

# SENATE—Monday, September 26, 1994

(Legislative day of Monday, September 12, 1994)

The Senate met at 3 p.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

## PRAYER

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

Let us pray:

*Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5, 6.*

Lord God Jehovah, Father of us all, Creator, sustainer, and consummator of history, we ask for Your special blessing upon the Senators, their families, and their staffs in these strenuous days as adjournment sine die approaches. Make real the wisdom of Solomon in the proverb with which we began this prayer. Help them realize there is divine wisdom and support available for the difficult task of legislation.

Guide Your servants in these pressure days to a satisfactory conclusion of the 103d Congress.

In His name who is the way, the truth, and the life. 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, September 26, 1994.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

Mr. MATHEWS 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 AND HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

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

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 4624, an act 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 conference report.

## PRIVILEGE OF THE FLOOR—H.R. 4624, CONFERENCE REPORT

Ms. MIKULSKI. Mr. President, I also ask unanimous consent that Chris Gabriel of my staff be granted the privilege of the floor during the consideration of the conference report to H.R. 4624.

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

Ms. MIKULSKI. Mr. President, this afternoon I am pleased to present the conference report accompanying the fiscal year 1995 VA, HUD, and independent agencies appropriations bill to the Senate.

This conference report is a finely crafted compromise between the positions of the two Houses on spending decisions for fiscal year 1995 for the agencies funded through this bill.

It balances the competing interests and priorities in this bill and accomplishes the key goals which we set out to achieve at the beginning of this year:

- Meet our commitments to veterans;
- Fund a balanced U.S. space program;
- Address the highest priority housing areas;

- Continue our investments in science and technology to generate new ideas that will lead to new jobs;

- Preserve the environment of the United States and around the globe;

- Keep our commitment to national service and opportunity for young people to draw down their college debt while giving back to their community.

In doing this, we faced a number of major hurdles which had to be overcome:

- First, a 602(b) allocation that fell nearly \$600 million in outlays below

that requested for the subcommittee in the President's budget;

Second, shortfalls in the proposed administration budgets for veterans medical care, veterans medical research, and housing for the elderly;

And third, pressure for increases in key areas like science and technology, the environment, national service, and community development banks.

These competing pressures forced us to make very tough choices. Spending increases in some areas were less than we would have preferred and spending cuts in some areas were deeper than we would have liked.

I would like to briefly highlight our efforts in some key areas.

Mr. President, I use the terms "we" and "our" because it has been the tradition of this subcommittee to work on a bipartisan basis. We have done so, with my ranking minority, Senator PHIL GRAMM. Joining me today, I know, is the ranking Republican on the full committee, Senator MARK HATFIELD.

What we would like to talk about is veterans. We have provided a total VA appropriation of nearly \$37.6 billion, about \$900 million higher than 1994, and \$460 million above the President's budget.

This includes an additional \$111 million for medical care above the budget request, an increase of more than \$610 million above the 1994 level.

The agreement also includes an additional \$41 million to the budget request for veterans medical and prosthetic research, providing a total of \$252 million.

We have also added \$47 million to the budget request to address the serious backlog in the processing of veterans pension and disability claims. Our American veterans should not have to stand in line to get their disability claims adjudicated.

In the area of housing, for HUD we have recommended \$25.4 billion in new budget authority. This level will enable us to address the most pressing needs in community development, housing for the elderly, fighting crime in federally assisted housing, and reducing the problems of homelessness.

It includes an increase of \$200 million for the CDBG program, a total of \$4.6 billion. It also contains \$1.3 billion for elderly housing, restoring the administration's proposed budget cut, and providing funds for 9,700 new units in 1995.

We have also added \$125 million for the HOME program, for a total of \$1.4 billion.

And for the homeless, we have provided the full budget request of \$1.25 billion, the cornerstone of the administration's strategy to end homelessness.

In the area of space, for NASA, the bill proposes almost \$14.4 billion, more than \$125 million above the budget request.

Included in this recommendation is \$2.1 billion for the space station, full funding for all major NASA space science initiatives, including the Cassini planetary mission to Saturn and the mission to planet Earth.

In addition to NASA's core program, we have added \$400 million for a new wind tunnel initiative in aeronautics. This effort is a must if we are to keep our domestic aeronautics industry competitive into the 21st century.

In the area of the environment, for EPA we are providing a substantial increase. The conferees approved an appropriation of more than \$7.2 billion for it, more than \$600 million over last year and \$250 million above the budget request.

EPA's operating programs would grow by almost 7 percent over 1994. This includes important initiatives for States and localities to implement the Clean Air and Clean Water acts, as well as address environmental risks caused by lead, toxic waste, and other potentially harmful substances.

We have also restored the Superfund program to a level of more than \$1.4 billion, and have included almost \$3 billion for water infrastructure activities.

In science, for the National Science Foundation, we are recommending just under \$3.4 billion. This is \$343 million above last year and \$162 million above the budget request.

During the past year, the Foundation has willingly accepted the challenges in strategic research which the committee set out for it last year. We believe that those efforts should therefore be encouraged and so have recommended the increases for NSF in this bill.

These appropriations include nearly \$2.3 billion for basic research, \$606 million for science education, and \$250 for research facilities modernization.

For national service, we are providing \$577 million, just \$34 million less than the full budget request, but 58 percent more than the 1994 level.

In the area of community development banks, we have included \$125 million to initiate the President's Community Development Bank Program to help revitalize underserved areas.

In summary, our efforts were made easier this year because, once again, we worked in a bicameral, bipartisan fashion in shaping this conference agreement. I am grateful for the cooperation I received from the subcommittee's ranking minority, Senator PHIL GRAMM, and for his help and support in this process. And I am also deeply ap-

preciative of the cooperation I received from the full committee chairman, Senator BYRD, and his staff, as well as the committee's ranking member, Senator HATFIELD, and his staff.

We have not provided for all the needs for which requests were made, and many will be unhappy that our wallet was not as large as the wish list for those who sought funds to the VA-HUD Subcommittee. On balance, however, I think it addresses the high priority matters in a way that is fair and balanced, and I urge all of my colleagues to support the adoption of this conference report.

Mr. HATFIELD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. HATFIELD. Mr. President, first, let me make an observation as the ranking member of the Senate Appropriations Committee. I am happy to report that as of last night, the conference on defense completed its work. So now we have this particular status with the 13 appropriations bills:

We have five bills signed into law; we have four bills—their conference reports—that are awaiting Senate action; we have four more bills—their conference reports—that are awaiting both House and Senate action.

So, in effect, as of today, the Committees on Appropriations of the Senate and the House have discharged their responsibilities. The leadership now is in the position of scheduling these conference reports as they may be approved by both the House and the Senate, and I also would like to say that the fiscal year ends this Friday night at midnight. So, in effect, this is the first of eight unfinished conference reports that we will, hopefully, complete today.

Mr. President, I am substituting for Senator GRAMM, of Texas, in offering a few comments on behalf of the minority.

Needless to say, I am in agreement with the outline of this report as given by the Senator from Maryland, and I have frequently had the opportunity to recommend to the Senate a bill from the Appropriations Committee over my 20 years, or such, in the appropriations role. But seldom in my experience can I describe such a major piece of legislation as the product of any individual Member. But this one is. I am privileged to congratulate the distinguished Senator from Maryland [Ms. MIKULSKI] for not only authoring this bill, but masterfully shepherding its consideration.

Often we have been guilty at one point or another of being overly generous in our praise for a colleague. It is difficult, however, to be so today in reference to Senator MIKULSKI. Mr. President, when we began considering this measure this year, assessments of this bill were uniformly grim. Previously enacted constraints on discretionary

spending of the Deficit Reduction Act, augmented by further cuts in the budget resolution and the 602(b) allocation, represented a reduction of more than \$1 billion from the subcommittee's baseline.

Let me underscore that by saying, in effect, that we had \$1 billion less this year to appropriate to our various accounts than we had in the current fiscal year of 1994. Critical basic research, as well as math and science education initiatives of the National Science Foundation and technology development activities of the National Aeronautics and Space Administration were threatened by ongoing requirements for maintaining low-income housing assistance, veterans' benefits, and help to States and localities for environmental compliance and economic development. We had to balance all of these claims of need and of maintaining our levels of service.

I am delighted, and, frankly, I am surprised that despite these dismal assessments, the measure we have before us today avoided sacrificing investments in our Nation's technological future. This bill firmly grapples with the spiraling costs of housing subsidies by reforming annual inflationary adjustments for section 8 contracts to eliminate excessive payments to landlords and providing for a more diverse eligibility mix of both working as well as welfare-dependent families in subsidized housing.

These program improvements generated the savings necessary to sustain critical programs in space and basic research and also to accommodate major new initiatives in aeronautical research and development and in academic facility modernization. These two initiatives will help maintain our global competitive position in commercial aircraft development and will redress years of neglect in the research facility infrastructure of our universities.

The leadership and diligence of the Senator from Maryland has been remarkable, and this good conference agreement is a testament to her hard work. However, as in any compromise agreement, some issues were settled in a fashion that any one of us individually might do differently. Frankly, I can only say that with respect to those issues that I have brought to the attention of the Senator from Maryland, she respected my assessment, the merits of each item, and conscientiously considered these needs in the context of a very constrained budget. I deeply appreciate her efforts to accommodate these proposals which help the people of my State and other parts of this Nation as well.

It is very easy to be critical of congressional earmarks, and I appreciate the arguments of those who would



choose a different mechanism to evaluate such items. I can only say that certainly with the projects that I recommended, and, I know, of other members of the minority as well we can say we are pleased to have been approved, they stand on their individual merits and are fully justified for funding.

For these reasons, I strongly support this conference agreement and, again, wish to commend the Senator from Maryland for her outstanding work on this measure and the tremendous assistance she had from the majority staff, headed by Kevin Kelly, Carrie Apostolu, Juanita Griffen, Chris Gabriel, and by minority staff, Stephen Kohashi and Dona Pate.

So, Mr. President, I urge the Members of this body on both sides to support this conference report.

Ms. MIKULSKI. Mr. President, I thank the Senator from Oregon, the ranking member of the Appropriations Committee, for those kind remarks.

I now ask unanimous consent that the conference report be temporarily laid aside and that it be in order to proceed to the consideration of the remaining amendments in disagreement.

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

Ms. MIKULSKI. I note that there were some Senators who had concern about some of these amendments. I would like to just proceed down each amendment.

Mr. HATFIELD. That is fine with us.

Ms. MIKULSKI. Mr. President, what is the pending business?

AMENDMENT IN DISAGREEMENT TO THE  
AMENDMENT OF THE SENATE NO. 5

The ACTING PRESIDENT pro tempore. The clerk will report the first amendment in disagreement.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 5 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: "\$355,612,000".

AMENDMENT IN DISAGREEMENT TO SENATE  
AMENDMENT NO. 14

The ACTING PRESIDENT pro tempore. The clerk will report. The legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate No. 14 and concur therein with an amendment:

In lieu of the matter proposed by said amendment, insert: "to be added to and merged with the foregoing amounts there shall be up to \$400,000,000 of amounts of budget authority (and contract authority) reserved or obligated in prior years for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), and, except as herein provided, for programs under section 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1995 or are unobligated as

of September 30, 1994; and up to \$100,000,000 of transfers of unobligated balances from the Urban Development Action Grants program."

Ms. MIKULSKI. I move that the Senate concur in the House amendment to Senate amendment No. 14.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

Mr. HATFIELD. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT TO SENATE  
AMENDMENT NO. 19

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 19 and concur therein with an amendment:

In lieu of the sum proposed by said amendment, insert: "\$2,785,582,000".

Ms. MIKULSKI. I move that the Senate concur in the House amendment to Senate amendment No. 19.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT TO SENATE  
AMENDMENT NO. 20

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 20 and concur therein with an amendment:

In lieu of the matter proposed in said amendment, insert: "Provided further, That of the total amount provided for rental assistance, a total of up to \$400,000,000 may be made available for new programs subject to enactment into law of applicable authorizing legislation".

Ms. MIKULSKI. I move that the Senate concur in the House amendment to Senate amendment No. 20.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Ms. MIKULSKI. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT TO SENATE  
AMENDMENT NO. 28

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 28 and concur therein with an amendment:

In lieu of the matter proposed by said amendment, insert: "Provided further, That notwithstanding the language preceding the first proviso of this paragraph \$289,500,000 shall be used for special purpose grants in accordance with the terms and conditions specified for such grants in the committee of conference report and statement of the managers (H. Rept. 103-715) accompanying H.R. 4624, except for the grant of \$500,000 for the Earth Conservatory for the acquisition of land near Wilkes Barre, PA".

Ms. MIKULSKI. I would note the absence of a quorum.

The ACTING PRESIDENT pro tempore. A quorum has been questioned. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask that consideration of amendment 28 as a freestanding item be withdrawn.

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

AMENDMENTS IN DISAGREEMENT TO SENATE  
AMENDMENTS NO. 30, 51, 56, 58, 60, 64, 71, 72, 98,  
100, 111, AND 117

Ms. MIKULSKI. I now ask unanimous consent that the remaining amendments of the House to the amendments of the Senate in disagreement be considered and agreed to en bloc with the exception of amendments 28, 84, and 123.

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

The amendments in disagreement considered and agreed to en bloc are as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 30 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum proposed in said amendment, insert: "\$2,536,000,000".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 51 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

The United States Housing Act of 1937 is amended in each of sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by striking "and (V)" and inserting in lieu thereof the following: "(V) assisting families that include one or more adult members who are employed; and (VI)"; and in sections 6(c)(4)(A)(ii) and 8(d)(1)(A)(ii), by inserting after the final semicolon in each the following: "subclause (V) shall be effective only during fiscal year 1995;"

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 56 to the aforesaid bill, and

concur therein with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

(RESCISSION)

Of the funds made available under this heading in Public Law 103-124, \$1,730,000 are rescinded immediately upon enactment of this Act.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, \$125,000,000, to remain available until September 30, 1996: *Provided*, That of the funds made available under this heading, up to \$10,000,000 may be used for the cost of direct loans, and up to \$1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided further*, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$75,815,000: *Provided further*, That not more than \$39,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter stricken and proposed by said amendment, insert: "\$575,000,000, of which \$386,212,000 is available for obligation for the period September 1, 1995 through August 31, 1996".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "": *Provided further*, That not more than \$14,175,000 of the \$145,900,000 for the National Service Trust shall be for educational awards authorized under section 129(b) of the subtitle C of title I of the Act".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 71 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

RESEARCH AND DEVELOPMENT

For research and development activities, including procurement of laboratory equipment and supplies; other operating expenses in support of research and development; and construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed \$75,000 per project; \$350,000,000, to remain available until September 30, 1996: *Provided*, That not more than \$55,000,000 of these

funds shall be available for procurement of laboratory equipment, supplies, and other operating expenses in support of research and development.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 72 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert:

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses; \$1,417,000,000, to remain available until September 30, 1996: *Provided*, That not more than \$304,722,500 of these funds shall be available for operating expenses: *Provided further*, That none of the funds appropriated under this head shall be available to the National Oceanic and Atmospheric Administration pursuant to section 118(h)(3) of the Federal Water Pollution Control Act, as amended: *Provided further*, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs.

