treatment programs here in the United States and it supports rehabilitative programs abroad, multilaterally through the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture, and bilaterally through direct U.S. grants to treatment centers worldwide.

While this bill deals primarily with one kind of asylum applicant who has suffered persecution in the past, we recognize that there are other applicants who have a reasonable fear of persecution who have not themselves suffered persecution in the past but nonetheless qualify as asylees or refugees.

Mr. President, the Comprehensive Torture Victim Relief Act is strongly supported by torture treatment programs across the country, as well as many respected human rights organizations, including Amnesty International and Human Rights Watch. I ask unanimous consent that a number of letters of support for this legislation be included in the RECORD.

In closing, Mr. President, I would like to express my deep appreciation and gratitude to Doug Johnson, the executive director of the Center for Victims of Torture in Minneapolis, MN, as well as John Salzberg, the center's representative here in Washington. Doug and John have contributed in many ways to my understanding of this issue, as well as the general public's awareness of torture.

I am very pleased that my friend from Iowa, Senator HARKIN, has joined me as the primary cosponsor of this legislation. I encourage my colleagues to review this legislation and join Senator HARKIN and myself by cosponsoring this important human rights initiative.

I ask unanimous consent that the entire text of this legislation be printed in the RECORD.

S. 2362

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 "Comprehensive Torture Victims Relief Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The American people abhor torture and the use of atrocities by repressive governments. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the strategic use of pain to destroy both individuals and society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating leadership of the opposition and frightening the general public, repressive governments use torture as a weapon against democracy.

(4) Torture victims remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture victims are threatened with reprisals, including torture, for carrying out their ethical duties to provide care. Both the survivors of torture and their treatment providers deserve, and often require, protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of governmental torture. Those claiming asylum deserve prompt consideration of the applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) Building democratic cultures requires not only legal and political institution-building, but also addressing the physical, psychological, and spiritual damage of repression, in order to foster a climate and opportunity of healing for the victims and for society.

(7) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored acts of torture.

(8) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers as part of the overall objective of eliminating torture.

(9) By acting to heal the survivors of torture and protect their families, the United States can move to defeat the actions of torturers.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) ASYLEE.—The term "asylee" is used within the meaning of section 208 of the Immigration and Nationality Act.

(2) REFUGEE.—The term "refugee" has the same meaning given to the term in section 101(a)(42) of the Immigration and Nationality Act.

(3) SPECIAL INQUIRY OFFICER.—The term "special inquiry officer" is used within the meaning of the Immigration and Nationality Act.

(4) TORTURE.—The term "torture" has the same meaning given to the term in section 2340(1) of title 18, United States Code, and includes the use of rape by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. IMMIGRATION PROCEDURES FOR TORTURE VICTIMS.

(a) IN GENERAL.—Any alien—

(1) who presents a credible claim of having been subjected to torture in his or her country of nationality, or, in the case of an alien having no nationality, the country in which the alien last habitually resided, and

(2) who applies for—

(A) refugee status under section 207 of the Immigration and Nationality Act,

(B) asylum under section 208 of that Act, or

(C) withholding of deportation under section 243(h) of that Act,

shall be processed in accordance with this section.

(b) CONSIDERATION OF THE EFFECTS OF TORTURE.—In considering applications for refugee status, asylum, or withholding of deportation made by aliens described in subsection (a), the appropriate officials shall take into account—

(1) the manner in which the effects of torture can affect the applicant's responses in the application and in the interview process or other immigration proceedings, as the case may be;

(2) the difficulties torture victims often have in recounting their suffering under torture; and

(3) the fear victims have of returning to their country of nationality where, even if torture is no longer practiced or the incidence of torture is reduced, their torturers may have gone unpunished and may remain in positions of authority.

(c) EXPEDITED PROCESSING OF REFUGEE ADMISSIONS.—For purposes of section 207(c) of the Immigration and Nationality Act, a refugee who presents a credible claim of having been subjected to torture shall be considered to be a refugee of special humanitarian concern to the United States and shall be accorded priority in selection from the waiting list of such refugees based on compelling humanitarian concerns.

(d) EXPEDITED PROCESSING FOR ASYLUM AND WITHHOLDING OF DEPORTATION.—Upon the request of the alien, the alien's counsel, or a health care professional treating the alien, an asylum officer or special inquiry officer may expedite the scheduling of an asylum interview or an exclusion or deportation proceeding for an alien described in subsection (a), if such officer determines that an undue delay in making a determination regarding asylum or withholding of deportation with respect to the alien would aggravate the physical or psychological effects of torture upon the alien.

(e) PAROLE IN LIEU OF DETENTION.—Any alien described in subsection (a) who, upon inspection at a port of entry of the United States, is found to suffer from the effects of torture, such as depressive and anxiety disorders, shall, in lieu of detention, be granted parole under section 212(d)(5) of the Immigration and Nationality Act.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General shall allocate resources sufficient to maintain in the Resource Information Center of the Immigration and Naturalization Service information relating to the use of torture in foreign countries.

SEC. 5. SPECIALIZED TRAINING FOR CONSULAR, IMMIGRATION, AND ASYLUM PERSONNEL.

(a) IN GENERAL.—The Attorney General shall provide training for immigration inspectors and examiners, immigration officers, asylum officers, special inquiry officers, and all other relevant officials of the Department of Justice, and the Secretary of State shall provide training for consular officers, with respect to—

(1) the identification of the evidence of torture;

(2) the identification of the surrounding circumstances in which torture is practiced;

(3) the long-term effects of torture upon the individual;

(4) the identification of the physical, cognitive, and emotional effects of torture, including depressive and anxiety disorders, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a)(4) or subsection (a)(5), gender specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

SEC. 6. STUDY AND REPORT ON TORTURE VICTIMS IN THE UNITED STATES.

(a) STUDY.—The Center for Disease Control shall conduct a study with respect to refugees and asylees admitted to the United States since October 1, 1987, who were tortured abroad, for the purpose of identifying—

(1) the estimated number and geographic distribution of such persons;

(2) the needs of such persons for recovery services; and

(3) the availability of such services.

(b) REPORT.—Not later than December 31, 1997, the Center for Disease Control shall submit a report to the Judiciary Committees of the House of Representatives and the Senate setting forth the findings of the study conducted under subsection (a), together with any recommendation for increasing the services available to persons described in subsection (a), including any recommendation for legislation, if necessary.

SEC. 7. DOMESTIC TREATMENT CENTERS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following new subsection:

"(g) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—(1) The Director is authorized to provide grants to eligible programs to cover the cost of services described in paragraph (3) for aliens who entered the United States since October 1, 1987.

"(2) Programs eligible for assistance under this subsection are programs in the United States which are carrying out services described in paragraph (3).

"(3) The services described in paragraph (1) are—

"(A) services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture;

"(B) social services for victims of torture; and

"(C) research and training for health care providers outside of treatment centers for the purpose of enabling such providers to provide the services described in subparagraph (A).

"(4) For purposes of this subsection, the term 'torture' has the same meaning given to the term in section 3(4) of the Comprehensive Torture Victims Relief Act.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) Of amounts authorized to be appropriated to carry out section 414 of the Immigration and Nationality Act (8 U.S.C. 1524) for fiscal year 1995, there are authorized to be appropriated $20,000,000 for that fiscal year to carry out section 412(g) of that Act (relating to assistance for domestic centers for the treatment of victims of torture).

(2) Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 8. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS OF THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 is amended by adding at the end of chapter 1 the following new section:

"SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.—(a) The President is authorized to provide assistance for the rehabilitation of victims of torture.

"(b) Such assistance shall be provided in the form of grants to treatment centers in foreign countries which are carrying out programs specifically designed to treat victims of torture for the physical and psychological effect of the torture.