*Resolved*, that the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

National Aeronautical Facilities

(INCLUDING RESCISSION)

For construction of new national wind tunnel facilities, including final design, modification of existing facilities, necessary equipment, and for acquisition or condemnation of real property as authorized by law, for the National Aeronautics and Space Administration, \$400,000,000, to remain available until March 31, 1997: *Provided*, That the funds made available under this heading shall be rescinded on July 15, 1995, unless the President requests at least \$400,000,000 in the fiscal year 1996 budget request for the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 100 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "": to remain available until September 30, 1996: *Provided*, That of the amounts made available under the heading "Research and program management" in Public Law 103-211, \$18,000,000 are rescinded immediately upon enactment of this Act: *Provided further*, That an additional \$18,000,000, to remain available until September 30, 1995, shall be immediately available for research and program management activities, contingent upon the enactment of the rescission in the preceding proviso before October 1, 1994".

*Resolved*, That the House recede from its disagreement to the amendment of the Sen-

ate numbered 111 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter proposed by said amendment, insert: "": *Provided further*, That \$131,867,000 of the funds under this heading are available for obligation for the period September 1, 1995 through August 31, 1996: *Provided further*, That the funds made available in the preceding proviso shall be rescinded on July 15, 1995, unless the President requests at least \$250,000,000 in the fiscal year 1996 budget request for the National Science Foundation for academic research infrastructure activities".

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 117 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 518. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

Ms. MIKULSKI. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Ms. MIKULSKI. As I understand it, 28 is the pending business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Ms. MIKULSKI. I note that the Senator from New Hampshire would prefer that the Senator from Arizona go forth first on his amendment to 84, so that I ask that amendment 28 be laid aside and that we proceed to amendment 84.

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

AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 84

The ACTING PRESIDENT pro tempore. The clerk will report the next amendment in disagreement.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 84 and concur therein with an amendment:

In lieu of the matter proposed by said amendment, insert:

WATER INFRASTRUCTURE/STATE REVOLVING FUND

For necessary expenses 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, as amended, and the Water Quality Act of 1987, \$2,962,000,000, to remain available until expended, of which \$22,500,000 shall be for making grants under section 104(b)(3) of the Federal Water Pollution Control Act, as amended; \$100,000,000 shall be for making grants under section 319 of the Federal Water Pollution Control Act, as amended, and shall be available only upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available; \$52,500,000 shall be for section 510 of the Water Quality Act of 1987; \$70,000,000 shall be for making grants under



section 1443(a) of the Public Health Service Act; and, notwithstanding any other provision of law, \$781,800,000 shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by November 1, 1994, the funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103-715: *Provided*, That notwithstanding any other provision of law, \$500,000,000 made available under this heading in Public Law 103-124, and earmarked to not become available until May 31, 1994, which date was extended to September 30, 1994, in Public Law 103-211, shall be available upon enactment of clean water authorizing legislation, but if no such legislation is enacted by September 30, 1994, these funds shall then be available for making grants for the construction of wastewater treatment facilities in accordance with the terms and conditions specified for such grants in House Report 103-715: *Provided further*, That notwithstanding any other provision of law, \$1,235,200,000 shall be available upon enactment of clean water state revolving fund authorizing legislation, but if no such legislation is enacted by November 1, 1994, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: *Provided further*, That the grant awarded from funds appropriated under the paragraph with the heading "Construction grants" in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (103 Stat. 858), for construction of wastewater treatment facilities for the towns of Ware Shoals and Honea Path, South Carolina, and would include, but would not be limited to, the construction of a connector sewer line, consisting of a main trunk line and four pump stations for the town of Honea Path, South Carolina, to the wastewater treatment facility in the town of Ware Shoals, South Carolina, the upgrade and expansion of the Ware Shoals wastewater treatment plant, and the demolition of the Chiquala Mill Lagoon, the Clatworthy Lagoon, the Corner Creek Lagoon, and the Still Branch Lagoon.

AMENDMENT NO. 2587 TO THE AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 84  
(Purpose: To prohibit the expenditure of appropriated amounts to carry out certain programs and projects)

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I send an amendment to amendment No. 84 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 Arizona [Mr. McCain] proposes an amendment numbered 2587 to the amendment of the House to the amendment of the Senate numbered 84.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading for the amendment be dispensed with.

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

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following:

# SEC. . PROHIBITION ON THE EXPENDITURE OF APPROPRIATED AMOUNTS FOR CERTAIN PROGRAMS AND PROJECTS.

Notwithstanding any other provision of this Act—

(1) no amounts appropriated under this Act shall be expended for a program or project that has not been—

(A) specifically, authorized by law prior to the date of enactment of this Act; or

(B) funded under—

(i) H.R. 4624, as passed by the House of Representatives on June 29, 1994; or

(ii) H.R. 4624, as passed by the Senate on August 4, 1994; and

(2) any amounts appropriated under this Act for a program or project that does not meet the requirements of paragraph (1) shall be distributed by the agency designated under this Act to administer the funds according to an applicable formula or an appropriate merit-based selection procedure.

Mr. MCCAIN. Mr. President, I rise in opposition to this legislation. I am surprised and deeply disappointed that this body today is considering a bill that contains hundreds of millions of dollars for specific projects that were not approved in either the House bill or the Senate bill but were inserted in conference behind closed doors by a few select members of the committee without the input, and advice, or the consent of the Members of this body.

Mr. President, last week, a very interesting poll was published, and it was done by Times Mirror, a very respected organization, and among many interesting statistics that this poll showed is that 20 percent of the American people believe we are on the right track. A very small percentage approve of Congress. In fact, the public, and I quote now, "is more supportive of a third major party today than it was a decade ago." Today, 53 percent of the American people would rather see a different party than the two that they have today.

I just came back from visiting a neighboring State of mine. I traveled also around my State. I have recently visited many States giving talks, meeting with people, having discussions, and doing a lot of campaigning. Do you know what the common theme is which I hear from everybody I talk to in my State, and also in many Western States where I have been primarily spending my time? It is an anger, a disgust with the way Congress does business. Mr. President, they are tired of the pork-barreling that goes on and on and on, and it has to stop. It must stop.

This bill before us has the unique quality that there is more money, hundreds of millions of dollars, \$155 million in new special purpose grants, for example, that were not in the House bill, were not in the Senate bill, were never proposed, debated on the floor of this Senate. Now we find them coming out of the conference in the bill.

Mr. President, I say to the members of the Appropriations Committee, do you know what you do when you do that? You deprive me of my vote and you deprive the citizens of Arizona of

their representation because Members of Congress who were not on the Appropriations Committee were not able to fully consider these appropriations. All of the Members of this body and from the House that were sent here by their constituents were not able to review these projects. The only people who knew about it were the people from the Appropriations Committee. And astonishingly enough, guess what? Most of the money goes to the States and the districts of the members of the committee. Is that not a coincidence?

Mr. President, I am going to detail some of these projects. Some of them may be good, some of them may be bad, some of them may be worthwhile, and some of them may not be worthwhile. But the fact is, this is the first time that the Senate, the overall 100 Members of the Senate, have had the opportunity to consider them when we really have little option. The only option we have is to amend an amendment in disagreement.

I do not know if \$155 million in new special purpose grants, which includes \$300,000 to rehabilitate uninsured buildings damaged by fire and provide residential and commercial use in Auburn, NY, is something that is so critical because I have not had a chance to review it, or other Members of this body. I do not know if \$450,000 for the construction of the Center for Political Participation at the University of Maryland is a worthwhile project. This is the first time I have seen it. I am all for political participation. But do we really need to spend \$450,000 for the construction of that center at College Park, MD, without this body having considered it?

How about \$750,000 for the SciTrek Science Museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta? That may be crucial. It may be that the citizens of Arizona say, "Please, Senator McCain. Give them \$750,000 to construct a mezzanine level in their building." But where is the competition? Where is the judgment here? Who said that we needed it?

What about \$2.6 million to the city of Houston for community development activities? I believe that the city of Houston needs community activities. I have not been to Houston lately. But I think it is probably something that is very nice. Why could we not have considered an amendment for \$2.6 million for the city of Houston on that bill?

Mr. President, you know, one of the things that we spend the taxpayers' money on, which we do a lot of around here, is to print pamphlets. These are very important to educate the American people. I think that some of them are very worthwhile. One of them that I have used and sent to my constituents when they have asked for it is, of course, "How Our Laws Are Made." It is an excellent publication. Do you know what it says in "How Our Laws

Are Made"? It says that the conference cannot add any extraneous or additional amendments that were not included in either the House or the Senate bill.

So what we need to do, in my view, is either stop sending out this book or correct it and tell the American people the truth. Tell them what is going on here. In this case, hundreds of millions of dollars were added in conference which were neither in the House nor the Senate bill.

I want to repeat. These may be good projects. In fact, there is a project included in this for my own state of Arizona which is an important project. I would like to see that project funded. But I do not believe it should be funded in this manner. I cannot stand before you and seek approval for a project in Arizona and disapprove of others throughout the country.

The conference committee added more than \$250 million in new earmarked wastewater treatment plants projects to the bill. I remind my colleagues that this was in addition to the more than \$529 million in earmarks that were already in the bill. The money being directed to these special projects would otherwise be distributed equally to all States. I want to repeat. This \$529 million was already approved, and then add on \$250 million, and these are earmarked wastewater treatment projects that are going to go to specific States and districts. If they were not earmarked, then that money would go equally to all other States. So what we are doing is showing favoritism to some States over others in this legislation.

It should come as no surprise that most of this money went to the home States of Members on the Appropriations Committee or in leadership positions. Estimates indicate that half the special purpose grants went to seven States represented by a dozen members of the conference committee. All of the State revolving fund earmarks went to States represented by either members of the Appropriations Committee or congressional leadership.

Congressman FAWELL in the House estimates that only \$7 million of the special purpose grants had been properly authorized; \$7 million of the \$250 million. I ask my colleagues, in times of shrinking budgets and increasing demands, is this the proper way to do the Nation's business?

I want to make it clear again that I am not opposed to any individual project included in this conference report. The amendment that I am offering is not about any one project. In fact, I am certain, as I said, that many of these projects are very worthy and may merit support. But the fact is that we have a limited amount of Federal resources to address pressing needs. A \$4 trillion debt and the interest of good government demand that these re-

sources be distributed favorably and according to our true priorities.

The amendment which I have introduced today speaks directly to the practice by striking funding for any projects added in conference that has not been authorized. It is crucial that the Senate be heard on this issue. The conference report before the Senate contains millions of dollars in earmarks, as I said, that were added during the conference. This practice is having a damaging effect on the budget process.

Mr. President, I realize this amendment will probably fail. The budget crisis affecting the Nation is a sickness requiring strong medicine. Unfortunately, when I or my colleagues have offered strong medicine, we have been rebuffed. During the appropriations process, several amendments were offered to either curb or eliminate these types of earmarks, and each time the Senate voted to keep it.

One of the best examples of this was an amendment offered by the Senator from New Hampshire to take money for special purpose grants and place it into the Community Development Block Grant Program. The Community Development Block Program is one of the best examples of community empowerment within the Federal Government. This program allows for competition between and among projects. How do I know that an Arizona project is not more worthy than ones receiving earmarks. Unfortunately, under this bill, there is no opportunity for competitiveness.

My amendment, I believe, will restore some fairness. As I said, I realize that one of the projects added in conference would benefit my home State of Arizona. The conference report contains \$5 million for a regional water quality research project in Pima County, AZ. I believe it is a worthwhile project, and one that I would fully support. But its inclusion in the conference report, without consideration by either House or Senate, is not proper. I am sure that the more political response may be to say that we should go ahead with this. But I cannot.

The practice of earmarking funds is seriously affecting the ability of Congress to set and fund our Nation's priorities. The process is skewed even further when the earmarks are added in conference. I want to repeat: This amendment would strike any earmark that was not included in either the House or the Senate bill and was not authorized.

I do this, Mr. President, because I believe that the people of my State sent me here to have a voice in what this body does. They sent Members of the House of Representatives, the other body, so that they would have a voice. They do not have a voice when conferees join together in a room somewhere and put in projects that were not

in the Senate bill, were not in the House bill, and the first time we see it is when a conference report comes out, which we know is very difficult to amend, if not impossible, and to debate.

This practice must stop, Mr. President.

The reason why the crime bill, which passed the Congress, was so strongly opposed by the American people was not because of the issue of the ban on assault weapons. In fact, the first time the crime bill passed this body by a vote of about 94 to 5. The reason why the American people—by the last poll I saw, 55 percent of them opposed the crime bill for the reason that they thought it was full of pork. They are right. This bill has many very important and vital projects in it.

So instead of having a bill we can show the American people that we are proud of and which will address many of the pressing needs of our veterans and our housing needs throughout this Nation, instead we are now putting in these projects which may or may not be necessary. If they are necessary, let us go through the proper process that "How Our Laws Are Made" describes as to how this Congress should work. The American people want us to go back to legislating in a manner in which all of the Members of both bodies can participate. When we do it this way, we are being unfair to the American people.

As I say, I do not believe this amendment will carry. We have lost other amendments. But I would like to say again to my colleagues that I will continue to fight unauthorized appropriations in a conference report every time it comes up. Maybe I will not prevail the first time or the second time or the fifth time or the tenth time. But I know the American people do not want this, just like several other issues I have been involved in. They do not want it. They do not believe that the majority of these projects should be earmarked for members of the committee or the congressional leadership. They believe there should be a fair and honest and open competition for projects using their hard-earned tax dollars. Maybe we need a mezzanine, a science museum mezzanine, and maybe the city of Houston needs \$2.6 million for community development activities. But we will never know because it has not been open to competition.

Mr. President, I ask for the yeas and nays on this amendment, and I ask unanimous consent that the vote be held tomorrow at a time set by the majority leader.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the time for the vote will be set by the majority leader.



Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, thank you very much. I rise in opposition to the amendment offered by the Senator from Arizona.

First, I am going to deal with an issue raised by the Senator in his debate. The sponsor of this amendment inferred that because some projects were added in conference, that this is somehow an underhanded process that was not subject to full and open disclosure. That is simply not true.

In the first instance, adding projects in conference does not violate Senate rules and is not subject to any points of order.

Second, our conference was open to the public and held during normal business hours. I repeat that. Our conference was open to the public and held during normal business hours. Anyone could have attended. Anyone could have sent their staff. We received no notes that came in in opposition to what we were doing. Copies of the conference committee's annotated conference notes with the disposition of all items in disagreement—which really ran 88 pages of single-spaced type for the entire bill—were given to all members of the conference committee on both sides of the aisle.

Our conference report was filed on September 1. Members of the Senate and their staffs have had more than 3 weeks to review the decisions made by the conferees. We were bipartisan, and we were bicameral in our approach to projects. There were no sharp elbows. There were no efforts to exclude or preclude members on the Republican side of the aisle from this process. In fact, during the meetings held in conference, the ranking minority member of the subcommittee, the Senator from Texas, was present at all times. His staff was involved.