"(c) Such assistance shall be available—

"(1) for direct services to victims of torture; and

"(2) to provide research and training to health care providers outside of treatment centers for the purpose of enabling such providers to provide the services described in paragraph (1).

"(d) For purposes of this section, the term 'torture' has the same meaning given to such term in section 3(4) of the Comprehensive Torture Victims Relief Act.".

(b) AUTHORIZATION OF APPROPRIATIONS.—(1) Of the total amount authorized to be appropriated to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 for fiscal year 1995, there are authorized to be appropriated to the President $20,000,000 to carry out section 129 of that Act for that fiscal year.

(2) Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1994.

SEC. 9. MULTILATERAL ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated to carry out section 301 of the Foreign Assistance Act of 1961 (relating to international organizations and programs), there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) For fiscal year 1995, $5,000,000.

(2) For fiscal year 1996, $6,000,000.

(3) For fiscal year 1997, $7,000,000.

(4) For fiscal year 1998, $8,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

AMERICAN-ARAB
ANTI-DISCRIMINATION COMMITTEE,
Washington, DC, July 29, 1994.

Hon. DAVID DURENBERGER,
U.S. Senate.

DEAR SENATOR DURENBERGER: I wish to express our support for the Comprehensive Torture victims Relief Act on behalf of the American-Arab Anti-Discrimination Committee (ADC), the nation's largest grassroots Arab-American organization. Aside from the very important humanitarian considerations put forward by this legislation, the bill serves as a significant indicator that the United States government intends to provide tangible support for its commitment to bolstering human rights.

ADC will do its part by publicizing this legislation among our constituents. This legislation deserves widespread attention and bi-partisan support. We hope it is an important first step, a starting point, for a broader renewed commitment to human rights around the world.

Similarly, we hope this legislation will provide real benefits for torture victims while simultaneously encouraging human rights activists. We must never lose sight of the real goal, which is the elimination of torture and the bringing to justice of the torturers. Until that happens, let us at least set an example of conscience and moral courage by declaring and acting to alleviate the victims' suffering.

Sincerely yours,

ALBERT MOKHIBER,
President.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE, DIRECTORATE FOR SCIENCE AND POLICY PROGRAMS,
Washington, DC, July 27, 1994.

Hon. DAVID DURENBERGER,
U.S. Senate,
Washington, DC.

DEAR SENATOR DURENBERGER: I am writing to express support for the proposed bill you are introducing entitled the Comprehensive Torture Victims Relief Act. The extensive work relating to the prevention of torture and the treatment of torture victims of the American Association for the Advancement of Science (AAAS) Science and Human Rights Program underscores the importance of the issue your bill is addressing. The AAAS Science and Human Rights Program has published studies documenting the complicity of the medical profession in torture, as well as efforts by medical communities to prevent torture in such countries as South Africa, Chile, the Philippines, and Uruguay. Recently the Program has raised concerns regarding the practice of the government of Israel to require medical professionals to certify on written forms that prisoners are physically able to withstand mild forms of torture during interrogation. We also have protested the use of medically supervised physical punishments against convicted criminals by the governments of Singapore and Malaysia, the beating to death of a prisoner in Argentina, and the use of violence to oppress civilian populations on a mass scale in Iraq and Mexico. Our position is that the involvement of medical personnel or the use of scientific technologies in practices such as these are incompatible with professional and ethical standards of conduct, and inconsistent with international human rights standards.

The Program has also organized symposia on the rehabilitation and treatment of survivors of torture. In addition we have produced a video and a manual reviewing treatment approaches for torture survivors.

As recent experiences involving the conflicts in former Yugoslavia indicate, it often is difficult to prevent instances of torture from taking place, or to punish the perpetrators through criminal prosecutions. Your proposed bill will add some important new approaches and remedies to help victims and the international human rights community deal with torture cases, and, hopefully, to discourage this conduct from taking place.

Sincerely yours,

AUDREY R. CHAPMAN, Ph.D.
Program Director, Science and Human Rights.

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BREAD FOR THE WORLD,
Silver Spring, MD, July 29, 1994.

Senator DAVE DURENBURGER,
Washington, DC.

DEAR SENATOR DURENBURGER: Bread for the World endorses the "Comprehensive Torture Victims Relief Act" which you and Senator Harkin intend to introduce next week.

This bill is an important contribution to U.S. efforts to promote human rights and democracy. We commend you for the bill's proposal to provide training for U.S. officials, improve immigration procedures, and authorize funds for treatment services for victims of torture. We also commend the efforts of John Salzberg with the Center for Victims of Torture in promoting this legislative initiative.

We who work to eliminate hunger and poverty in the world know that human suffering also results from the deliberate abuse of human rights by despots, including the horrific practice of torture. It is only right that we support services to protect and heal torture victims while we also work to prevent such abuses in the future.

Sincerely,

DAVID BECKMANN,
President.

CENTER FOR HUMAN RIGHTS LEGAL ACTION, CENTRO PARA LA ACCIÓN LEGAL EN DERECHOS HUMANOS,
Washington, DC, August 1, 1994.

Mr. CARL LUNDBLAD,
Office of Senator Dave Durenberger,
Washington, DC.

DEAR MR. LUNDBLAD: I am writing to let you know that I am in support of the Comprehensive Torture Victims Relief Act being introduced by Senators Durenberger and Harkin. I believe a bill such as this one is needed to make sure that human rights abuses and torture are not ignored. It is my sincerest hope that this bill is passed quickly and that it will assist in the deterrence of human rights abuses worldwide.

Sincerely,

ANNA GALLAGHER,
Attorney/Cofounder.

GUATEMALA HUMAN RIGHTS, COMMISSION/USA,
Washington, DC, August 1, 1994.

Senator DAVE DURENBERGER,
Washington, DC.

DEAR SENATOR DURENBERGER: As the Guatemala Human Rights Commission/USA, we endorse the Comprehensive Torture Victims Relief Act bill that you will introduce to Congress.

Our human rights work has made us aware of the hundreds of thousands of people who have been tortured in Guatemala. (Our records show that there are more than forty victims of torture since January 1 of this year). Often these people are not granted treatment due to the lack of funds, either in their own country or in the United States. The bill that you are introducing should begin to provide the treatment necessary for these victims.

Of course, the ideal is that there would be no need for the Torture Victims Relief bill. Every effort must be made by our government to deny support to governments that allow the torturing of their own citizens. The practice of torture MUST STOP and can stop if enough pressure is applied to put an end to it.

Thank you for your support of this critically important legislation. If we can be of any help to further this cause that can save and help restore the lives of those tortured, please let us know.

Sincerely.

Sister ALICE ZACHMANN, SSND,
Director.

Sister DIANNA ORTIZ, OSU,
Survivor of Torture in Guatemala.

MINNESOTA ADVOCATES FOR HUMAN RIGHTS,
Minneapolis, MN, August 2, 1994.

Senator DAVID DURENBERGER,
Washington, DC.

DEAR SENATOR DURENBERGER: Minnesota Advocates for Human Rights is pleased to add its name in support of the Comprehensive Torture Victims Relief Act you are sponsoring with Senator Harkin.

Like genocide, torture is a blight upon the human race and we as a nation should take the lead in opposing its use and in prosecuting those who practice it. This legislation not only takes some important steps to ensure treatment and protection for survivors of torture who reside in the U.S., but it stands as a principled statement against the use of torture in any circumstance.

Thank you for your initiative in sponsoring this bill.

Yours truly,

BARBARA A. FREY,
Executive Director

PHYSICIANS FOR HUMAN RIGHTS, AN ORGANIZATION OF HEALTH PROFESSIONALS,
Boston, MA, August 1, 1994.

Senator DAVE DURENBERGER,
Washington, DC.