So this is not like something that was done in the middle of the night. This is not where someone held a conference from 3 in the morning to 5:30 in the morning to be cute or to be tricky, and so on. Nor is it characteristic of this Chair of the subcommittee to do anything underhanded, behind the scenes, or in a backhanded, underhanded way. I think we need to realize that. We followed the rules, and we met during normal business hours. The Senate has had the time to review these projects.

Let me go into the projects. None of the projects we added were done in an arbitrary way by this Appropriations Committee. Every item proposed by the House was requested by a Member of the House. Every item proposed by the House was requested by a Member of the House, and most of them had a Member of the Senate requesting them as well.

I received 1,100 requests for projects in this bill. I received 1,100 requests for projects in this bill, with a total dollar amount of \$96 billion. Shocking, is it not? But that is what we on the Appropriations Committee do. We say "no" more often than we say "yes." It is not like these are just a few items that have come to us; 1,100 requests came to me and, I know, to the distinguished Senator from Texas, and it totaled \$96 billion just on individual projects in a variety of things.

You have no idea of the number of outpatient clinics people wanted to build, how many wings on art museums they wanted to build, and how many other items, where we felt we were going to not do wings on our museums, but we were going to come in on a wing and a prayer. This list, compared to what we have, is skimpy. The criterion we used was that it had to meet a real need to have the concurrence of a House or Senate Member.

I will note that the Senator from Arizona made no request of the 1,100. But what we did do, when we talk about authorizing, is that we have done things for Arizona that were not authorized, and we went ahead and did them knowing they were going to be authorized. There is a much-needed VA facility in Arizona due to the changing population there that was requested by the other Senator from Arizona. We knew it was pending in VA authorization. We were not sure when the VA authorization would move forth, but we knew it had been requested by the Veterans' Administration, that it met a need, and by the other Senator from Arizona, and that it was in the VA authorizing bill. We went ahead and moved it. It has subsequently been authorized. But we did not wait for it to be authorized because we would not have been able to meet that need in this fiscal year.

The compelling subject of the colonias that both Senators from New Mexico have spoken to me about, both Senators from Texas have spoken to me about, is also in Arizona. We know the issue of colonias. We helped with the colonias bill in another fiscal year. It was not authorized but it sure met that need.

Also we have the request then from both Senators from New Mexico, one a member of the party not mine.

So we have tried to work together in anticipation of what has been authorized, but I think we need to face facts. There has been a collapse of the authorizing process for a variety of reasons which we will not discuss in this debate to it, and then it falls on the Appropriations Committee to do that and then we are taken to the woodshed because of the fact that there is gridlock in the authorizing committees.

I just wanted to bring to the attention of my colleagues and perhaps now when we return to it next after this

year's election perhaps the distinguished Senator who offers this amendment would like to join the Appropriations Committee because I know the Senator from Arizona knows currently the appropriation is not there.

It is a very tough job being on the Appropriations Committee, and we wish that the authorizing committees could get their legislation done.

Let me just give you an example of the HUD projects. Everybody says it is going to only the members of the Appropriations Committee or to the leadership of the Appropriations Committee. In the HUD projects in this bill they go to 45 States. We do not focus on projects which will benefit just for members of the Appropriations Committee. In this bill we funded HUD projects in 19 States that have no members of the Appropriations Committee. Among those States that have no members of the Appropriations Committee are: Kansas, Alabama, Connecticut, Illinois, Georgia, Indiana—where both Senators are from a different party so it does not tilt to one party—Massachusetts, Michigan, Maine, Minnesota, North Carolina, North Dakota, Utah, Virginia, and Wyoming.

I want to bring that to the attention of my colleagues. This subject was considered for debate in the Senate's original consideration of the VA-HUD bill. I know the Senator from New Hampshire offered an amendment to strike the projects and we had I felt a very civil and rational debate. The Senate voted 71 to 27 to support the inclusion of HUD projects in this legislation and then voted by a vote of 60 to 37 to include EPA wastewater projects in this bill.

In terms of the HUD projects, as the sponsors of the amendment know, the Senate Banking Committee reported out comprehensive housing legislation on July 13, more than 2 months ago. But the leaders of that committee have not been allowed to bring that bill to the floor for either a vote or amendments.

There will be little likelihood to get any projects authorized on that vehicle. The House, therefore, felt that it should bring those items to the VA-HUD conference, and they were added there.

These projects were the subject of full and vigorous debate when the VA-HUD conference report was considered on the House floor. The House approved those projects by a vote of 189 to 180 on September 12.

So each body has voted on these items at least once and approved them.

This procedure for accommodating House HUD special purpose grants is nothing new. In fact, it is the exact same approach which was used on the last three VA-HUD bills that had HUD special projects, fiscal years 1993, 1992, and 1991.

This not a new procedure. We have done it this way in the past and the Senate has approved this approach.

We should then also turn to the VA construction projects. When the House and Senate initially passed the VA-HUD bill, there was still the chance that a substantial health care insurance reform bill would pass.

The projects added in conference for VA facility construction were all requested by the administration as part of the veterans' component of health care legislation.

Since the decision to postpone comprehensive health care reform was made after Senate action on the VA-HUD bill, the conferees believed that we should permit the VA to proceed with these four additional ambulatory care additions which were requested.

We did not want to penalize the veterans of the four places where these projects will be located—Florida, Virginia, Connecticut, and Puerto Rico—simply because health insurance reform was not passed.

Each project has been included in the VA-HUD construction authorization bill that passed the Senate prior to the August recess.

Lastly, I would like to address the EPA wastewater projects. These are projects focused on so-called called needy cities, areas with severe water pollution problems which cannot afford to bear the entire cost of the facilities needed to correct these problems under the Clean Water Act.

As I said, the Senate voted in favor of including EPA wastewater projects by a vote of 60 to 37 on August 4.

The House approved the conferees action on them just 2 weeks ago.

Many might wonder why we waited until conference to add some projects in EPA. The answer is simple—out of deference to the authorization process. Could they do it? The answer is no, they could not. That is a no-fault comment of mine. There are a variety of reasons why, but they could not. We know that both in the House and the Senate the authorizers could not move a bill and we waited and we waited and we waited.

EPA's Clean Water Act programs have not been authorized since fiscal year 1992. For the last 3 years we have waited to see if the clean water bill would pass the Congress.

So, you can see that is where these items arise.

I would just like to then say in summary if we adopt the amendment offered by the Senator from Arizona we will run the risk of delaying the enactment of this important legislation until after October 1 and force the amendment to go back to the House for a separate vote, and it probably means we would not get this bill passed before the start of the fiscal year at midnight on Friday. And this kind of delay will have negative cost consequences for

VA funding, the space program. The committee included a provision that allow VA to use \$50 million in 1994 for veterans' medical care that otherwise lapses on October 1.

Delaying action on this bill is not simply making a \$50 million cut in VA. It would cut it and its effect would be 9,800 veterans will be denied medical care, and 83,000 outpatient visits to doctors will not take place, and it would have a very serious impact.

I could go through the impact on other items but let me say this: For many years we went into something called the continuing resolution, and for those colleagues who did not serve in the House—I know the Senator from Idaho has and the Senator from New Hampshire has—but I say this to the Senator from Arizona. It was awful here. We would be here until after October 1. The Appropriations Committee moved at a different pace than now.

Now really we have stepped up to the responsibility of meeting our responsibilities in a way that meets the times. I have been waiting since we came back from the so-called August break to move my bill, but we worked very hard to be able to make sure that we were ready to go for the fiscal year and we worked hard, as I said, in public meetings, regular business hours, and so on.

So I know that the Senator has concerns, and I think that there is some merit to his concerns. But I think to pass this amendment, send it back on October 1, place this bill in a continuing resolution, really would jeopardize some of the things related to the core programs and really hurt, actually hurt people in terms of things like veterans' medical care, and housing for the elderly, and other things, and so forth.

I know we could debate this at length. I just wanted to bring some of these items to my colleagues' attention. And of course I am prepared to discuss this further but for now I will yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, I shall make a couple brief remarks.

One is "How Our Laws Are Made." I would hope that we could run another printing. Because how our laws are made under authority of conferees it says:

The conferees are strictly limited in their consideration to matters in disagreement between the two Houses. Consequently, they may not strike out or amend any portion of the bill not amended by the Senate. Furthermore they may not insert new matter that is not germane to the differences between the two Houses.

Clearly we are misinforming the American people very badly, and I think we ought to have a reprint of this because we are deceiving them because what actually happens is that we spend hours of debate on a bill here in

the Senate. They do not in the other body because of the difference in rules. And the hundreds of requests for special projects that the Senator from Maryland mentioned should be considered I would hope rather than stuffed in this in a conference which is not in keeping with the law as we know it but more importantly deprives the rest of us from any input into it.

I would also repeat that this amendment says that it will strike only those appropriations which are not authorized. The Senator from Maryland mentioned that there is money for 9 VA ambulatory care additions at the VA medical center in Phoenix. That is an authorized project and would not be subject to this amendment. Whether it was or not, it is the process that we are trying to change here not the individual projects.

I note that the proponents of doing business this way do not address the process, but they address the virtues of some of the projects themselves. I do not intend to get into that debate. The virtues of those projects should be addressed when we are considering the legislation originally, not having the 80-some other Members of this body that are not members of the Appropriations Committee presented a fait accompli into which we have had no input.

And it is wrong. Everybody knows that it is wrong. The outside watchdog groups that observe the legislature in action, the National Taxpayers Union, the Citizens Against Government Waste, the Citizens for a Sound Economy, every objective observer knows this process is wrong.

As I said, sooner or later, if we ever hope to obtain a modicum of confidence from the people we represent, it has to stop. It just has to stop.

Mr. President, I ask unanimous consent that the time for the yeas and nays on this amendment be set by the majority leader at some later time today or later tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER (Mr. REID). The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thought it would be an opportune time this afternoon, with the debate of the Senator from Arizona, to present to the Senate, to the chairman from Maryland, the ranking member from Oregon and all that are interested in this process, as we all are, an editorial that appeared in Investor's Business Daily today that I thought was very fitting to the debate in the context of the amendment offered by the Senator from Arizona. The title of the editorial is "Putting Principle First."

The reason I thought it was appropriate is because it places in context



the jeopardy—I use the word “jeopardy”—that I believe both political parties are placing themselves in the business-as-usual attitude that we constantly work at here, failing to recognize what I believe the American people are beginning to say very loudly about that business-as-usual attitude.

Let me for a few moments refer to portions of the editorial.

And I also ask unanimous consent that the full text of the editorial be printed in the RECORD.

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

#### PUTTING PRINCIPLE FIRST

Voter anger and cynicism continue to grow because our political leaders refuse to change anything but their rhetoric. Their talk shifts with the wind, but Washington goes on as usual.

Until the parties put forth policies based on principles—and actually follow them—anti-incumbent fever will continue to rage.

The failure to comprehend this is most obvious at the White House, where President Clinton blames his declining popularity on poor communications and fears fanned by special interests that oppose his policies.

In fact, Clinton is unpopular because he has changed little in Washington in two years.

Expert and popular opinion agree, for example, that the just-passed crime bill won't reduce crime—let alone put 100,000 more cops on the street.

The declining budget deficit is mainly the result of defense cuts and accounting tricks. The entitlement-spending time-bomb guarantees the deficit will boom again before the end of the decade.

Clinton's biggest initiative by far was his health-care reform plan—an audacious bid to increase government power while talking up market reform.

His chief allies in this battle were the Democratic congressional leadership—reactionaries hoping to recover the glories of the New Deal and the Great Society.

The same alliance has led him to put off welfare reform, oppose term limits and gut potentially beneficial measures like “re-inventing government” and proposals on education and job-training.

Washington's Republicans are no better. They collude in ignoring the entitlement mess, shy away from specific spending cuts and secretly fear term limits. Above all else, they are scared to admit to the voters that government can't cure all ills, even under Republicans.

The GOP faces a choice between the Reaganites and the Nixonites. Nixon perfected the art of channeling voter anger at his opponents during campaigns, but he exacerbated the root causes of that anger while in office.

Nixon first nationalized the crime issue but did nothing about it. He appealed to concerns over moral decline and economic insecurity, but expanded the welfare state and instituted wage and price controls.

Reagan, an American optimist, said the federal government was the problem, not the solution, and did his best to govern by that philosophy. It is no coincidence that public distrust of government fell as Reagan tamed an ambitious bureaucracy.

Bush wrapped himself in Reagan's aura, but soon showed he lacked guiding principles. He successfully exposed Michael

Dukakis' liberalism, but in office offered only a watered-down version of the same. Taxes, spending and regulation all boomed as the economy sank.

On Tuesday, House Republicans will unveil an agenda for the next Congress, including such goodies as modest welfare reform and a cut in the tax on capital gains. GOP Senate candidates have already endorsed a similar list.

But as Jack Kemp has already pointed out, there's no grand vision—no serious income-tax cut, no challenge to the perverse incentives of the welfare-entitlement state.

In other words, it's hard to see how big Republican gains in November will bring any more change to Washington than did the arrival of Bill Clinton.

Both U.S. political parties should look at what's happened to their counterparts throughout the West. Recent elections have crippled or destroyed parties in Japan, Canada, Italy, France and Australia. Britain's Tories are on the ropes, saved only by the sorry state of England's Left.

The same fate may await the Democrats this fall.

Republicans may benefit short-term from Clinton's failure. But they will have to elaborate some closely held beliefs and craft policies to reflect them or they will be the next.

Mr. CRAIG. The editorial starts out by talking about:

Voter anger and cynicism continue to grow because our political leaders refuse to change anything but their rhetoric. Their talk shifts with the wind, but Washington goes on as usual.

Until the parties put forth policies based on principles—and actually follow them—anti-incumbent fever will continue to rage.

The failure to comprehend this is most obvious with the White House, where President Clinton blames his declining popularity on poor communications and fears fanned by special interests that oppose his policies.

In fact, Clinton is unpopular because he has changed little in Washington in 2 years.

We have changed little in the budget process in the last 2 years. We have talked about budget control and deficit control and yet the deficit continues to grow and the debt becomes even larger and the American people become increasingly angry.

The editorial goes on:

Expert and popular opinion agree, for example, that the just-passed crime bill won't reduce crime—let alone put 100,000 more cops on the street.

“The declining budget deficit”—while it is declining a little bit—“is mainly the result of defense cuts and a few accounting tricks. The entitlement-spending time bomb guarantees the deficit will boom again before the end of the decade.”

While the editorial goes on to be critical of President Clinton and the process, I would not be fair to the editorial or the premise of my argument if I did not drop down and read this. It says: “Washington's Republicans are no better. They collude in ignoring the entitlement mess, shy away from specific spending cuts”—of the kind we are talking here today—“and secretly fear term limits. Above all else, they are

scared to admit to the voters that Government can't cure all ills, even under Republicans.”

In other words, the article was critical of both parties. And it was critical of both parties because we will not stand for reform, we will not talk about the principles on which we believe better Government could run. And so for the next few moments I would like to tell you that there are some who are trying to do that.