DEAR SENATOR DURENBERGER: Physicians for Human Rights (PHR) is pleased to endorse the "Comprehensive Torture Victims Relief Act."

Since its founding in 1986, individual PHR members and medical teams have examined hundreds of survivors of torture from around the world. As health professionals, they have seen firsthand the devastating physical and psychological effects of torture on the victims, their families, and communities. PHR welcomes the efforts of the Congress of the United States to provide a comprehensive program of support for victims of torture, and urges all members of Congress to join the campaign to stop the practice of torture worldwide.

Sincerely,

ERIC STOVER,
Executive Director.

Mr. WELLSTONE. Mr. President, today I join Senators DURENBERGER and HARKIN in introducing the Comprehensive Torture Victims Relief Act of 1994. I want to thank them for their leadership on this issue. Treating torture survivors must be a much more central focus of our efforts to promote human rights worldwide.

I also want to thank the distinguished human rights leaders who helped craft this bill, which provides for a comprehensive, longterm strategy to address the needs of torture victims here and abroad. Without their energy and skill as advocates for tough U.S. laws which promote respect for internationally recognized human rights worldwide, the cause of human rights here in the United States would be seriously diminished.

This bill outlines a comprehensive strategy for providing critical assistance to refugees who are torture survivors in the United States and abroad, by providing funding for torture rehabilitation programs that have long been woefully underfunded. I hope that its introduction will be a watershed in the movement to garner support for these torture rehabilitation programs.

The bill would provide $20 million to refugee assistance programs here in the United States, and another $20 million to fund bilateral torture treatment assistance programs worldwide. It would also give a priority to torture survivors under our immigration laws, provide for specialized training for U.S. consular personnel who deal with torture survivors, and require a comprehensive study by the Centers on Disease Control of the numbers and geographical distribution of refugees who are torture survivors now in the United States. That study should help us to refine and target needed rehabilitation assistance.

Finally, it would expand the U.S. contribution to the U.N. Voluntary Fund for Torture Victims, which provides funding and support to rehabilitation programs worldwide. I have consistently worked with Senator DURENBERGER and others to increase the U.S. contribution to the fund, because I believe it is a concrete way to demonstrate U.S. commitment to human rights, and I will continue this important work until these programs are adequately funded.

By transferring modest amounts of money from low-priority programs, including the space station, sending U.S. military assistance to foreign governments who torture their own people, and wasteful and unnecessary defense spending, we could send a powerful signal of our support for the victims of torture worldwide. There would be a certain symmetry to cutting U.S. military aid to countries who practice torture, or who allow it to be practiced with impunity on their soil, and using those funds for this noble purpose. And that would not require new Federal expenditures, or increase the Federal deficit one iota. It would simply shift funding from these low-priority programs to high-priority assistance for torture survivors.

This bill is an important blueprint for an overall approach to the horrific problem of torture. It provides a focus and a framework for a newly re-energized debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities. I hope that Congress will enact this important measures into law, and I pledge to fight for its passage in this Congress and, if necessary, in the 104th Congress.

By Mr. GORTON:

S. 2363. A bill to establish registration and tracking procedures and community notification with respect to released sexually violent predators; to the Committee on the Judiciary.

THE SEXUALLY VIOLENT PREDATORS ACT

Mr. GORTON. Mr. President, the term "crime prevention" has been defined as including everything from tougher law enforcement to putting swimming pools in high-crime areas.

After holding two crime summits in my State and speaking to hundreds of concerned law enforcement officers, families, and concerned community leaders, I am convinced that giving law-abiding citizens the information they need to mobilize and organize against violent crime is the essence to true and effective crime prevention. Today I am introducing with the distinguished junior Senator from New Jersey a bill that prevents the most heinous of crimes by notifying communities of the presence of dangerous sex offenders.

That, Mr. President, is honest and straightforward crime prevention.

This measure, the Sexually Violent Predators Act, is modeled after Washington State's successful community notification law enacted in 1990. It encourages States to establish registration and tracking systems of violent sex offenders and, most importantly, establishes a means by which law enforcement authorities can communicate with law-abiding citizens about the presence of dangerous sex offenders. It is nearly identical to my amendment to the crime bill which was accepted by this Senate by unanimous consent last November.

The amendment had grassroots support from the Polly Klaas Foundation and the Families and Friends of Violent Crime Victims. It empowers families and individuals with the knowledge they need to take extra precautions and avoid becoming victims of dangerous sexual predators. In addition to unanimous support in the Senate, and strong grassroots support, the House of Representatives recently instructed its conferees to accept the Gorton amendment by an overwhelming vote of 407–13.

Despite this support for a commonsense approach to crime prevention, members of the conference committee watered down my amendment and eliminated the community notification provision. Instead, the conference report apparently only provides information on sexual offenders to law enforcement for investigative purposes, and would notify only the victims.

To be quite frank, more often than not, the victims are no longer alive to be notified.

Mr. President, the conferees just do not get it. That kind of notification is meaningless. It would not have helped Megan Kanka, the 7-year-old from New Jersey who was brutally murdered last week by her neighbor, a repeat violent sex offender. It would not have helped Polly Klaas from Petaluma, CA, who was brutally killed last year by another repeat convicted sex offender.

The families in these communities and these innocent victims had a right to know that dangerous sexual predators were in their midst. My amendment to the crime bill would have provided exactly that kind of notification. The crime conference report will not, and that is the primary reason why this Senator is opposing the crime bill.

Mr. President, this legislation can literally save lives and prevent horrible crimes. Can we say that about the so-called crime prevention provisions in the conference report?

The 1994 newspaper headlines have been filled with examples of crime creeping closer and closer to home. The time has come to give law enforcement officials the tools they need to protect the public from the most violent of criminals. For far too long, our justice system has put the rights of the criminals above the rights of the victims.

A crime bill for 1994 should recognize the need to balance the inherent constitutional protections of criminals with the desperate need to protect innocent potential victims of sexually violent predators. Regrettably, the conference report leaves law-abiding and vulnerable families in the dark.

I hope my colleague will recognize the difference between pretend crime prevention and measures that actually empower people to take the necessary steps to protect themselves from violent crime. A make-work program, a new swimming pool, or midnight basketball won't keep a sexually violent predator from striking again, and again, and again.

COMMUNITY NOTIFICATION BILL

I offer this bipartisan bill today in the memory of Megan Kanka, Polly Klaas, and the thousands of innocent victims of brutal rapists, molesters, and murderers, that deserve to know when sexually violent predators were released into their community.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2363

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 "Sexually Violent Predators Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) there exists a small but extremely dangerous group of sexually violent persons who do not have a mental disease or defect;

(2) persons who are sexually violent predators generally have antisocial personality features that—

(A) are not amenable to mental illness treatment modalities in existence on the date of enactment of this Act; and

(B) render the persons likely to engage in sexually violent behavior;

(3) the likelihood that sexually violent predators will repeat acts of predatory sexual violence is high; and

(4) the prognosis for curing sexually violent predators is poor and the treatment needs of the population of the predators are very long-term.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) MENTAL ABNORMALITY.—The term "mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes the person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(2) PREDATORY.—The term "predatory", with respect to an act, means an act directed towards a stranger, or a person with whom a relationship has been established or promoted, for the primary purpose of victimization.

(3) SEXUALLY VIOLENT OFFENSE.—The term "sexually violent offense" means an act that is a violation of title 18, United States Code or State criminal code that—

(A) involves the use or attempted or threatened use of physical force against the person or property of another person; and

(B) is determined beyond a reasonable doubt to be sexually motivated.

(4) SEXUALLY VIOLENT PREDATOR.—The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—

(1) STATE GUIDELINES.—In accordance with this section, the Attorney General shall establish guidelines for State programs to require a sexually violent predator to register a current address with a designated State law enforcement agency upon release from prison, being placed on parole, or being placed on supervised release. The Attorney General shall approve each State program that complies with the guidelines.

(2) STATE COMPLIANCE.—

(A) IMPLEMENTATION DATE.—A State that does not implement a program described in paragraph (1) by the date that is 3 years after the date of enactment of this Act, and maintain the implementation thereafter, shall be ineligible for funds in accordance with subparagraph (B).

(B) INELIGIBILITY FOR FUNDS.—

(i) IN GENERAL.—A State that does not implement the program as described in subparagraph (A) shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3756).

(ii) REALLOCATION OF FUNDS.—Funds made available under clause (i) shall be reallocated, in accordance with such section, to such States as implement the program as described in subparagraph (A).

(b) REGISTRATION REQUIREMENT UPON RELEASE, PAROLE, OR SUPERVISED RELEASE.—

(1) IN GENERAL.—An approved State program established in accordance with this section shall contain the requirements described in this section.

(2) DETERMINATION.—The determination that a person is a "sexually violent predator" and the determination that a person is

no longer a "sexually violent predator" shall be made by the sentencing court after receiving a report by a board of experts on sexual offenses. Each State shall establish a board composed of experts in the field of the behavior and treatment of sexual offenders.

(3) NOTIFICATION.—If a person who is required to register under this section is anticipated to be released from prison, paroled, or placed on supervised release, a State prison officer shall, not later than 90 days before the anticipated date of the release or commencement of the parole—

(A) inform the person of the duty to register;

(B) inform the person that if the person changes residence address, the person shall give the new address to a designated State law enforcement agency in writing not later than 10 days after the change of address;

(C) obtain the name of the person, identifying factors, anticipated future residence, offense history, and documentation of any treatment received for the mental abnormality or personality disorder of the person; and

(D) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

(4) TRANSFER OF INFORMATION TO STATE AND THE FBI.—Not later than 3 days after the receipt of the information described in paragraph (3)(C), the officer shall forward the information to a designated State law enforcement agency. As soon as practicable after the receipt of the information by the State law enforcement agency, the agency shall—

(A) enter the information into the appropriate State law enforcement record system and notify the appropriate law enforcement agency that has jurisdiction over the area in which the person expects to reside; and

(B) transmit the information to the Identification Division of the Federal Bureau of Investigation.

(5) QUARTERLY VERIFICATION.—

(A) MAILING TO PERSON.—Not less than every 90 days after the date of the release or commencement of parole of a person required to register under this section, the designated State law enforcement agency shall mail a nonforwardable verification form to the last reported address of the person.

(B) RETURN OF VERIFICATION FORM.—

(i) IN GENERAL.—The person shall return, by mail, the verification form to the agency not later than 10 days after the receipt of the form. The verification form shall be signed by the person, and shall state that the person continues to reside at the address last reported to the designated State law enforcement agency.

(ii) FAILURE TO RETURN.—If the person fails to mail the verification form to the designated State law enforcement agency by the date that is 10 days after the receipt of the form by the person, the person shall be in violation of this section unless the person proves that the person has not changed the residence address of the person.

(6) NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGES IN ADDRESSES.—Any change of address by a person required to register under this section that is reported to the designated State law enforcement agency shall as soon as practicable be reported to the appropriate law enforcement agency that has jurisdiction over the area in which the person is residing.

(7) PENALTY.—A person required to register under a State program established pursuant to this section who knowingly fails to register and keep the registration current shall be subject to criminal penalties in the State. It is the sense of Congress that the penalties should include imprisonment for not less than 180 days.

(8) TERMINATION OF OBLIGATION TO REGISTER.—The obligation of a person to register under this section shall terminate on a determination made in accordance with the provision of paragraph (2) of this section that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense.

(c) COMMUNITY NOTIFICATION.—The designated State law enforcement agency shall release relevant information that is necessary to protect the public concerning a specific sexually violent predator required to register under this section.

(d) IMMUNITY FOR GOOD FAITH CONDUCT.—Law enforcement agencies, employees of law enforcement agencies, and State officials shall be immune from liability for any good faith conduct under this section.

By Mr. LAUTENBERG:

S. 2364. A bill to provide for schoolbus safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE SCHOOLBUS SAFETY ACT

• Mr. LAUTENBERG. Mr. President, today I have introduced legislation designed to make schoolbus travel safer.

During the past 10 years, 300 school-age pedestrians, those less than 19 years old, have died in schoolbus-related crashes. Two-thirds were killed by their own schoolbus. Half of all school-age pedestrians killed by schoolbuses in the past 10 years were 5- and 6-year-olds. On average, 21 school-age pedestrians are killed by schoolbuses each year, and 9 are killed by other vehicles involved in schoolbus-related crashes.

In addition to those killed, approximately 10,000 schoolbus passengers are injured every year. Most injuries occur during side and rollover collisions. In this type of collision the compartmentalized seat does not protect children, who fall about 8 feet to strike the roof, windows, other seats, and other children.

My bill would address this problem by requiring all new schoolbuses to be equipped with safety belts. It also requires the Secretary of Transportation to develop a program to promote and encourage the use of seatbelts in schoolbuses.

National supporters of schoolbus safety belts include the American Medical Association, the American Academy of Pediatrics, the American College of Preventive Medicine, the Society for Adolescent Medicine, and the American Association of Oral and Maxillofacial Surgery.

In 1989 the New Jersey State Legislature directed the New Jersey Office of Highway Traffic Safety to conduct a study on the safety of lap seatbelts in large school vehicles. The New Jersey study concluded that installation of seatbelts in all schoolbuses will improve the vehicle's overall safety performance. The study recommended that schoolbuses be required to be equipped with seatbelts in the State of New Jersey.

It is nearly impossible for a bus without belts to roll over without causing injuries or death. Unfortunately, the Federal Government does not study crashes where there are no injuries. The National Transportation Safety Board only investigates bus crashes where there are severe injuries or fatalities, which rule out belted buses.

A bus with safety belts costs an average of $2,000 more than a bus without belts. With an estimated schoolbus life of 15 years, it will cost approximately $66 per bus per year.

Children are already required to wear seatbelts in cars. Installation of seatbelts on the standard size schoolbuses reinforces the importance of wearing seatbelts, reduces injuries to our children, costs little to install and maintain, and overall, makes schoolbus transportation safer for our children.

"Inattention" and "failure to yield" were the factors most often reported by police for schoolbus drivers striking a school-age pedestrian. For drivers of other vehicles killing a pedestrian in a schoolbus related crash, the factors most often cited were "failure to obey signs, safety zones, or warning signs on vehicles," "passing where prohibited," and "driving too fast."

The School Bus Safety Act would address this issue in four different ways. First, the bill would assist States in conducting traffic engineering activities where students get on and off schoolbuses in order to improve the safe operation of schoolbuses in these "danger zones." Second, the Secretary of Transportation will be required to advance the use and reduce the cost of hazard warning systems or sensors that alert schoolbus drivers of pedestrians or vehicles in, or approaching, the path of the schoolbus. Third, the Secretary will be required to improve training materials on schoolbus safety and improve the distribution and availability of such materials to schools for use by the student safety patrols.

Fourth, the Secretary of Transportation will be required to prescribe proficiency standards for schoolbus drivers who are already required to possess a commercial driver's license. Some States already prescribe proficiency and my bill would not interfere with how these States administer their programs.

The current commercial drivers license regulations require schoolbus drivers—that operate a vehicle designed to seat more than 15 persons, including the driver—to obtain a CDL with a special endorsement specifically for the transport of passengers. Both the knowledge and skills test must be passed to receive this special endorsement. The minimum test requirements set by the Federal Highway Administration [FHWA] for this special endorsement is generically written for

operators of motor carriers of passengers—buses, in general—and is not designed specifically for school bus drivers.