Just this week, PHIL GRAMM and those who are running for the Senate here—Senate challengers—brought out seven principles that they say will be key to the debate if another party, my party, is in the majority in the U.S. Senate: Enactment of a balanced budget amendment. Is that a principle? You are darn right it is a principle that many of us have been debating for and agreeing on for many years but never get the two-thirds majority necessary.

Now, I will tell you, if we had a balanced budget amendment to the Constitution, I doubt that the Senator from Arizona would be on the floor today offering an amendment to cut nonauthorized provisions out of an appropriations bill. And the reason is that would not be allowed. There would not be any margins of hundreds of millions of dollars laying around inside a budget because we would have to adhere to the very strict guidelines of a budgetary process that would probably come if we enacted a balanced budget amendment.

Those Senators or candidates who stood before a podium last week on Capitol Hill to talk about the seven principles that would guide a Republican Senate talked about doubling the income tax exemption for children. In other words, shifting away from Government and shifting back to families and allowing them to have a greater priority of the use of their own money instead of the Federal Government taking it away from them and reprioritizing its spending outside of what a family believes is best for themselves and their children. That is a principle. That is a principle that we used to adhere to years and years ago, until we, in a very creeping and methodical way, decided that Government could do more for people than the people themselves and especially the family unit. And we starved that unit down so that now it is almost impossible for it to operate in the context that we once believed a family unit in American society could operate.

Well, we have debated health care and health care reform, and we will get back to that in another year, hopefully guided by principles of a marketplace in which real people make real decisions about their health instead of a Federal bureaucracy built on making decisions of what is good for people.

I hope we get there. That is a principle that this Government and this

Congress ought to be geared toward and that we ought to debate. And it is something that the Investor's Business Daily spoke of today as principles in Government that Americans want to see their two-party system talk about instead of what we have been currently involved in.

There were other issues involved, but let me, in closing, talk about another approach that I and Senator BEN CAMPBELL in a bipartisan way this last week, now signed on by nearly 10 Members of the Senate, believe is part of why we ought to be talking about principle.

We offered for this Senate to review what we call a Common Cents Budget Reform Act. And I think the Budget Committee will begin to look at this next year. The Budget Committee chairman has talked about a hearing on October 5. Well, that is just a few days before adjournment, and I would not expect that we could enact any of these policies this year, but it begins to move us toward principle again.

Baseline budget reform. In other words, look at the budgets as they are each year and decide on what we add or want to add to them, not this automatic escalator that is built into our system when we cut \$200 billion out of a budget and somebody says it is a real cut when in fact it is only a reduction in the rates of increase, a 4- or 5-percent increase instead of a 10- or 12-percent increase. My goodness, that confuses the American people. They do not understand what we are talking about.

We tell them that the budget is cut, and yet the budget is more than it was the year before and they say, "Where are the principles in budgeting? Why are we here talking about projects that were unauthorized to the tune of hundreds of millions of dollars?"

I am not condemning the chairman or the ranking member, because that is the way it has been done. That is the way the process has worked. Is it right or is it wrong? I will not judge it, but the American people are judging it. They are confused. They are growing angry. And as the editorial spoke of today, there is a growing malaise of cynicism across this country that says something is wrong in Washington and nobody wants to fix it. We know what happens when nobody here fixes it. Those folks outside the beltway fix it because they send new faces with new messages and a new idea.

In that Common Cents Budget Reform Act that we introduced last Friday, we talked also about guaranteeing that a cut is a cut. In other words, when you cut a budget it does not go over somewhere else and get spent, it actually goes against the deficit. Is that not an exciting idea?

I have served on a few conferences when I would be willing to cut something, only to find another Member grabbing it and adding it to another

program. And the American people say then why do you cut? The reason that goes on is because for years the way you got elected was who could deliver the greatest amount of pork to their district or their State. It was a test of their ability as a governing politician. And, thank goodness, the American people are beginning to say, "No, no, that is not going to be a test anymore."

The crime bill, "How much pork can I deliver to my urban area?" The American people, by a poll of now nearly 60 percent said, "Wrong, you misjudged us. We did not want a pork bill. We wanted a crime bill. We wanted criminals off the street. We did not want midnight basketball. We did not want a lot of other things that belonged to the responsibility of the municipality or the State where law enforcement has always been the primary responsibility."

In other words, "Washington, you really cannot judge us very well as a citizenry, as a community. Let us do for ourselves what we think is best. But pass some national laws that get tough on criminals and keep them off the streets. That is what will make America safer." That is part of this debate.

Has it anything to do with the amendment of the Senator from Arizona? Yes, it does in some way, because it is clearly part of that growing cynicism, as I mentioned, that the editorial in that newspaper talked about.

I also, along with Senator CAMPBELL, introduced the modified line-item veto expedited rescission approach. I trust this President or any President to have the right to pull out his pen and walk across an appropriations bill and say, "No, that does not fit my agenda, my spending priorities."

I might happen to disagree with it. But I do, then, believe it is the responsibility of this Senate and the House to be able to vote up or down and say, "Yes, the President is right," or, "No, the President is wrong." It gives an opportunity to air, maybe, some of these special items the Senator from Arizona is talking about today that somehow creep into a budget because it is a special project for a special politician who serves on the right committee. It is now in the RECORD, and I commend to my colleagues' reading, this editorial from Investors Business Daily called "Putting Principle First." It is really something we ought to be about and, hopefully, in the new year and for years ahead we will get to the business of being about.

It comes in the form of budget reform, the balanced budget amendment, the responsibility to stay within the spending limits, willingness of the taxpayers to pay for it instead of borrowing ourselves into nearly \$5 trillion worth of debt that is costing nearly 40 percent of the American taxpayers' tax

dollars just to pay interest on principal.

Those are important issues that ought to be debated. When we cannot debate them and when we cannot guide ourselves in those kinds of straight lines, then my guess is we will see, year after year, amendments like that of the Senator from Arizona that in just some little way, tries to pull back a few hundred million dollars and allow it not to be spent, drop the deficit down a little bit, and hopefully get ourselves to a sense of fiscal responsibility so the American citizenry will begin to say: You know, for the first time in decades the Senate of the United States is starting to put principle first and taxpayers first, over the idea of a little more Federal program for a few more people.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I rise in very strong support. I am an original cosponsor of the amendment of the Senator from Arizona, Senator MCCAIN. The list of these projects is extremely lengthy. I have counted the ones in just the HUD section of the bill and there are 159. There is also a long list under the EPA projects.

The question again goes to whether or not this is right. I cannot recall who said it, but whoever said it makes a very valid point when he or she, whoever it was, said that if one could see how laws and sausages are made, they would probably be sick.

I think that is very accurate. The Senator from Arizona mentioned this booklet, "How Our Laws Are Made." I used to teach civics in high school for a number of years and, frankly, I did not teach it the way we are doing it today. I took these books to mean what they said. Unfortunately, I was wrong. With some humor I say that. I do not have any personal animosity. I think my colleagues know this, the Senator from Oregon and the Senator from Maryland. This is a process issue. It is a question of whether it is right or whether it is wrong. I could add more. Here is the book called "How Our Laws Are Made." Senator MCCAIN has already pointed out that we, in essence, have violated that.

This is the Senate manual. It is in the desk of every Member. It has my name inscribed on it. It says: Senate Manual, Standing Rules. . . of the United States Senate, 1993 \* \* \*. Constitution of the United States of America.

I would turn to page 52, paragraph 28.2. It says:

Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report.

So, you see, we are not only violating in essence the booklets that we put out



in this Congress which tell the American people how laws are made, or explain how laws are made, on top of that we are violating the rules that we use right here in this great, big, thick book—which I am sure all Senators have read.

We have violated the rules of the U.S. Senate. We are violating them right now. It is a process. It has been going on—certainly it is not the fault of the Senator from Maryland *per se*. My goodness, this process has been going on—it went on when the Republicans had the Senate. The same thing happened then. So we are talking about process.

I think the Senator from Arizona has tried to point out the question: Is this right? He was honest about it when he said there may be projects from Arizona here, there may be projects from New Hampshire. The point is that is not the issue. The issue is whether it is right to add in conference by conferees, projects and expenditures that were not in the report when it came through the House, that were not in it when it came through the Senate. So, what happens—if I could put on my civics teacher hat for 30 seconds, as I used to explain to my classes, I used to say: "Whatever goes into the House bill is then sent to conference. Whatever is in the Senate bill is then sent to conference. In the conference, differences are resolved."

There is nothing in the Senate manual, and there is nothing in this document, and there was nothing that I taught in my civic classes about adding things that the conferees feel ought to be added that the rest of the Senate or the House never had an opportunity to look at.

So I say to the American people who are watching this debate, listen very carefully to what is happening. Do you want to know why the national debt is \$4.7 trillion? Do you want to know why we cannot balance the budget? This is why. Because we do not play by our own rules. We spend money like water. It is your money, the taxpayers' money. It is not authorized. It is added by a select few group of people, and I will tell you—and Senator McCain has said it and I will repeat it—many of those projects are good projects. I do not want to get into that. That is not the issue. If they are good, then they should stand the scrutiny of the light of day and the light of day says that they ought to be debated on the floor of the House or at least provided in the bill when it runs through the House and the same thing in the Senate, and whatever those differences are should be resolved. But adding new projects, good or bad, that have nothing to do with what was in the original bill is wrong.

We have had this debate before, and I am not going to prolong it. But I just say to you, there is a certain amount

of attitude, I guess for want of a better word, around here, where everybody says, "Well, we'll get through this." All of those who are on the Appropriations Committee and all of those who are afraid to take on the Appropriations Committee for fear they may lose something, will say, "Well, OK, they'll have the debate. We'll lose and we will move on and we will keep things the way it has always gone."

Change is very difficult to make happen around here. But if you want to know why the American people rank us way down there, low on their list in terms of how we get the job done, or do not get it done, this is one of the reasons.

This is a very interesting debate that we are having here, and we have had it before. We are violating the manuals that we pass out on how laws are made. We are violating the Senate manual, our own rules. We are adding hundreds of millions of dollars in projects—some good, admittedly, some bad—but nobody approved them except the conferees. That is not to say that the conferees who did it are bad people. That is not the issue, either. The process is bad. It should not happen.

Every Senator who is not on that committee, every House Member who is not on the conference committee, should be upset by this process. And the reason the debt is going to continue to rise and the reason the deficits are going to continue and the budget is not going to be balanced is because of things like this. Until the American people understand it fully and realize what is being done and pass judgment on those of us in here who do it, it is going to continue year after year after year.

Who determines that a project in Oregon or any other place is better than a project in New Jersey or New Hampshire or Massachusetts, or any other place? Who determines that? Twenty people. Was it voted on in the House? No. Was it voted on in the Senate? No. Did it violate the rules of the House and the Senate? Yes. But it is there, and this debate will go on tomorrow. There will be a recorded vote, and we will lose, probably 75 to 25, if we are lucky, and everything will just roll along. And we will be the naysayers, the troublemakers.

Let me tell you, it is going to catch up. It is going to happen one of these days. One of these days, the American people are going to get control of the people that they elect and it is going to stop and it is going to come crashing down real hard, and rightfully so.

This is a very serious debate. I want to compliment the Senator from Arizona. He has taken a lot of heat for it. He takes a lot of heat for standing up here and taking these positions. It is not pleasant to have to do this. Sometimes you lose a project in your own State. So be it. It is not right.

How can anybody say it is right to add hundreds of millions of dollars in a conference committee without any authorization from the Senate or the House? How can that be right? How is that fair? You say, "Well, there is a wonderful project in Texas that gets this money." Sure, and there are probably 100 wonderful projects in Montana that deserve some money, too, but they did not get a chance.

I will conclude on this point, not to belabor it. What really baffles me as a civics teacher now, not just as a U.S. Senator, but as a former civics teacher: I do not understand how others in good conscience can approve this. How can you in good conscience do this when you know that there are many things in your own State that are getting cheated by this process? You have no say in it, none whatsoever, unless you met privately with one of the conferees and said, "Here, put this in." Maybe that happens. It could be. I do not know. We do not know.

It is true, the meetings are open, but it happens. Everybody is busy around here, and trying to attend all the conference committee meetings that go on around here—it is hard enough to attend the ones you are required to attend that you know about. It is not exactly a highly publicized matter.

So I hope that some day, somehow, some way, we will win a vote on one of these things and stop this terrible process. I am going to talk a little more about it on my amendment, No. 28, which will follow the amendment of the Senator from Arizona.

At this point, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The manager of the bill, the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I believe we have had a good debate on this amendment. I now ask that amendment No. 84 be temporarily laid aside, and we now take up amendment No. 28. I believe the Senator from New Hampshire has an amendment on that one.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

AMENDMENT NO. 2588 TO THE AMENDMENT IN DISAGREEMENT TO SENATE AMENDMENT NO. 28 (Purpose: To require that the joint explanatory statement of the conference committee on an appropriations bill specify whether earmarked expenditures in the conference report or joint explanatory statement were contained in the House bill or committee report, the Senate bill or committee report, or added by the conferees.)

Mr. SMITH. Mr. President, I have amendment No. 28 that I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2588 to the amendment of the House to the amendment of the Senate numbered 28.

At the end, add the following:

**SEC. . IDENTIFYING THE ORIGIN OF APPROPRIATIONS EARMARKS.**

It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill unless the joint explanatory statement of the conference committee on an appropriations bill specifies whether earmarked expenditures in the conference report or joint explanatory statement were contained in the House bill or committee report, the Senate bill or committee report, or added by the conferees.

Mr. SMITH. Mr. President, this is really a very simple amendment. It simply requires—and I want everyone of the 75 or so who voted the last time against what Senator MCCAIN and I are trying to do to listen very carefully. Maybe we can win a couple of votes here. This amendment is very simple. It requires only—that the conference reports on appropriations bills label the earmarks.

This is going to be a very interesting vote tomorrow. That is all I am asking, is that we say in the report when we get it at the desk—and we have to debate this—it says this is what the House passed, it is listed; this is what the Senate passed, listed; and here is what was added, listed. It is simply listed so that we do not have to go through this thing and figure out what was in the House and what was in the Senate.

I would like to offer my colleagues a little quiz since I am a former teacher. I hope I can have your indulgence. We have in this special purpose grant quiz that I have here, over on the left-hand side, the House bill funding—this is in this bill we are talking about—was zero. The House put no projects in their bill. Over on the right, it says the Senate bill funding, and we have \$135 million worth of projects in there.

So we have on the House side, zero. They did not put any in, to their credit. On the Senate side, it is \$135 million. Now, as I used to say when I was teaching civics, the House bill, the Senate bill comes in to conference. How much was appropriated in the conference report?

All of you out there who are following along and taking this test—I hope some of the civics teachers out there are taking this test along with me: A, was it zero? B, was it \$67.5 million, which is half of the \$135 million? C, was it \$135 million, which was in the Senate, contrasted to the zero in the House? Or D, was it \$290 million?

I will give you a chance to think about it for a minute. It seems logical. But here is the answer: \$290 million of your tax dollars. It was not the zero figure that the House had. It was not the \$135 million that the Senate had. It was not half of the difference. It was \$155 million more; 155 plus 135 equals \$290 million.