Not only does Government have a responsibility to ensure that the bus driver is properly trained, but we also have a responsibility to ensure that school bus drivers are decent individuals who will not harm their passengers.

The fact is that sexual deviants are attracted to driving a school bus because it gives them easy access to children who are the focus of their sexual desire.

Children who ride on school buses, particularly those in their elementary years, are extremely vulnerable to physical abuse. They are too young to comprehend what is being done to them and are too small to physically defend themselves from an attack. Therefore, it is the responsibility of society to offer as much protection as possible to this vulnerable population.

My bill recognizes that responsibility by requiring all States to do a Federal background check on potential school bus drivers before they are allowed to be alone with our children.

School bus drivers are unique. They are alone with students off school property, often for extended periods of time. I believe, as I hope do many of my colleagues, that parents deserve to know who is alone with their children.

At present 18 States—Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Michigan, Mississippi, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Virginia, Washington, and Louisiana—already conduct State and Federal background checks on their drivers. My amendment would not affect how these States administer their programs.

There are 14 States—Hawaii, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, North Carolina, Rhode Island, Texas, West Virginia, Nebraska, Illinois, and Wisconsin—which currently only do State background checks. My bill would require those States to redirect the resources they are putting into these background checks toward a Federal program. While the intent of these State programs is good, it is flawed. A convicted sexual deviant can easily move to one of these States, receive a clean background check, and begin driving his prey to and from school.

Then there are the 18 States—Alabama, Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Maine, Montana, Nevada, New Mexico, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Vermont, and Wyoming—which have no background checks for their school bus drivers. There is no rational reason for the lack of responsibility these States are demonstrating in this area.

During the 2 months after California instituted Federal criminal background checks in 1990, it screened out 150 convicted sex offenders, child molesters, and violent criminals who tried to get permits to drive school buses. This is shocking and my bill will address this problem.

This legislation also requires the Secretary of Transportation to begin a rulemaking process to determine the feasibility and practicability of: First, decreasing the flammability of materials used in the construction of the interiors of school buses, second, informing purchasers of school buses on the secondary market that those buses may not meet current NHTSA standards, and third, establishing construction and design standards for wheelchairs used in the transportation of students in school buses.

The bill also requires the Secretary to do a variety of studies designed to provide an accurate data base of school bus safety information.

The School Bus Safety Act is a comprehensive piece of legislation that I believe will dramatically reduce deaths and injuries of children associated with school bus accidents. I would encourage my colleagues to cosponsor this bill and to work with me toward its successful passage.

Mr. President, I ask unanimous consent that the text of my bill and a section-by-section analysis be included in the RECORD.

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

S. 2364

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 "School Bus Safety Act".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) The term "bus" means a motor vehicle with motive power, except a trailer, designed for carrying more than 10 persons.

(2) The term "school bus" means a bus that is used for purposes that include carrying pupils to and from public or private school or school-related events on a regular basis, but does not include a transit bus or a school-chartered bus.

(3) The term "school-chartered bus" means a bus that is operated under a short-term contract with State or school authorities who have acquired exclusive use of the bus at a fixed charge in order to provide transportation for a group of pupils to a special school-related event.

(4) The term "Secretary" means the Secretary of Transportation.

SEC. 3. PROFICIENCY STANDARDS FOR SCHOOL BUS DRIVERS.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe proficiency standards for school bus drivers who are required to possess a commercial driver's license to operate a school bus.

(b) EXEMPTION FOR CERTAIN STATES.—In prescribing proficiency standards under subsection (a), the Secretary shall provide that a State may, in lieu of utilizing such proficiency standards, utilize proficiency standards established by the State before the date of the prescription of efficiency standards under subsection (a) if the Secretary determines that the standards of the State establish proficiency requirements as rigorous as the proficiency requirements established under the standards prescribed under subsection (a).

(c) DEMONSTRATION OF PROFICIENCY.—Upon the prescription of standards under subsection (a), each school bus driver referred to in subsection (a) shall demonstrate (at such interval as the Secretary shall prescribe) to the employer of the driver, the school district, the State licensing agency, or other person or agency responsible for regulating school bus drivers the proficiency of such driver in operating a school bus in accordance with the proficiency standards prescribed under subsection (a) or the proficiency standards established by the State concerned, as the case may be.

SEC. 4. CRIMINAL HISTORY INVESTIGATIONS OF SCHOOL BUS DRIVERS.

(a) REQUIREMENT FOR INVESTIGATIONS.—(1) Notwithstanding any other provision of law, a local educational agency may not employ a person as a driver of a school bus of or on behalf of the agency until the agency conducts a background check under procedures that meet the guidelines set forth in section 3(b) of the National Child Protection Act of 1993 (Public Law 103-209; 107 Stat. 2491; 42 U.S.C. 5119a(b)).

(2) Subject to paragraph (3), the prohibition set forth in paragraph (1) shall take effect on the date of the enactment of this Act.

(b) INTERIM REQUIREMENT.—Prior to the establishment of the procedures referred to in subsection (a)(1), or a State's participation in the procedures referred to in subsection (a)(1), local educational agencies shall request the Criminal Justice Information Services Division of the Federal Bureau of Investigation to conduct a fingerprint based check through its criminal history files, and the Division shall comply with such a request.

(c) DEFINITION.—In this section, the term "local educational agency" has the meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

SEC. 5. DEVELOPMENT OF INTELLIGENT VEHICLE-HIGHWAY SYSTEMS FOR SCHOOL BUS SAFETY.

Section 6055(d) of the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

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

"(4) ensure that one or more operational tests advance the use and reduce the cost of intelligent vehicle-highway system technologies (including hazard warning systems or sensors) that alert school bus drivers of pedestrians or vehicles in, or approaching, the path of the school bus.".

SEC. 6. SEAT BELTS IN SCHOOL BUSES.

(a) REQUIREMENT FOR INSTALLATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall prescribe regulations that require that driver seat belts and passenger seat belts (including lap safety belts or other child safety devices meeting applicable Federal safety standards) be installed for each seating position in any newly manufactured school bus.

(b) PROMOTION OF SEAT BELT USAGE.—

(1) IN GENERAL.—The Secretary, in consultation with appropriate safety organizations and parent-teacher organizations, shall conduct a program to promote and encourage the use of seat belts in school buses.

(2) ELEMENTS OF PROGRAM.—In conducting the program required under this subsection, the Secretary shall—

(A) encourage State and local governments to enact and implement laws requiring mandatory usage of seat belts in school buses;

(B) develop and disseminate educational materials on the importance of using seat belts to passengers and drivers of school buses; and

(C) recognize in an appropriate manner school districts that achieve a high level of seat belt usage by passengers and drivers of school buses.

SEC. 7. TRAFFIC ENGINEERING ACTIVITIES TO IMPROVE SCHOOL BUS SAFETY.

Notwithstanding any other provision of law, the Secretary shall ensure that each State receiving aid to conduct highway safety programs under section 402(c) of title 23, United States Code, shall utilize a portion (as determined by the Secretary) of such aid for the purpose of conducting traffic engineering activities in order to improve the safe operation of school buses. The Secretary shall, to the maximum extent practicable, ensure that the total amount utilized by such States for such purpose in any fiscal year shall not be less than $1,000,000.

SEC. 8. DETERMINATION OF PRACTICABILITY AND FEASIBILITY OF CERTAIN SAFETY AND ACCESS REQUIREMENTS FOR SCHOOL BUSES.

(a) COMMENCEMENT OF RULEMAKING PROCESS.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall begin a rulemaking process to determine the feasibility and practicability of the following:

(1) A requirement for a decrease in the flammability of the materials used in the construction of the interiors of school buses.