So again, as I said in the last amendment, you violated this one in our civics books with which we teach throughout colleges and high schools and elementary schools in America, and we violated the Senate rules which, as I said, and I will repeat it for the purpose of debate on this issue, "Conferees shall not"—that is n-o-t—"insert in their report matter not committed to them by either House."

Now, if I could have that placard put back up there one more time. Shall not put—shall not put—something in there that was not committed to them by either House.

Well, here is the zero and here is the 135. Those are the only two things that were committed. Since the answer is \$290 million, we have obviously violated the Senate rules.

We have obviously, as Senator MCCAIN already pointed out, violated the civics handbooks and textbooks that are used throughout America. I hope that some of the teachers and students who might be listening to this debate would read how a bill becomes a law or how our laws are made, or civics in America, whatever the name of your textbook, read the section on the part where two bills come together from the House and Senate and see if it does not say essentially the same thing and then perhaps as a classroom project you could take a look at this and see if it works the way your civics book says it works.

If you do not think it does, take a look at the recorded vote on this amendment tomorrow and look at the 75 or so people who are going to vote against me. Why not write them a letter and ask them why they voted against this? It might be interesting to hear how they explain the vote. I would like to hear it. As a matter of fact, if you get a response from them, I would appreciate it if you would send it back and share it with me because I would like to hear their rationale because I have not heard anything that makes any sense yet.

So this is a very simple amendment here that I have. I am not asking you to cut anything in this amendment. I am not asking you to do a thing except write it down.

I want, in addition to this column zero, which would be a list—and since there is a zero there, there is no list—and this column 135, I am asking in the report, in the Senate bill funding, to list those projects. And then I am asking that the other \$155 million that was added by the conferees, I am asking that you list those projects without us having to pull them all out and figure out which ones were added and which ones were not added.

That is all I am asking. That is my amendment. That is it, pure and simple. It does not say you cannot add them. We just debated that issue on the McCain amendment. I think we

should. But this amendment simply says write it down so we can see it.

Now, it does not even say that you should not add an item in the conference committee, although my colleagues know where I stand on that issue. So if you are going to add items, let us print it in a readable manner—not so that we have to go through each one.

See, that is the difficulty. They are all there. We have the report. It is right here. There are about 14 pages of projects in this report, all outlined. The difficulty, I would say to my colleagues and to the American people, and especially the civics teachers out there, is that we have to go through them and figure out which ones were added in conference that were not originally authorized. And they do it on purpose. They do it on purpose, believe me, because it makes it easier to sell them. So the American taxpayers should not have to get a copy of the House report and then a copy of the Senate report, and then trace the line items back and forth and see if they made the conference report.

This is simply a public disclosure amendment. I am going to be watching very carefully on this because, again, the issue is not whether you put in the money or whether you do not put in the money. The issue is, if you put it in, are you willing to write it down in the conference report so that all of us can understand it and see it? That is all we are asking to do.

So it will be very interesting to see what happens. It does not attack the worthiness of one project. If there is a project in there for Kentucky or Maryland or New Hampshire, Massachusetts, wherever it is, it does not attack it. It does not say a word about it. Nothing.

So by my estimate this special purpose grant section of this bill under my rules, if my amendment were to pass, would include 159 earmarks that were added in the conference committee. So over here on the right would be earmarks added, and there would be \$155 million listed and over here a little bit to the left of that would be \$135 million worth of projects, whatever number of projects that was totaling up to, be listed.

So here we are. I would ask my colleagues, tomorrow, before casting your vote, to simply ask yourself if it would be reasonable and honest to list the add-ons and identify them as add-ons. That is all I am asking.

We know from past experience and past votes here in the Chamber that because of the pressure put on many members, frankly, by the appropriators, who have a lot of power—they are the most powerful committee in the Senate. With all due respect to everybody else, the Appropriations Committee is the number one power over here. They supersede the authorizing



committee all the time. They control the purse strings, and it is tough to take them on. You pay the price sometimes when you do it. We know that.

But the issue is, are you willing to simply not take them on, not say no on projects, not cut any money but simply write it down, right here, so all of us can see it? It is going to be fascinating. I cannot wait for the vote tomorrow just to find out how many will break into that 75 who voted against this when we tried to cut them or when we tried to redistribute them, which we have tried to do. I tried to do that; redistributing the projects based on the formula, the accepted formula. That did not work. That went down to big defeat, 75 to 25, something like that, maybe worse. Senator MCCAIN now has one which says we ought to cut them. We had one in the past, and that went down big. Now we will see if you are willing to write them down and show them to your colleagues and list them.

That is all my amendment does. So it is basically a truth in conferencing amendment. That is what I am going to label it, truth in conferencing. We have truth in labeling. We have truth in everything around here. But this is a truth in conferencing amendment which simply requires that those reports be printed in a clear, understandable fashion so all can see. I am not going to hold my breath hoping there might be unanimous consent to approve this amendment, but I am really looking forward to the vote because I wish to see if even the appropriators and the friends of the appropriators—and there are many—are willing to just write it down so all of us can see it and understand it. Those 80 of us who do not have the opportunity, for whatever reason, to sit in on the conference committee and see what goes on in the conference committee, if you just write it down for us so we can better understand it, so we can explain it to our constituents and to the American people.

So I am looking forward to it tomorrow.

Mr. President, excepting whatever unanimous consent as been agreed to or will be agreed to to have this vote tomorrow by the majority leader, under that heading I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Ms. MIKULSKI. Mr. President, I rise in opposition to the Smith amendment. This amendment seeks to change the Senate rules and set new terms for consideration of the conference report. Essentially, with the changing of the Senate rules, really, this amendment could border on legislating on appro-

priations. That is why I know the Senator from Kentucky, who chairs the Rules Committee, will be talking about that.

Much has been said in this discussion, both on the previous amendment and on this amendment, about the Senate rules. Well, this amendment changes the Senate rules, and it changes them by setting new terms for the consideration of conference reports.

If we want to change the rules of the Senate, then we need to do it by going through the regular authorizing process for Senate rules change. I would recommend that for those who would support the direction that the Senator from New Hampshire wishes to go in with his amendment that they do it through an authorizing process and not parachute this now on this particular Senate appropriations.

Both during this debate and on the previous amendment, much has been said about principles and much has been said about process. I acknowledge what my colleagues have said. There is the discussion on principles, and there are many points that they have made on principles that I would support. However, as we talk about the cynicism of the American people, let me tell you what I think is the root of the cynicism of American people.

First of all, they want the U.S. Senate to be able to go by the same rules as the private sector. They want us to be accountable under ADA, under OSHA, under every other kind of rule for personnel and other practices that we put on the private sector. I support that initiative. I would always support it. I believe in the McConnell and Lieberman initiative on that as well as the one by Senator NICKLES of Oklahoma. I support that because they feel that we have one set of rules for ourselves and one set of rules for them. So if we are going to talk about changing the rules, that is where we should focus the rules—on that reform package.

The other thing that I think I believe the American people are cynical about is campaign financing. They really believe that one of the things that we need to change in this country is campaign financing. That is why I have been a strong supporter of campaign finance reform. The American people have to believe that we are un-bought and un-bossed and the way we can begin to make the important steps to convince them of that is by the campaign finance reform legislation that was debated for 30 hours the other day, which was ably represented by another Senator from Oklahoma, Senator BOREN. We cannot get to really being able to vote on campaign finance reform because of the use of the techniques of the Senate. We are now into a rolling gridlock on campaign finance reform.

So if we want to talk about process, if we want to talk about principle, and

if we want to talk about restoring confidence of the American people in this institution, let us show them we are un-bought, un-bossed, not up for hire except to them, and we are not for rent because of any particular amendment. Let us pass campaign finance reform.

While we are at it, I think we need to pass the lobbying reform bill. I believe that by passing the lobbying reform bill we once again say to the American people it is not special interests that are out here determining the course of action on the floor of the U.S. Senate, that it is not the course of action being determined by those who are high-paid lobbyists with golden letterheads and great expense accounts, that it is the U.S. Senate interacting with our constituents, listening to the American people as I know my colleagues do on the other side of the aisle.

So I believe if we want to restore confidence in the U.S. Senate, let us pass campaign finance reform, let us pass lobbying reform, let us pass gift reform, and let us also pass the reform that enables us to go by the same rules that we ask the private sector.

On to this conference committee. Much has been said about the environment in which we did the conference committee. I will come back. What we did was in open, public session, during regular business hours, with both political parties in the room from both the House of Representatives and the U.S. Senate. This was not some midnight appropriations basketball where we were slam dunking these projects in the dark of the night with no supervision. We had supervision. We had a lot of supervision in doing that. We as I said met under the rules of the Senate, and we moved this legislation.

So, when we look at this, let us be very clear how this legislation occurred.

Let us look at the consequences of the Senator's amendment. It is not only on content, which I think is worthy of debate, and it is worthy of debate. If the Senate passed that under the authorizing committee after hearings on the consequences, after hearings of pros and cons, the debate on the Senate floor and so on, we would go by those rules. But we have operated under them.

If the Smith amendment is adopted, this will put us in disagreement with the House of Representatives. The American people can say, "So what? More gridlock." Well, we do not want that because the consequences of not passing an appropriations bill by October 1 is that we will go into a continuing resolution, meaning that we will have, with the fiscal year beginning October 1, things in this bill that need compelling human needs to not be there.

I will come back and remind my colleagues that if we are not passing this legislation by October 1, the VA medical care will stand to lose \$50 million

because of the way we are bridging it, and it cannot be accommodated in a continuing resolution. It will have the effect of a \$50 million cut. That means 8,800 veterans will be denied care next year. That means that 3,800 vets who need in-patient care will not get it, and thousands of outpatient visits to VA doctors will not take place. So I would really say let us look at the consequences of what we do.

This amendment will cause delays in the space program. We would be permitting NASA to use \$18 million in civil service funds that would otherwise lapse on October 1—meaning just evaporate—to be able to bridge it so that we can make wiser use of dollars in fiscal years. Without these funds we will force NASA to RIF people, as many as 600 people working in the space program.

So when we vote on this amendment tomorrow, I strongly urge my colleagues to not legislate on appropriations, No. 1, on this bill with this amendment; not cause the October 1 delay by the Senator from New Hampshire who has made some very excellent points over this as part of the authorizing.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I will be very brief. I see the Senator from Massachusetts. I will only be a minute.

I have a freestanding bill, I say to the Senator from Maryland, which I have introduced to provide that Members of Congress live under the same rules as others. There are not a heck of a lot of cosponsors on it at this point. I do not believe the Senator from Maryland is on it. But she may want to take a look at the bill because it does exactly what she expressed would be her interest. I also intend to offer a freestanding bill along the lines of this same issue. I would hope that I would have the Senator's support on that to make the changes.

In conclusion, the third point I want to make is it is unbelievable as we listen to the debate, the response from the Senator from Maryland was that somehow, with all due respect, simply taking this report and having it published with the list of the added projects is somehow now going to take away \$50 million in VA benefits, and it is going to interrupt the space station and NASA—I mean, my goodness. Where does all that come from? All I am asking is that this simply be written down so that we know what the projects are. I will be happy to write it down at no cost to the Government if that is a problem. I am not trying to stop VA benefits or the space station. I support both, as a matter of fact, wholeheartedly. So I am amazed that that logic would be used. That is not my intention. All I am trying to do is to be fair to the Members of the Senate who have to vote on this thing.

All I am asking is that these add-ons be so listed and so indicated along with the other items from the House and Senate, and that is all. That is all I am requesting. I think that it does not violate any rules to do that, in my opinion, and that we are violating rules by not doing it, in my opinion.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, the arguments of the Senator from New Hampshire are interesting. He said all he wants to do is this and all he wants to do is that. If we pass his amendment, or any other amendment, this bill goes back to the House. And underlying here is delay, trying to delay everything this Congress is trying to do. Whatever piece of legislation comes up, there is delay. We stayed here all night the other night, and he was one of those that spoke trying to delay the operation of this institution.

Mr. President, this is legislation on an appropriations bill, pure and simple. It violates the process; therefore, it violates the rules. If you want to change the rules of the Senate, apply a rule. But the essence of this amendment is to delay this piece of legislation, delay this conference report, and send it back to the House. That is, pure and simple, what it is.

I can stand here and say it is just 159 items that we have to list, and I have a halo—you know, it is wonderful. Sometimes they get tarnished, and tarnishing the halo here is to delay the conference report and delay the help to the veterans and delay the help to housing in order to send it back to the House and delay it a few days longer and try to show that we cannot get anything out of here. Well, I understand the rules of the Senate about as well as most—not as well as some but as well as most. So this approach is, first, change the rules—and they make it sound so simple, so easy, you know, it is all you have to do—second, delay the conference report. What is new about a conference report? What is new about what is going on here? For 6 years we watched you all do it. We watched the other side of the aisle do it. Then all of a sudden, it is wrong. We have been doing this process for the 20 years I have been here. I think it has worked very well.

I think the integrity of the conferees was above reproach. I think the integrity of both parties, both Democrat and Republican, who sat at the table in daylight, was above reproach. And now we are trying to condemn them on this floor by amendment, saying that the conferees were somehow misusing the taxpayers' funds. We have to account for those the same as everybody else. We have to account for this. Our vote on the Senate floor is recorded. Our vote on these items and what is in this legislation, we are accountable for

that. I do not think you or anybody else makes me accountable for anything. So I want to be careful in what I say. The Senator does not have to make me accountable for my constituency. I am already there.

I think the underlying process here is wrong. It is as wrong as it can be. I hope the vote is 75-25. In fact, I hope it is 80-20, or 90-10 to prove to our colleagues that our conferees on the Appropriations Committee did it right. They were aboveboard and they were there during daylight. There was nothing sinister, as is being implied here.

I hope my colleagues, first, will not allow them to, by any other name, change the rules; second, not allow legislation on an appropriations bill; and third, support the conferees of both parties who signed this conference report and thinks that the Senate ought to pass it and send it on to the President.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, if the Senator wanted to make a brief comment in response, I would be willing to yield for that purpose.

Mr. SMITH. Yes; I thank the Senator for his courtesy. I will make a brief response to the Senator from Kentucky. I want to make it very clear—and I do not think the Senator was on the floor at the time, but I made it very clear that this process had been ongoing when the Republicans were in power as well. I did not say it was a partisan issue at all. I made that very clear that this was an ongoing issue that took place when we were in the majority. That is No. 1.

Also, for the Senator to imply that somehow this thing has to be delayed for days and days because I am asking that something be written down for all to see is preposterous. Maybe it indicates that I have scored a point or two, since the chairman of the Rules Committee saw fit to come to the floor and challenge me. I am hopeful we may go a little better than the 75. The truth of the matter is that it would take about 15 minutes for the House and Senate to say, OK, we are going to write these things down. Why is that going to delay veterans' benefits.

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

Mr. SMITH. I am taking the time of the Senator from Massachusetts.

Mr. FORD. But this is an amendment on a conference bill and it has to go back.

Mr. SMITH. That is true, but we can do it quickly.

I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are not under a time agreement, are we?

The PRESIDING OFFICER. The Senator is correct.



Mr. KENNEDY. I thank the Chair.

#### HEALTH CARE

Mr. KENNEDY. Mr. President, I am disappointed that the Senate will not vote on major health care legislation this year. We made substantial progress this year with Senators CHAFEE and BREAU and their bipartisan coalition. We were in striking distance of a significant bipartisan compromise. But Republican opposition has prevented us from moving forward. The sad fact is that too many of our Republican colleagues are more interested in the health of the Republican Party than in the health of the American people.

It is regrettable that because of election year politics, Republican leaders are bent upon preventing anything that President Clinton can claim as a victory, no matter what the cost is to the American people. While our failure to enact legislation this year is deeply disappointing, we take pride that we have come farther than ever before. We have laid a solid foundation for renewed action next year.

Health care continues to be a top priority for the American people, and it will be a top priority for the new Congress. In recent weeks, many of us have persisted in the hope that we might still reach an agreement that could obtain bipartisan support. I have worked closely with Senators MITCHELL, CHAFEE, BREAU, LIEBERMAN, KERREY, and others on a compromise measure, and we have made great progress in our negotiation. These efforts will help to lay a foundation for health reform legislation next year. Possibly, some parts of this proposal can still be enacted this year, but time is clearly running out.

Some have suggested that health reform has been halted in this Congress because it is no longer an important national issue. That is what the special interests would like us to believe. But that is not what the American people think.

There is a health care crisis, and providing health insurance for every American is very important. The health care crisis has not disappeared. The situation is worse than it was a year ago when President Clinton called on Congress to enact health reform—and it will continue to worsen as long as we fail to act.

The debate may be about to end in Congress for now, but it will go on in the homes and around the dinner tables of families across America.

Today, like last year, Americans still have to worry about losing their insurance coverage if they change their job or lose their job. Today, like last year, Americans still have to worry that they will lose their coverage or pay higher premiums if they are sick and actually need to use the insurance they have been paying for.

Today, like last year, Americans still have to worry that they will not be able to get coverage if they have a pre-existing condition.

Today, like last year, we are still the only major industrialized nation in the world, apart from South Africa, that does not guarantee insurance for all citizens.

Fifty-one Americans lose their health insurance every minute. All of them are at risk of physical and financial disaster if illness or accident strikes. We all know friends and acquaintances who have no insurance and face unpayable bills.

Today, even for those families fortunate enough to have health insurance, the costs of care are often staggering—and the costs will continue to worsen without reform.

If we do nothing, the average family will be spending 18 cents out of every dollar earned on health care by the year 2000—double the percentage of family income paid for health costs in 1980.

Some have suggested that health reform failed because we insisted on the goal of universal coverage. But the American people want affordable health insurance for all, and they deserve it. And universal coverage is the only way to achieve that goal.

Without universal coverage, we will never avoid the tragedies that too often result when uninsured persons fall ill with no means to pay for treatment.

Without universal coverage, we will never be able to control costs and end the unfair cost-shifting that plagues our current system.

Some have claimed that comprehensive health reform failed this year because the proposals were too complex and would take away choice. But a major part of the problem is the private insurance bureaucracies that are proliferating today. According to one report, they are exerting more influence over day-to-day medical decisions than President Clinton ever proposed giving the Federal Government. They are second-guessing physicians. Doctors and medical executives call them the health police.

Compare this with the recent announcement from the Federal Employees Health Benefits Program, which insures the Members of Congress and offers choices from a large range of health plans. That program has just added benefits and lowered premiums.

The fact is that our Democratic proposals would have assured more choice and less bureaucracy than under the current system.

Some have said that Democrats should have been more willing to compromise with Republicans. That's exactly what we have been working to achieve the last several weeks.

I commend Senator CHAFEE and those of his colleagues on the other

side of the aisle who were willing to join in seeking a bipartisan bill.

But the sad fact is that too many of our Republican colleagues refused to join in that commitment. They have carried out a policy of gridlock for political gain, while pointing the finger of blame at others. As one Republican Senator reportedly told his colleagues, "We've killed health care reform. Now we've got to make sure our fingerprints aren't on it."

Our Republican opponents filibustered the Mitchell bill when it was on the floor in August. They threatened to kill GATT if we tried to push for health reform.

Our Republican opponents have slowed down essential appropriations bills. They are blocking campaign finance reform. They have blocked telecommunications reform. And now they are blocking health reform.

They say we are too far apart to reach agreement this year. But in fact, Republicans and Democrats were never that far apart on many of the most basic issues.

Some of the most adamant opponents of health reform today have supported nearly every basic element of the plans proposed by Democrats in the Senate and included in the bipartisan compromise being prepared by Senator MITCHELL and Senator CHAFEE.

The Democratic bills and the bipartisan compromise would have provided basic insurance reforms, to prevent companies from denying coverage for preexisting conditions, or dropping coverage just when people need it most. These reforms also would have guaranteed that Americans could carry their insurance coverage with them from one job to another.

Senator DOLE wrote or cosponsored three different bills that included similar steps.

Our Democratic bills and the bipartisan compromise would have reformed the insurance market to increase coverage and choice and lower costs, by grouping the purchasing power of individuals and small businesses who are at a disadvantage in the current system. These bills would also have opened the Federal Employees Health Benefits Program to give individuals and small businesses the same access to coverage that Members of Congress have. These bills would have guaranteed large numbers of Americans a much greater choice of health plans than they have today.

In addition, the leading Democratic and Republican bills would have reformed malpractice litigation, simplified the administration of the health-care system, ensured the privacy of individual health information, provided fair tax treatment for the self-employed, subsidized insurance premiums for the poorest Americans, given emphasis to coverage for pregnant women and children, and provided

needed support for research and training.

But now, as we have sought to reach out to our Republican colleagues, they have backed away from the positions they once held. The more we move toward them, the further they retreat.

Our opponents' principal allies in this battle against reform have been the health and insurance industries. While some companies and organizations have acted responsibly and worked with us to develop effective proposals, the opponents of reform have spent millions of dollars to confuse and scare the public and undermine reform.

According to one study, special interest groups opposed to health care reform spent \$46 million on campaign contributions to candidates for Congress in the first 19 months of this election cycle. Another \$60 million has been spent on health care advertising, mostly to oppose reform.

The compromise measure that Senator MITCHELL and Senator CHAFEE were negotiating offered the chance to make a real difference in the lives of millions of Americans. While many of us still had concerns about some aspects of this bill, it offered the opportunity for significant progress this year, and I regret that we are no longer able to move forward on it.

We had a historic opportunity this year to make a real difference in the lives of all Americans. We could have covered more than 8 million children who have no health insurance. We could have guaranteed that all expectant mothers have access to comprehensive prenatal care.

We could have helped senior citizens and people with disabilities pay for long-term care. We could have freed all Americans from the fear that they will lose their health insurance when they are sick or unemployed. We could have taken each of these long overdue steps—but we were blocked by our Republican opponents and their special interest allies.

But let us not lose sight of what we did accomplish. Thanks to the leadership of the President and Mrs. Clinton, Congress faced up to the issue of comprehensive health reform as it never has before.

We finally began to seek solutions to the extreme gaps in coverage and the endlessly rising costs that plague our health care system.

We held extensive hearings on health reform, including 46 hearings in the Senate Committee on Labor and Human Resources alone. Four committees reported major health care legislation. We debated a comprehensive reform bill on the Senate floor. That achievement is unprecedented in the history of Congress.

As a result of this debate and in spite of all the disagreements, we have moved closer to agreement on several

key points that will serve as the basis for a health reform bill next year.

First, we agree on the need for insurance industry reform. Companies should not be allowed to drop coverage or raise premiums when a person falls ill. They must not be permitted to refuse insurance to applicants who have a preexisting condition. Employees should not be in danger of losing their insurance when they lose their job, or change their job—they should have the right to continue their coverage.

Second, we should be able to agree on the importance of insuring children and pregnant women. Nearly 1 in 10 expectant mothers has no health insurance, and one in every four babies is born to a mother who does not receive adequate prenatal care.

The advantages of guaranteeing coverage for these mothers and their infants far outweigh the costs. Every dollar invested in early, comprehensive prenatal care saves \$3 in later costs. A visit to a doctor to treat a child's strep throat costs about \$20, but hospitalization for a child whose untreated strep throat has developed into rheumatic fever can cost thousands of dollars.

Third, we agree on greater assistance for low-income Americans of all ages. Today, families on welfare have health coverage, but many working parents can't afford to buy insurance for their families. That's absurd. Every major bill, both Republican and Democrat, has included expanded subsidies to help low-income families purchase insurance.

Finally, we should be able to agree on improved coverage for the Nation's senior citizens. People who have worked hard all their lives should not have to worry about losing their life savings to pay for long-term care. They shouldn't have to choose between buying food and buying the prescription drugs they need. Any reform should include steps to increase health security for older Americans.

When Congress returns next year, I intend to begin work immediately on a bill that will bring these basic protections to the American people as soon as possible.

Our underlying goal is and must remain universal coverage. I will continue to fight in every possible way to guarantee affordable health insurance for every American. Any measure that we adopt must be a stepping stone, and not a barrier, to that goal.

Many Senators deserve credit for the progress that we have made. Senator DASCHLE, Senator ROCKEFELLER, Senator WOFFORD, and I see Senator HARKIN in the Chamber, and Senator WELLSTONE, and my colleagues in the universal coverage coalition worked tirelessly effectively for our goal.

Above all, Majority Leader MITCHELL deserves the gratitude of all Americans for his outstanding leadership on

health reform throughout these past 2 difficult years. No Member of this body has worked harder or achieved more to try to make health security a reality for the American people. I deeply regret that we were not able to win this battle this year. But he has put us squarely on the road to real reform, and because of him, there will be no turning back.

As we carry on this fight, we renew our pledge to see the battle through. Parents across America desire to be secure in the knowledge that, whatever happens, they will be able to afford the care their children need. I will never give up the fight for health reform until senior citizens no longer have to worry about how to pay for long-term care. I will never give up the fight until the working men and women of this country know that years of effort and hard-won savings cannot be wiped out by a sudden illness. The drive for comprehensive health reform will begin again next year. We are closer than ever to our goal, and I am confident that we will prevail.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, several of my colleagues are here and I will defer to them, but I would just like to say one thing for now.

I have been in the U.S. Senate for a little bit over 4 years. I do not have very much to add, because I believe from the bottom of my heart that we have just heard from a giant. While I am really saddened and maybe a little angry about what has happened, that we cannot move this reform bill through, when I hear Senator KENNEDY from Massachusetts finish up by saying that he will never, never, never stop until we make sure that we respond to people's lives and move forward in health care reform, it just gives me a great deal of heart.

I just cannot begin to tell you, from my point of view, what it is about being in the U.S. Senate and having a chance to serve with the Senator from Massachusetts. I could go on and on and on.

I think what I will do is, it is my understanding Senator HARKIN has to leave. If not, I will take a few minutes only.

Would the Senator like to have a few minutes now? Maybe I could follow him. I do not want to stop him from leaving. I just wanted to respond to the Senator from Massachusetts. I have more to say, but the Senator can go ahead.

Mr. HARKIN. I appreciate that.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding to me. I do have to be down at a swearing-in ceremony for Marca Bristo at the White House very shortly.



But I wanted join my colleague and friend from Minnesota in again saying a great big thank you to Senator KENNEDY for his many years of leadership, especially in the health care reform area. I, too, am heartened by what he just said; that, in fact, we will be back again next year.

I, along with Senator WELLSTONE, serve on Senator KENNEDY's Committee on Labor and Human Resources. I just want Senator KENNEDY to know that we are going to be there behind him. We will help him in every way next year to once again make sure that the hopes and dreams of so many millions of Americans—that they, too, will have the same kind of health care coverage that we have here in the Congress—will become a reality.

The announcement this afternoon by Senator MITCHELL that we will not be taking up health care this year comes as a tragic blow to millions of Americans.

I, too, want to join Senator KENNEDY in complimenting our leader, Senator MITCHELL, for all of the effort that he has put into it last year and this year to try to get something through the Senate. But it has all come to naught. And one really has to ask why.

Mr. President, I think Senator MCCONNELL said it earlier this year when he said that gridlock was back in Washington. And he said it is a good thing, because there are some things the American people do not want to get through here.

Senator GRAMM, the head of the Republican Senate Campaign Committee, also said it. He said we are going to use every procedural tool that we have to stop health care reform.

Last week, it was reported in the paper that Senator PACKWOOD said that he was quoted as telling his colleagues at a lunch on Tuesday that, "We have killed health care reform. Now we have to make sure our fingerprints are not on it."

William Kristol, the sort of ideological parent of the Republican Party, in his newsletter, said their No. 1 goal was to kill health care reform. Well, it has happened. It is dead for this year.

But I want Mr. Kristol, Senator GRAMM, Congressman GINGRICH, Senator DOLE and everyone else who has tried to stop and stymie and block and kill health care reform to know that we are going to be back, and we are going to be back next year. We are going to get our guidance and direction from Senator KENNEDY. We are going to give him every possible support to make sure that next year we are going to bring it back to the American people with full force and fury. We have not given up.

And I stand behind Senator KENNEDY. We will not give up. The American people demand this of us. It is the least we can do. It is a tragedy that we did not get it done this year, and put it off for yet another year.

But I know that President Clinton will be here next year, Senator KENNEDY will be here next year, and we are going to be here next year. We are going to pick this fight up again next year. We are going to make sure that the American people get the health care they deserve.

I can just only speak for myself, Mr. President, in saying that it is a shame that we did not do it.

I am going to ask to have printed in the RECORD a letter that was sent out today from Senator HARRIS WOFFORD of Pennsylvania in which he pointed out there were seven areas of agreement to which we have all agreed in the Labor Committee, the Finance Committee, the Dole bill, the mainstream group all agreed on seven different areas.

Senator WOFFORD asked in this plan, "Why can't we pass the things that we agree upon and fight about the things we don't agree on?"

Mr. President, I ask unanimous consent to have this letter printed in the RECORD, because it is right on point.

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

U.S. SENATE,

Washington, DC, September 26, 1994.

Hon. GEORGE MITCHELL,  
Majority Leader, U.S. Senate, Washington, DC.

Hon. ROBERT DOLE,  
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS MITCHELL AND DOLE: Even though there is broad agreement on many elements of health reform, it now appears that Congress may recess without passing any health reform legislation. To adjourn without enacting those measures upon which we agree would be a scandal. It is hard for me—and more importantly hard for the American people—to understand why we would leave so many significant agreements on the table.

We have seen how baseball owners and players, by emphasizing their disagreements, ruined a wonderful season for everyone. Let's choose the opposite course. Let's emphasize our common ground, and act on it. That would be a victory for everyone, most significantly for the American people who would find health insurance more accessible and more secure.

As you, Senator Dole, have suggested on numerous occasions, there are clear areas of agreement on health reform that can still pass with overwhelming support in the Senate and the House of Representatives. Specifically, I propose a bill that includes the following provisions, which you and many Republicans and Democrats have supported. (I have noted how each item has already been included in existing proposals.)