(2) A requirement that individuals, school districts, or companies that sell in the secondary market school buses that may be used in interstate commerce inform purchasers of such buses that such buses may not meet current National Highway Transportation Safety Administration standards or Federal Highway Administration standards with respect to such buses.

(3) The establishment of construction and design standards for wheelchairs used in the transportation of students in school buses.

(b) FINAL RULE.—Not later than 2 years after such date, the Secretary shall promulgate a final rule providing for any requirement or standard referred to in paragraph (1), (2), or (3) of subsection (a) that the Secretary determines to be feasible and practicable.

SEC. 9. DISSEMINATION OF INFORMATION ON SCHOOL BUS SAFETY.

(a) DISSEMINATION OF INFORMATION.—In carrying out research on highway safety under section 403 of title 23, United States Code, the Secretary, in consultation with the American Automobile Association, State educational agencies, and highway safety organizations, shall—

(1) improve the training materials on school bus safety; and

(2) improve the distribution and availability of such materials to schools for use by the student safety patrols of such schools and to appropriate law enforcement agencies.

(b) FUNDS.—Notwithstanding any other provision of law, of the funds available to the Secretary for research on highway safety and traffic conditions under such section 403 in each of fiscal years 1995 through 2000, $100,000 shall be available in each such fiscal year for the purposes of carrying out this section.

SEC. 10. STUDY AND REPORT ON SCHOOL BUS SAFETY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall carry out a study to determine the following:

(A) The extent to which public transit vehicles are engaged in school bus operations.

(B) The point at which a public transit vehicle is sufficiently engaged in such operations as to be considered a school bus for purposes of regulation under Federal law.

(C) The differences between school bus operations carried out directly by schools or school districts and school bus operations carried out by schools or school districts by contract.

(2) AREAS.—The study shall address the differences between the services and operations referred to in paragraph (1)(C) in terms of—

(A) crash injury data;

(B) driver and carrier requirements;

(C) passenger transportation requirements;

(D) bus construction and design standards;

(E) Federal and State operating assistance (per passenger/per mile/per hour);

(F) total operating costs;

(G) Federal and State capital assistance (per passenger/per mile/per hour);

(H) total capital costs; and

(I) such other factors as the Secretary considers appropriate.

(b) REPORT.—(1) Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the committees referred to in paragraph (2) a report on the results of the study carried out under subsection (a).

(2) The committees referred to in paragraph (1) are the following:

(A) The Committee on Environment and Public Works of the Senate.

(B) The Committee on Commerce, Science, and Transportation of the Senate.

(C) The Committee on Appropriations of the Senate.

(D) The Committee on Public Works and Transportation of the House of Representatives.

(E) The Committee on Energy and Commerce of the House of Representatives.

(F) The Committee on Appropriations of the House of Representatives.

SEC. 11. ESTABLISHMENT OF MINIMUM REPORTING CRITERIA FOR HIGHWAY SAFETY PROGRAM ON TRAFFIC-RELATED DEATHS AND INJURIES.

The Secretary of Transportation shall—

(1) not later than December 31, 1994, issue a notice of proposed rulemaking with respect to the minimum reporting criteria required under the tenth sentence of section 402(a) of title 23, United States Code; and

(2) not later than December 31, 1995, and after an opportunity for public comment, issue a final rule establishing such criteria.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SCHOOL BUS SAFETY ACT—SECTION-BY-SECTION DESCRIPTION

Sec. 1: Title.

Sec. 2: Definitions.

Sec. 3: Directs the Secretary to prescribe proficiency standards for school bus drivers.

Sec. 4: Require all states to do federal background checks with fingerprints of prospective school bus drivers.

Sec. 5: Directs Secretary to do one or more operation tests to advance the use and reduce the cost of hazard warning systems to alert school bus drivers of pedestrians or vehicles in, or approaching, the path of the school bus.

Sec. 6: Requires driver seat belts and passenger seat belts to be installed in any newly manufactured school bus. Also requires the Secretary to develop a program to promote and encourage the use of seat belts in school buses.

Sec. 7: Provides aid for the purpose of conducting traffic engineering activities in order to improve the safe operation of school buses in the "danger zone."

Sec. 8: Requires the Secretary to begin a rulemaking process to determine the feasibility and practicability of the following;

A requirement for a decrease in the flammability of the materials used in the construction of the interiors of school buses;

A requirement that sellers of school buses in the secondary market inform purchasers that such buses may not meet current National Highway Transportation Safety Administration or Federal Highway Administration standards;

Establishing construction and design standards for wheelchairs used in the transportation of students in school buses.

Sec. 9: Require the Secretary of Transportation to improve training materials on school bus safety and improve the distribution and availability of such materials.

Sec. 10: Require the Secretary of Transportation to carry out a study to determine the following;

The extent to which public transit vehicles are engaged in school bus operations;

The point at which a public transit vehicle is sufficiently engaged in such operations as to be considered a school bus for purposes of regulation under Federal law;

The differences between school bus operations carried out directly by schools or school districts and school bus operations carried out by schools or school districts by contract.

Sec. 11: Require the Secretary of Transportation to issue a notice of proposed rulemaking with respect to establishing minimum reporting criteria for the highway safety program to include criteria on traffic-related deaths and injuries resulting from, among other things, school bus accidents.

Sec. 12: Authorization of Appropriations.●

ADDITIONAL COSPONSORS

S. 1889

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1889, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services.

S. 2286

At the request of Mr. LUGAR, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 2286, a bill to amend title 23, United States Code, to provide for the use of certain highway funds for improvements to railway-highway crossings.

S. 2337

At the request of Mr. LOTT, the names of the Senator from Maryland [Ms. MIKULSKI], and the Senator from Alabama [Mr. SHELBY] were added as

cosponsors of S. 2337, a bill to extend benefits for qualified service to certain merchant mariners who served during World War II, and for other purposes.

SENATE JOINT RESOLUTION 182

At the request of Mr. JOHNSTON, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of Senate Joint Resolution 182, a joint resolution to designate the year 1995 as "Jazz Centennial Year."

SENATE JOINT RESOLUTION 185

At the request of Mr. PELL, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Idaho [Mr. CRAIG], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 185, a joint resolution to designate October 1994 as "National Breast Cancer Awareness Month."

SENATE JOINT RESOLUTION 189

At the request of Mr. ROTH, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating October 1994 as "National Decorative Painting Month."

SENATE JOINT RESOLUTION 192

At the request of Mr. KOHL, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Nebraska [Mr. EXON], the Senator from Texas [Mr. GRAMM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Minnesota [Mr. DURENBERGER], the Senator from California [Mrs. FEINSTEIN], and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of Senate Joint Resolution 192, a joint resolution to designate October 1994 as "Crime Prevention Month."

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor 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 Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. CONRAD], the Senator from California [Mrs. BOXER], the Senator from Alabama [Mr. HEFLIN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. BOREN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nevada [Mr. REID], the Senator from Maryland [Ms. MIKULSKI], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. PELL], and the Senator from Delaware [Mr. ROTH] 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 214

At the request of Mr. BINGAMAN, the names of the Senator from Tennessee [Mr. MATHEWS], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New York [Mr. D'AMATO], the Senator from Washington [Mrs. MURRAY], the Senator from Kentucky [Mr. FORD], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Colorado [Mr. CAMPBELL], the Senator from Idaho [Mr. CRAIG], the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alaska [Mr. STEVENS], the Senator from South Dakota [Mr. DASCHLE], the Senator from Rhode Island [Mr. PELL], the Senator from New Mexico [Mr. DOMENICI], the Senator from Michigan [Mr. RIEGLE], the Senator from Iowa [Mr. GRASSLEY], the Senator from Montana [Mr. BURNS], the Senator from New Hampshire [Mr. GREGG], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from North Dakota [Mr. DORGAN], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 214, a joint resolution designating August 9, 1994, as "Smokey Bear's 50th Anniversary."