1. Insurance market reforms. Strengthen private health insurance by eliminating pre-existing condition exclusions and enacting other widely agreed upon changes in insurance industry practices. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

2. Federal Employees Health Benefits Program (FEHBP). Open to individuals and small businesses the program that we and millions of Americans use to get health insurance. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

3. Expanded coverage of children. Provide subsidies for low and moderate income chil-

dren. Virtually all health reform proposals include subsidies for individuals and families with low and moderate income. This approach would focus subsidies on expanding coverage for children. (Mitchell, Labor Committee, Finance Committee, Mainstream Group)

4. Long-term home and community-based care. Make a start on long-term care by creating a capped state grant program to provide assistance to the elderly and disabled for the cost of home and community-based care. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

5. Deductibility for the self-employed. Permit farmers, sole proprietors, and other self-employed persons to deduct 100 percent of their health care costs. Virtually all health reform proposals include an expansion of the deductibility for the self-employed. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

6. Administrative simplification. Reduce the cost and frustration caused by the mass of paperwork that plagues the current health care system by moving to a uniform electronic system for medical records and claims, building on private sector, not government initiatives. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

7. Anti-fraud and abuse. Enhanced investigation and enforcement of fraud and abuse laws. (Mitchell, Dole, Labor Committee, Finance Committee, Mainstream Group)

This "Seven-Point Common Ground Plan" is made up entirely of provisions that we have all supported. I believe the American people would understand and support such a bill if we could agree to move it through Congress. To be sure, such a bill would not include many reforms that I support, as well as provisions that others favor. But I suggest that we leave those disagreements for another day. Now is the time for us to come together to work for what we agree is the common good.

With warm regards,

HARRIS WOFFORD.

Mr. HARKIN. Finally, Mr. President, and I can only speak for myself, we still have 2 weeks here. There are a lot of bills floating around here. I still think we ought to make one last stab at it. I do not think we ought to go home until we at least have a vote on whether or not we will cover the children of America, on whether we will have at least something out here on which we can get a down payment, a small first step. How can we possibly go home this year without at least having tried to extend health care to the most vulnerable of our society, and that is our children?

It may not be possible, under the arcane rules that we sometimes operate under here in the Senate, but I will be on the lookout for any possibility that may arise in which such a bill or an amendment can be offered to try to cover the kids of America. Hopefully, that will not be blocked. Hopefully, we might be able to at least move that small portion of health care reform.

So, Mr. President, I feel badly that the leader saw fit to announce today that we could not take it up this year. I understand fully why he cannot, because of the gridlock that is here because of all the opposition from the other side.

I commend and compliment Senator KENNEDY for his many years of leadership on this, and tell him that we will be here with him next year fighting to make sure that we get health care reform next year.

With that, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

#### HEALTH CARE REFORM

Mr. WELLSTONE. Mr. President, I rise just to speak for a few moments and to do it very informally. I want to pick up on what Senator HARKIN said. I think one of the things that has puzzled me the most about the journey that health care reform has taken through the Senate is the position that some Senators have taken, which is a sort of "no" to everything.

I started out as a single-payer supporter. I believe that is the most desirable policy. And then, much like you, Mr. President, I thought—this came out of Senator KENNEDY's committee, the Labor and Human Resources Committee. It was not pure single-payer, but I liked the language that would enable States to have the flexibility. It seems to me almost outrageous that, for example, we could not even give States the kind of flexibility they need in terms of how they might finance and deliver health care. Let the country be a grassroots political culture. Let us make the States laboratories of reform. That is your piece of legislation. I am proud to be a cosponsor. Then the majority leader had a bill and so on and so on and so on.

I just want to make two arguments. One, I do not know of a better case to be made for campaign finance reform than what has happened to health care. The sad thing is the campaign finance reform bill that is now on the floor of the Senate is essentially being filibustered, delayed and blocked. But to me the most unconscionable part of this is that even those of us who are not about to see the kind of sweeping reform that we hoped for were willing to at least take some pieces and move those forward. Senator HARKIN talked about covering children. Senator KENNEDY talked about women expecting children, covering children. Senator KENNEDY spoke with a great deal of passion based upon a quarter of a century of struggle by one man in the United States, that we think about older people, people with disabilities, home-based health care.

Then there was a proposal to make sure that maybe, at least with the self-employed people, if we were not going to have comprehensive coverage that they would be able to fully deduct their medical expenses.

Then, finally, once again the idea of let us let States move forward.

But now it just becomes crystal clear that there are some Senators—it is one

thing to disagree substantively. I did not agree with a number of the proposals of the mainstream group. But I never said—in fact I always said the opposite—I would come out here and filibuster it; I would introduce 1,000 amendments; I would kill it. What you have had happen here is there is a group of Senators who have essentially said we will filibuster anything. We will add a thousand amendments. We will just stop it cold. And what is sad about that—I did not even use the word, by the way, Republican or Democrat, when I said that, because there are some Republican Senators who want to move forward on health care reform. But what is sad about this great strategy, and I put "great strategy" in quotes, is it just loses sight of one thing: people's lives.

I have anger but I think I have more sadness, because I cannot get the voices of the people I have heard, and their faces, out. They are just with me. All these conversations—I am sure the Senator from Maryland has heard them over and over again. Both of us love to be in cafes.

You know, Senator, I lost my job. I don't have any health insurance. What is going to happen to me?

Senator, my mother has Alzheimer's. What is going to happen to me? I'm afraid my family is going to go under.

Senator, what is going to happen to my family? My child has diabetes, and as soon my child is 21, it is not covered under my company health care plan, and I do not have any coverage and I am afraid my child will not be covered. Or business will not hire my child because their rates will go up.

And it goes on and on and on. That is the one thing that has been lost by the people who have this strategy of just block, "Just say no." All these problems continue, they grow deeper, they grow more serious.

So, we will be back.

Finally, let me simply say one more time that I think there is one other thing going on here and I conclude with these words. I hate saying this, but I believe it so I will say it. I do not think it is just health care. It is campaign finance reform, it is just about everything. There seems to be a strategy at play that the best thing you can do—at least some Senators think—is you bring this process to a grinding halt, you block everything, you essentially just stop the Senate and then you go around the country, fanning the flames of discontent and you make people angry and you say: Government can do nothing, the Senate can do nothing, people in the Congress can do nothing.

It is like what the Senator KERRY from Massachusetts last week referred to as a "scorched Earth policy." I think it is deeply cynical. And I think it is profoundly wrong. I do believe we are here to try to respond to people's lives, the problems that people have and trying to do well for people.

I do not see how, if we are going to block every single thing and bring this

whole process to a screeching halt, that we will be able to do that. I hope people will sort out what has happened with health care, will sort out what is happening with campaign finance reform, will sort out what is happening on every piece of legislation over the last several weeks, and try to hold Senators accountable. Because there needs to be some accountability for what has happened here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### HEALTH CARE REFORM

Mr. RIEGLE. Mr. President, let me say to the Presiding Officer from Florida, I appreciate his recognition.

This is one of those days when the country unfortunately comes to the moment regarding a major problem that needs attention when it is clear that a solution is not going to happen. With respect to health care reform, there are a lot of different ideas as to how to do it. There are all kinds of bases for give and take to work out some of the changes and adjustments in health care policy that would be good for the country, good for people. But, unfortunately, now that has been prevented and will not happen.

In particular I feel very badly that we are not going to at least extend coverage to children in this country who now do not have health insurance, as well as to expectant women who do not have health insurance. Every shred of information we have—and common sense and decency and good economics—all argue for making sure that at least those groups in our society are covered with health care insurance, so they get good preventive care, so kids have a chance when they get sick to get well, or to prevent illnesses, and then grow up and have a chance for a full life, as we all want for our families and for our children.

The fact that we are not going to accomplish this now will also have the effect of putting a worsening economic squeeze on the middle class. The middle class is shrinking all the time. A lot of people understand why, when unemployment statistics look more favorable, there is still unease across the country on economic questions. It is because so many working families are finding, while they may be working, maybe in either part-time jobs or jobs that are not far from the minimum wage, that today it takes both a mother and father working two jobs each—in other words between them having four jobs—to make enough money to support a family and try to set a little money aside for emergencies or maybe to build up a small nest egg for a downpayment on a house.

So there is a great uncertainty in people in the middle class because so many are sliding backwards. The cost of health care continues to go up for most of them. Many of them, in fact, in



that group who are working every day, do not have any health care coverage, or in some cases the father or the mother might have partial coverage for themselves through the workplace but will not have coverage for the other spouse or for the children in the family. So this is a very serious problem in this country.

It is one we can solve. It takes bipartisan goodwill to do that. We have to have the two parties working together to come up with changes that are improvements overall for the whole system. Unfortunately, the other party decided that they do not want to participate at this point, so they backed away from it and we are left in a situation where we are not going to be able to proceed with any kind of improvements in the system. That is a matter of the deepest regret for me.

I want to say to the Senator from Massachusetts, Senator KENNEDY, who spoke earlier: There is nobody here who has fought harder and fought longer to try to accomplish sensible health care reform than TED KENNEDY has. I am so struck by the fact that he serves here as a Senator in a family tradition starting out with his brother Jack Kennedy, our President, who stood here before that as a U.S. Senator himself, fighting for constructive changes in our national life, then moved on to the Presidency where we lost him to assassination, we lost him 1,000 days or so into his Presidency. Then another brother from that same family, Robert Kennedy, came here to the U.S. Senate and fought for these same kinds of things to try to help people, to especially try to help the little people who need it. Robert Kennedy came here to try to see to it that people have a chance in life, not guaranteed outcomes, but just a decent chance, to be well and healthy, to have the kind of health care protection that people need, as well as educational opportunity and job opportunity and other things of that kind.

As we all know, Robert Kennedy, as well, ran for the Presidency and was also cut down by an assassin's bullet. And even before that, there was still another brother, Joseph Kennedy, who was killed in the war, in World War II.

As I listen to TED KENNEDY following in that family legacy, I ask myself the question: How many people are there in this country who would have the character and the strength in light of that family history, of others in the family coming forward and being cut down one way or the other, to come forward themselves and to pick up the flag and to carry that flag ahead? To not just carry it ahead as a matter of family trust and legacy, but for the country, to stand for things that count year in and year out, decade in and decade out, to fight for things that are good for people, just plain everyday American citizens who have problems that we

need to understand and to try to help them manage.

If you are a family overwhelmed with a medical problem and costs you cannot pay and sick children that need care, then you need health care protection, and you need to be able to work and earn that in the normal course of events. We can see that that can happen here in America. It is happening in every other advanced country in the world. They have all managed to find a way to provide health care protection. We do not have to accept the notion that it cannot be done here. It can be done here. It can be worked out. Yes, there are differences of opinion. We work out differences of opinion all the time around here. That is why we are here, to work out differences of opinion, not to shut the door on these issues, not to hide from, not to pretend that they do not exist, but to face up to them and to do something about it.

Every single one of us in this Chamber have had medical crisis situations in our own families, and we have all, each of us here, been fortunate enough to have medical protection and health care protection to see our family members through those crisis problems. It happened even to the Senator from Massachusetts who had a son who lost a leg to cancer. I have seen it in my family circle. I have seen it in most of the cases of Members whose personal histories I know well.

But it is true all across the State of Michigan that families have crises without health care protection. I have come to the floor to present over 50 different individual family cases in Michigan, desperate situations of people struggling with health care problems, not having coverage, losing all their money, not being able to care for their children. Is that good for America? Do we have to leave it that way? I do not think so. I think we can do something about it, and we ought to do something about it. That is why we are here.

The Senator from Massachusetts, to his credit, offered a health care reform proposal 24 years ago, in 1970, to try to move this issue ahead. In fact, in 1991, Senator KENNEDY, Senator MITCHELL, Senator ROCKEFELLER, and I produced a health care plan called Health America. It was a good plan. It was a workable plan. I would like to see something like that enacted. It was not written in stone. We were prepared to change it. I wanted to hear constructive ideas from my friends on the other side of the aisle.

But we need to put something in place for those who do not have any coverage. We are spending money all around the world to help other people. Why can we not help our own people? We are down in Haiti right now. We have been in other places around the world to help other people. What about sick people in America? What about senior citizens in America who need

care to stay in their homes and not have to go into a nursing home that they cannot afford? Or what about the seniors who need prescription drugs; who cannot afford them, who are not eating properly because they are spending all their money on prescription medicine? We can do something about that problem.

What about the children in America who do not have health care protection and need it? What about the children that are born with problems? It happens every single day in families up and down the scale.

I remember one day, I went to give a commencement address at the Michigan School for the Deaf. It was one of the most powerful things that ever happened to me. As I went to give the commencement address to the deaf students that were gathered there, I looked out in the audience and I saw something that you seldom see in America in a group. I saw the entire face of America, because deafness does not know color, does not know religion, does not know economic status, does not know ethnic background. It touches all families.

And in that auditorium where I was to speak to these graduating deaf students, I saw this wonderful mixture of all of our country in one room at the same time—black and white, Hispanic people, wealthy people, middle-income people, poor people—all there because they had this in common: A son or a daughter unable to hear properly but who had gotten the education they needed so they were able to graduate. It was one of the most powerful and affirming things I had ever seen. It made me love my country, to see in one room, in a sense, the whole cross-section of our society rallying around to do something good to help these students be everything that God intended.

If we can do it there, why can we not do it in terms of health care needs? Why do we have to look the other way when we know these people out in our society have these terrible health problems and cannot cope with them by themselves?

I have often thought about this question; what happens when we are driving down the highway and we come upon the scene of an accident that happened just ahead of us? Where by the side of the road are people who had been hurt in the accident and they are out on the ground and they need care. Do we stop and help? Do we stop our own car and get out and help that person and perhaps save their lives, or do we just roll up the windows and drive right on by?

Well, we are driving right on by right now with respect to health care reform. We can work this out. There is enough genius here to do this. If the Republicans are willing to sit down with those of us on the Democratic side, we can work out the answers to these problems. We do not have to settle for

a status quo that is so hideously expensive and does not provide what so many people need. We can do better than that, and that is why we are here.

So I say to those who have led this fight for such a long time, to the Senator from Massachusetts, Senator KENNEDY, I appreciate his leadership. I appreciate the fact that he is following in the footsteps of the brothers that came ahead of him, to fight for things that are good for people.

And I say to my other colleagues who are willing to fight for this issue: There are answers to be found here, not to be postponed indefinitely to still another day. In fact, I remember a time when I served in Congress nearly three decades ago, when, to his credit, we had a Republican President who came forward and suggested that we should have health care reform, and that was Richard Nixon, and he was right.

Now his party, for the most part, has backed away from that. That is regrettable in this timeframe, and it is loaded with politics. I know there is a lot of politics in it, everybody can see it, so that President Clinton cannot take credit for accomplishing something positive, so let us shut down the process. Well, that is not fair and it is not right and it is not good for America. It is not what America needs.

When we lose track of the people out there in our society who are anonymous, particularly the children, who need this health care help and who are not getting it, or the senior citizens who need it and are not getting it, I do not think we are living up to either our responsibility in the Senate or to what we hold out as a vision for our country as a whole.