SENATE RESOLUTION 243

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 243, a resolution recognizing the REALTORS Land Institute on the occasion of its 50th Anniversary.

AMENDMENTS SUBMITTED

VA-HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995

MURKOWSKI AMENDMENT NO. 2450

Mr. MURKOWSKI proposed an amendment to the bill (H.R. 4624) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 13, line 4, after the colon, insert the following: "*Provided further*, That no funds provided under this head may be used for the construction of acute care, inpatient hospital capacity:".

REID (AND OTHERS) AMENDMENT NO. 2451

Mr. REID (for himself, Mr. BRYAN, Mrs. FEINSTEIN, and Mr. SIMPSON) proposed an amendment to the bill H.R. 4624, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . None of the funds made available in this Act to the Department of Housing and Urban Development may be used to provide any individual assistance or benefit to any individual or entity in the United States unless the Federal entity or official to which the funds are made available takes reasonable actions to determine whether the individual is in a lawful immigration status in the United States: *Provided*, That in no case may a Federal entity, official, or agent of any Federal entity or official discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding made available in this Act on the basis of race, color, creed, handicap, religion, sex, national origin, citizenship status or form of lawful immigration status: *Provided further*, That for purposes of this section, the term "individual assistance or benefit" does not include search and rescue, emergency medical care, emergency mass care, emergency shelter, clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services, warning of further risks or hazards, dissemination of public information and assistance regarding health and safety measures, the provision on an emergency basis of food, water, medicine, and other essential needs, including movement of supplies or persons, or reduction of immediate threats to life, property, and public health and safety: *Provided further*, That, notwithstanding any other provision of this section, a homeless individual may, for a period not to exceed 45 days, receive assistance from funds made available under this Act to assist homeless individuals pursuant to the Stewart B. McKinney Homeless Assistance Act, regardless of the immigration status of such individual.

COHEN (AND MACK) AMENDMENT NO. 2452

Mr. COHEN (for himself and Mr. MACK) proposed an amendment to the bill H.R. 4624, supra; as follows:

SEC. . On page 18, line 19, strike "$10,600,000,000" and insert "$10,250,000,000".

On page 20, line 8, strike all after the comma, and all through line 11 before the semicolon.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2453

Mr. LAUTENBERG (for himself, Mr. PACKWOOD, Mr. FEINGOLD, Mrs. MURRAY, Mr. DECONCINI, Mrs. FEINSTEIN, Mr. BRADLEY, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 4624, supra; as follows:

On page 91, between lines 9 and 10, insert the following:

SEC. 518. It is sense of the Senate that—

(1) the murders of a doctor, his escort, and the wounding of another escort outside a reproductive health clinic in Pensacola, Florida, on July 29, 1994, were reprehensible acts of violence and terrorism;

(2) the Department of Justice, Federal Bureau of Investigation, and Bureau of Alcohol, Tobacco, and Firearms should undertake all enforcement and investigative activities under the Freedom of Access to Clinic Entrances Act, and any other applicable laws, that are necessary to ensure the safety of women seeking reproductive health services, their doctors, and escorts and clinic workers and to demonstrate to future potential perpetrators of such violence that these laws will be strongly enforced nationwide;

(3) The Attorney General should utilize the full extent of her authority to provide adequate protection to women obtaining reproductive health services, their doctors, and escorts and clinic workers; and

(4) all investigative and law enforcement activities undertaken by the Government in accordance with this section should be conducted in a manner that is fully consistent with the first amendment to the Constitution.

SMITH (AND McCAIN) AMENDMENT NO. 2454

Mr. SMITH (for himself and Mr. McCAIN) proposed an amendment to the bill H.R. 4624, supra; as follows:

On page 22, line 21, strike "That" and all that follows through the period on line 25 and insert the following: "That notwithstanding any other provision of law, $130,000,000 shall be used for grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974.".

SMITH AMENDMENT NO. 2455

Mr. SMITH proposed an amendment to the bill H.R. 4624, supra; as follows:

In the pending committee amendment, strike all after "and,", and insert the following: "*Provided*, That notwithstanding any other provision of law, $500,000,000 made available under this heading in Public Law 103-124, and earmarked not to become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103-211, shall be available immediately for capitalization grants for State revolving funds to support water infrastructure financing, and to carry out the purposes of the Federal Water Pollution Control Act, (33 U.S.C. 1251 et seq.) and the Water Quality Act of 1987 (Public Law 100-4; 101 Stat. 7):".

MIKULSKI AMENDMENT NO. 2456

Ms. MIKULSKI proposed an amendment to the bill H.R. 4624, supra; as follows:

On page 13, line 11, add the following: ": *Provided further*, That of the amount provided under this heading, $7,100,000 shall be for design of a new medical center/nursing home in Brevard County, Florida and $6,900,000 shall be for the Orlando, Florida, satellite outpatient clinic".

BROWN AMENDMENT NO. 2457

Ms. MIKULSKI (for Mr. BROWN) proposed an amendment to the bill H.R. 4624, supra; as follows:

Insert at page 62, between line 13 and line 14:

SENSE OF THE SENATE REGARDING THE ENVIRONMENTAL SELF-EVALUATION PRIVILEGE

(a) FINDINGS.—The Senate finds that—

(1) The intended effect of environmental protection statutes passed over the past three decades is to improve and protect the natural and human environment.

(2) The President's National Performance Review concluded that the environmental laws and regulations implemented over the past decade have led to significant improvements in environmental quality.

(3) The National Performance Review further concludes that many of these laws, however, place a very real cost burden on local governments. Localities now struggle to comply with new requirements of the Safe Drinking Water Act, the Resource Conservation and Recovery Act, the Clean Water Act, the Clean Air Act, and Superfund, with little or no prospect of significant increases in federal grants and only limited availability of loans in the future.

(4) The Environmental Protection Agency (EPA) estimates that, by the year 2000, local governments will need to spend nearly $44 billion annually to meet existing requirements.

(5) The National Performance Review states: "With the opportunity to 'reinvent' the way EPA works with state and local governments, EPA has a chance to significantly increase the effectiveness of our nation's environmental programs.

(6) The National Performance Review acknowledged that there are numerous examples where the failure of EPA to devise better ways to protect the environment affordably may result in just the opposite of the intended effect.

(7) To further the goals of protecting and improving the natural and human environment, the States of Oregon, Indiana, Kentucky and Colorado have passed laws establishing an "environmental self-evaluation privilege."

(8) The EPA is currently considering modifying its existing environmental auditing policy.

(b) SENSE OF THE SENATE.—

It is the sense of the Senate that—

(1) The National Performance Review is correct in stating that EPA must recognize that increased regulatory flexibility offers tremendous opportunity for positive institutional change at federal, state and local levels.

(2) EPA must take advantage of these opportunities by finding ways to allow flexibility without compromising fairness, accountability and, above all, performance.

(3) The EPA should seriously consider the "environmental self-evaluation privilege," as enacted into law by the States of Oregon, Indiana, Kentucky and Colorado, as a low-cost opportunity to increase performance toward the intended effect of environmental protection statutes to improve and protect the natural and human environment.

HELMS AMENDMENT NO. 2458

Mr. HELMS proposed an amendment to the bill H.R. 4624, supra; as follows:

At the appropriate place, add the following:

"SEC. . SENSE OF THE SENATE REGARDING THE NEED TO PROTECT THE CONSTITUTIONAL ROLE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The GATT Treaty provides for the entry of the United States into the World Trade Organization, which may have a major, permanent adverse impact on American sovereignty.

(2) The GATT Treaty binds the United States to a permanent international trade organization for decades to come.

(3) In the World Trade Organization, the United States will have only 1 out of 117 votes and will lose the veto power it had in the GATT Organization that the World Trade Organization replaces.

(4) Under the GATT Treaty, the United States will pay 20% of the budget of the World Trade Organization, but will have less than 1% of the voting power.

(5) The World Trade Organization has the potential of overriding domestic U.S. law.

(6) Section 2 of Article II of the Constitution provides that the President has the "Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur".

(7) Despite the dictate of section 2 of Article II of the Constitution, the GATT Treaty is scheduled to be considered by the Senate under "fast-track" procedures, as an executive agreement.

(8) Under the "fast-track" rules, Senators are prohibited from amending the agreement and debate is limited to 20 hours on the Senate floor.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The leadership of the Senate should protect the rights and prerogatives of the Senate and insist that the GATT agreement be submitted as a Treaty as stipulated by the U.S. Constitution, and

(2) an extension of the "fast track" should not be included in any implementing legislation for the GATT Treaty.".

NATIONAL UNITED STATES SEAFOOD WEEK

BIDEN AMENDMENT NO. 2459

Mr. REID (for Mr. BIDEN) proposed an amendment to the joint resolution (S.J. Res. 194) to designate the second week of August 1994, and the second week of August 1995, as "National United States Seafood Week"; as follows:

On page 3, lines 3-4 of the joint resolution strike ", and the second week of August, 1995".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, August 4, beginning at 9:30 a.m. to conduct a hearing pursuant to Senate Resolution 229.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, August 4, at 10 a.m. to receive a closed briefing on the status of the Middle-East peace process.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet on Thursday, August 4, 9:30 a.m., for a hearing on full voting representation in Congress for the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, August 4, 1994.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, August 4, 1994, at 9 a.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES AND BUSINESS RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies and Business Rights, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, August 4, 1994, at 2:15 p.m., to hold a hearing on international trustbusting—exchanging information with foreign antitrust authorities.

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

SUBCOMMITTEE ON CONSTITUTION

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, August 4, 1994, at 2:00 p.m., to hold a hearing on retroactive taxation.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 p.m., August 4, 1994, to receive testimony on the following bills: S. 399 and H.R. 457, to provide for the conveyance of lands to certain individuals in Butte County, CA; S. 1998, to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; S. 2001, to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; H.R. 2620, to authorize the Secretary of the Interior to acquire certain lands in the State of California through an exchange pursuant to the Federal Land Policy and Management Act of 1976, and for other purposes; S. 2033, to provide for the exchange of certain lands within the State of Montana; S. 2078, to amend the National Trails System Act to designate the Old Spanish Trail and the northern branch of the Old Spanish Trail for potential inclusion into the National Trails System, and for other purposes; H.R. 1716, a bill 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, and 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 and S. 2249, a bill to amend the Alaska Native Claims Settlement Act, and for other purposes.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources and the Committee on Indian Affairs be authorized to meet during the session of the Senate, 2:00 p.m., August 4, 1994, to receive testimony on the following bills: 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 the hydropower by the Grand Coulee Dam, and for other purposes; 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; and S. 2319, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of the Imperial Dam in a cost-effective manner.

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

ADDITIONAL STATEMENTS

DEMOCRACY ON TRIAL IN TURKEY

• Mr. DECONCINI. Mr. President, this day marks a sad milestone on Turkey's path toward democracy. Today, before a court in Ankara, six Kurdish parliamentarians face capital punishment for expressing political views deemed treasonous by Turkey's civilian and military leadership. Altogether, 13 duly elected Deputies of the Democracy Party [DEP] have been thrown out of Parliament, including 6 who fled the country so they could not be silenced.

Mr. President, I am flabbergasted that such a spectacle is taking place in Turkey, a staunch friend, a NATO ally, and CSCE participating State whose officials regularly express commitments to democracy and international human rights standards. This trial will take place before the world press and hundreds of lawyers, foreign parliamentarians, human rights activists and others on hand to demonstrate their concern and support. In addition to starkly illustrating how free speech and political activity is restricted in Turkey, the trial will bring attention to other underlying obstructions to democracy.

Mr. President, I was initially dismayed at the widespread popular support for the Government's dogmatic campaign against the DEP members. But what is becoming increasingly clear is that public opinion is being openly manipulated by major media outlets controlled by government or other political sources. With respect to Kurdish rights issues and the war in southeast Turkey, informed debate has fallen victim to inflammatory prefabrications or severely restricted information. I believe, as long as major media sources remain controlled by political and military interests, and journalists and others remain silenced, informed public debate will be impossible. Mr. President, free expression and an unrestricted press are prerequisites of democratic societies. The Turkish press must be enabled to report responsibly on Kurdish issues and other human rights concerns.

The DEP trial will also likely underscore the deficiencies of the Government's unrealistic military approach to the Kurdish question—a cornerstone of which is the criminalization of Kurdish-based political parties. When political parties are banned, the pattern in Turkey is that like-minded groups form on their heels or members move to more extreme parties. It would seem that allowing Kurds to form legal political parties would be a plausible way of diminishing support for the PKK and other extremist groups. The CSCE Copenhagen Document clearly outlines commitments taken by 53 participating States regarding unrestricted political party activity. The campaign against the Democracy Party and its predecessors raises serious questions about the Government of Turkey's commitment to these principles.

Mr. President, while the start of this political trial marks a dark day for Turkish democracy, one can hope that the attention drawn by this event will bring added pressure on the Government to pursue nonmilitary resolutions of the Kurdish crisis and to address other pressing rights issues. I would remind my colleagues, that two of the deputies face the death penalty for statements made at a Helsinki Commission briefing in the Rayburn Building. I find it truly unfathomable that a professed democratic Government could press capital charges against elected parliamentarians simply for their speeches or writings which advocate neither violence, secession nor solutions outside of a democratic framework. On this inauspicious occasion, I urge my colleagues to join me in expressing to the Government of Turkey our disappointment at their irrational campaign to squelch free speech.•

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. BRYAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Michael Gougisha, a member of the staff of Senator JOHNSTON, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 15 to 28, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Gougisha in this program.

The select committee received notification under rule 35 for J. Thomas Sliter, a member of the staff of Senator BAUCUS, to participate in a program in China sponsored by the Chinese People's Institute of Foreign Affairs from August 15 to 28, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Sliter in this program.

The select committee received notification under rule 35 for Edward Maixner, a member of the staff of Senator DORGAN, to participate in a program in Hong Kong and Guangdong Province, from August 29 to September 5, 1994, sponsored by the Hong Kong General Chamber of Commerce.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Maixner in this program.

The select committee received notification under rule 35 for Jonathan F. Rief, a member of the staff of Senator NUNN, to participate in a program in Hong Kong and Guangdong Province, from August 29 to September 5, 1994, sponsored by the Hong Kong General Chamber of Commerce.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Rief in this program.

The select committee received notification under rule 35 for Shirley Neff, a member of the staff of Senator JOHNSTON, to participate in a program in Singapore, sponsored by the Singapore International Foundation, from August 28 to September 3, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Neff in this program.

The select committee received notification under rule 35 for Elizabeth Lambird, a member of the staff of Senator HELMS, to participate in a program in Korea, sponsored by the Korean Ministry of Foreign Affairs from August 21 to 28, 1994.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Lambird in this program.•

ORDERS FOR TOMORROW

Mr. REID. Madam President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Friday, August 5; and that when the Senate reconvenes on that date, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived; that no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day; that immediately thereafter the previous order regarding the labor HHS appropriations bill be executed.

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

ADJOURNMENT UNTIL TOMORROW AT 9:30 A.M.

Mr. WOFFORD. Mr. President, if there is no further business to come before the Senate today, I now move that Senate stand adjourned, as previously ordered.

The motion was agreed to; and the Senate, at 8:54 p.m., adjourned until Friday, August 5, 1994, at 9:30 a.m.