I think we have to think of our Nation as a family of people, and that if there are people out there in desperate need that we are not responding to, then in the end that is going to pull the whole country down, and we all will suffer. We all suffer in that kind of a situation.

But there are answers to this problem. We have to be willing to work those answers out.

I will just finish by saying this. To his great credit, Senator CHAFEE, on our Finance Committee, and some others, worked very hard on the Republican side to reach across to those of us on the Democratic side to try to craft a compromise package on health care reform so we could get the positive things done and avoid negative, unintended consequences.

He worked very hard, but he was ridiculed by many in his own party. He was isolated for that effort. Interestingly, if you look at polling data from his own home State, the people of his State have a very high opinion of him because they appreciate his courage and his independence of mind, his being willing to fight hard on this issue, which matters so much in the end to everybody in this country.

So there were a few people on the other side with the daring and the courage to try to work out a bipartisan answer. And when I offered an amendment in the Finance Committee to extend coverage to poor children in this country, and to pregnant women who now do not have health care coverage, Senator CHAFEE, to his great credit, voted for it, and we were able to put it in the bill on the basis of bipartisan support.

But it cannot just be Senator CHAFEE, my friends on the other side of the aisle. We need some other people on that side to care about health care reform now, not after the election, not after the politics, but care about it now when people's lives and well-being are at stake. But, unfortunately, politics seems to be ruling the day, and the decision has been made that there will be no health care reform of any sort for anybody at this time.

That is a terrible tragedy for this country because we know much of what needs to be done, and we can do it. It is a failure of will; it is a triumph of partisan politics, but the country is a loser for it. The people out there who need this help need to understand that they have to hang in there as best they can because those of us who will retain the sound of our voice and our ability to fight for these issues intend to continue to do so.

I very much respect and appreciate the difficulty of getting this done in the future. But the country has to face and solve this problem, and we can. My hope is that we will do so on a bipartisan basis next year.

I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### THE DEMISE OF HEALTH CARE REFORM LEGISLATION THIS YEAR

Mr. PELL. Mr. President, it is with sadness and deep regret that I have absorbed the remarks of the majority leader indicating that the Senate will abandon efforts to pass health care reform legislation this year. And yet, as we speak on this Senate floor, millions of Americans have no health insurance, millions fear losing what they have, and millions more may lose their insurance before the Congress revisits this issue, hopefully next year.

Mr. President, I was prepared to vote on health care reform legislation. I was prepared both to fight for the best plan that we could get, and to compromise—if necessary—on a middle ground that would leave me, and many of my colleagues, yearning for more. But I was ready to vote, and to let the people of Rhode Island hold me accountable for the votes that I took and the positions that I have long advocated.

Indeed, voting on health care reform legislation would have been the best way for the American people to judge what has gone on behind closed doors

for too long. It would have exposed to public scrutiny those who delivered ultimatums on the issue of health care—those who said privately but never publicly that they would not vote for any health reform if their pet provision wasn't included, or if their preferred bill wasn't the bill that was considered. That intransigence, much of it borne of close ties to special interests, is ultimately what defeated health care reform this year.

Now the blame game begins. Health care reform clearly fell victim to partisan politics of the most acrimonious kind. But while others may stand to tell the American people whom they believe is to blame, let me tell the American people who is not to blame.

Not to blame is the average American who, in poll after poll, expressed support for health care reform that included universal coverage but fear of what the Government might do to achieve this objective. With the barrage of advertising—much of it inflammatory and plain inaccurate—by those who profit from the status quo, it is no wonder that many Americans were confused and frightened about the legislative efforts that were underway.

Not to blame is the majority leader, who not only made passage of health care reform a legislative priority, but also made passage of health care reform legislation a personal crusade. His untiring efforts to pass the best bill that we could, to negotiate differences, and to lead the Senate down a path that would make the Nation proud, could not be more admirable. No one could have had more patience, more determination, or more strength during these difficult days than the majority leader, and as he prepares for his final days as leader, I note his role in this important debate with the deepest of respect and with the greatest of appreciation.

Also not to blame in the defeat of health care reform legislation is the chairman of the Senate Labor and Human Resources Committee. Chairman KENNEDY has, in a way unequalled by any other Senator, led the fight for comprehensive health care reform throughout his tenure here in the U.S. Senate. For the last 32 years, Senator KENNEDY has fought for health care for every American, long before the issue became known, understood, or cared about. Only a handful of people were willing to take on the complex world of health care to seek fairness for the working people of this country, and to seek compassion for the unemployed, underprivileged, and underserved. All throughout our committee's deliberations, Chairman KENNEDY led with a firm hand, a wise eye, and an open ear. His leadership on this issue will be even more important in the future, since the American people will not abandon the goal of universal health coverage, even if the Senate must.



And not to blame in the defeat of health care reform legislation are the millions of people all across this country who wrote to or called their Senators, Members of Congress, Governors, and other legislators, urging political courage and demanding that their elected officials be responsive to their concerns. The outpouring of interest and citizenry from these individuals is nothing short of inspiring, and a clear indication that, in spite of record-breaking spending by special interests, the cornerstone of democracy—petitioning one's government—has not been lost.

Mr. President, two other Members of the Senate deserve special recognition for their important roles in promoting health care reform legislation: Senator TOM DASCHLE, who chaired a group called the universal coverage coalition, of which I was a member, which fought not just for universal coverage but for the best bill that we could negotiate; and Senator HARRIS WOFFORD, for understanding and bringing to the Nation's attention what his constituents' in Pennsylvania want—quality health care reform.

Finally, Mr. President, not to blame in the defeat of health care legislation this year are the President and Mrs. Clinton. President Clinton deserves enormous praise for bringing to Congress a plan to provide quality, comprehensive health care reform for every American. And Mrs. Clinton deserves our thanks and respect for the hard work that she did as head of the President's Task Force on National Health Reform, which was charged with crafting a plan for the President's consideration. And while there is no doubt that the Clinton plan, once introduced in the Congress, was much criticized by friend and foe, it was up to us in Congress to make it better, or vote it down, or provide an alternative. This, very unfortunately, we were unable to do. But it does not lessen the extraordinary work, effort, and commitment of this administration to an issue that is crucial to so many Americans. As history shows, this is neither the first President to propose nor the first President to fail in passing health care reform legislation. But no President has tried harder, and for that this President and this administration deserve our respect.

Mr. President, as I stand here acknowledging the legislative defeat of health care reform this year, I am reminded of the thousands of Rhode Islanders who looked to me to make sure that health care reform legislation would in fact pass this year. And I feel their pain, and their frustration, and their anger. And I say to them that I will continue to fight for health care reform legislation that provides high-quality care to every American until it passes. The fight is not over. The battle may be lost but the war has only

begun. Next year, I believe, we must and we will start again.

For all these reasons, I share real regret at the decision not to go ahead but see the reasoning why it must be done. I thank the Chair.

#### VA AND HUD APPROPRIATIONS ACT FOR FISCAL YEAR 1995—CONFERENCE REPORT

The Senate continued with consideration of the conference report.

AMENDMENT IS DISAGREEMENT TO SENATE  
AMENDMENT NO. 123

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask that the pending amendments be temporarily laid aside so that I may offer an amendment to amendment No. 123.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the amendment in disagreement.

The assistant legislative clerk read as follows:

*Resolved*, That the House recede from its disagreement to the amendment of the Senate numbered 123 and concur therein with an amendment:

#### TITLE VI—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Department of Housing and Urban  
Development

COMMUNITY PLANNING AND DEVELOPMENT  
COMMUNITY DEVELOPMENT GRANTS  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Community development grants", as authorized under title I of the Housing and Community Development Act of 1974, for emergency expenses resulting from the January 1994 earthquake in Southern California, \$225,000,000, to remain available until September 30, 1996, of which \$50,000,000 shall be derived by transfer from funds provided under the head "Department of Education, Impact aid" in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211) *Provided*, That of the foregoing amount, \$200,000,000 and \$25,000,000 shall be for the cities of Los Angeles and Santa Monica, California, respectively: *Provided further*, That in administering these funds, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use by the recipient of these funds, except for statutory requirements relating to fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds, and would not be inconsistent with the overall purpose of the statute or regulation: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For additional amount for "Community development grants", 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 program as authorized by title

I of the Housing and Community Development Act of 1974, to be used to assist States, local communities, and businesses in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters, \$180,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development may waive any provision of law (except for provisions relating to fair housing, the environment, or labor standards) if the Secretary determines such waiver is necessary to facilitate the obligation of the entire amount: *Provided further*, That the Secretary of Housing and Urban Development may transfer up to \$50,000,000 to the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, to be used for purposes related to flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided further*, That the entire amount, including transfers, is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount, including transfers, shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

#### INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER ASSISTANCE DIRECT LOAN PROGRAM  
ACCOUNT

For an additional amount for "Disaster assistance direct loan program account" for the cost of direct loans, \$12,500,000, as authorized by section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to be used to assist local governments in recovering from flooding and damage caused by Tropical Storm Alberto and other disasters: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidized gross obligations for the principal amount of direct loans not to exceed \$50,000,000 under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That any unused portion of the direct loan limitation and subsidy shall be available until expended: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the entire amount shall be available only to the extent of an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted to the Congress.

#### DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION  
FEDERAL-AID HIGHWAYS  
EMERGENCY RELIEF PROGRAM  
(HIGHWAY TRUST FUND)

The matter under the heading in the Emergency Supplemental Appropriations Act of 1994 (Public Law 103-211) is amended by deleting "\$950,000,000" and inserting in lieu thereof "\$775,000,000".

AMENDMENT NO. 2589

(Purpose: To amend the Fair Housing Act, and for other purposes)

Mr. GORTON. I send the amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 2589 to the amendment of the House to the amendment of the Senate numbered 123.

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

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

The amendment is as follows:

At the end of the matter proposed to be inserted, insert the following:

**SEC. 518. FAIR HOUSING ACT ENFORCEMENT.**

(a) ACTIONS AGAINST PRINTERS AND PUBLISHERS.—

(1) DONATIONS TO PRIVATE ADVOCACY ORGANIZATIONS.—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)) is amended by adding at the end the following new paragraph:

"(6) DONATIONS.—In carrying out this subsection, the Secretary shall not propose or approve any conciliation agreement that requires any respondent to provide funding to any private advocacy organization."

(2) LIMITATION ON MONETARY DAMAGES AND CIVIL PENALTIES.—Section 804(c) of the Fair Housing Act (42 U.S.C. 3604(c)) is amended by inserting before the period the following: "except that a printer or publisher of a notice, statement, or advertisement described in this subsection shall not be liable for monetary damages or civil penalties for violation of this subsection if such violation was unintentional".

(b) ACTIONS AGAINST INDIVIDUALS.—

(1) COMPLAINTS AND INVESTIGATIONS.—Section 810(a) of the Fair Housing Act (42 U.S.C. 3610(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding at the end the following new clause:

"(iv) No complaint involving speech or any other activity that may be protected by the First Amendment to the Constitution shall be accepted for filing without the prior written approval of the Secretary."; and

(ii) in subparagraph (B)(iv), by inserting "in accordance with the requirements of paragraph (4)" after "housing practice"; and

(B) by adding at the end the following new paragraphs:

"(3) PROTECTED ACTIVITIES.—

"(A) IN GENERAL.—In carrying out this subsection, other than in cases involving a clear violation of the rights of an individual or group under this Act, the Secretary shall not file, accept for filing, or investigate any complaint involving public activities that are directed toward achieving or preventing action by a governmental entity or official.

"(B) ACTIVITIES INCLUDED.—For purposes of subparagraph (A), the term 'public activities' that are directed toward achieving or preventing action by a governmental entity or official includes—

"(i) distributing fliers, pamphlets, brochures, posters, or other written materials to the public;

"(ii) holding open community and neighborhood meetings;

"(iii) writing articles or letters to the editor or making statements in a newspaper or other publication;

"(iv) conducting peaceful demonstrations; "(v) testifying at public hearings; and "(vi) communication directly with a governmental entity concerning official governmental matters within the jurisdiction of such entity.

"(4) INVESTIGATIONS.—

"(A) INVESTIGATIVE PLAN.—

"(i) IN GENERAL.—Prior to the commencement of an investigation under paragraph (1)(B)(iv), the Secretary shall require the submission of an investigative plan for approval by the Secretary.

"(ii) REQUIREMENTS.—Each investigative plan submitted under clause (i) shall contain provisions to ensure that the investigation will be—

"(I) prompt;

"(II) narrowly tailored to determine whether or not the First Amendment is applicable; and

"(III) conducted in close consultation with legal counsel.

"(iii) APPROVAL.—The Secretary shall not approve an investigation plan if an investigation conducted pursuant to such plan will, in the determination of the Secretary, violate the First Amendment rights of any party.

"(B) INVESTIGATION.—In conducting investigations under paragraph (1)(B)(iv), the Secretary—

"(i) shall not subpoena or otherwise seek membership lists, fundraising information, or financial data from organizations that are or may be engaging in protected political activities under the First Amendment; and

"(ii) shall, to the maximum extent practicable, review public records and interview public officials, rather than reviewing private correspondence or interviewing respondents."

(2) CONCILIATION AGREEMENTS.—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) FIRST AMENDMENT RIGHTS.—In carrying out this subsection, the Secretary shall not approve any conciliation agreement that would limit the First Amendment rights of any party."

(3) ATTORNEY'S FEES.—Section 812(p) of the Fair Housing Act (42 U.S.C. 3612(p)) is amended by adding at the end the following: "Notwithstanding the preceding provisions of this subsection, if in any administrative proceeding brought under this section, any court proceeding arising therefrom, or any civil action under this section, the administrative law judge or the court, as the case may be, makes a determination that is or becomes final that any proposal, offer, order, or demand made by the Secretary during the conciliation process conducted pursuant to section 810(b) violated the respondent's rights under the First Amendment to the Constitution, the administrative law judge or the court shall require the Secretary to pay all reasonable attorney's fees and costs incurred by the respondent in connection with such proceeding or action."

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, in recent months, many individuals who have chosen to speak out, to exercise their first amendment rights in connection with housing and zoning issues in their own communities and neighborhoods have been subjects of a campaign of fear and intimidation on the

part of the Department of Housing and Urban Development.

I find it absolutely incomprehensible that certain officials of the Federal Government, whose duty it is to uphold the Constitution, have determined themselves to be above the supreme law of the land.

There have been a series of recent attacks launched by the Office of Fair Housing and Equal Opportunity, under the direction of Assistant Secretary Roberta Achtenburg, against individuals who dare question the propriety of the Department's agenda.

Mr. President, I want to make it clear that I am not speaking in criticism of the Fair Housing Act but clearly against the Department's method of enforcing it. I believe the Fair Housing Act to be a good law, intended to protect individuals from housing discrimination based on race, religion, disability, or familial status. It is only over the past year or so, under the direction of Assistant Secretary Achtenburg, that the Department of Housing and Urban Development has used the law to harass those who did not agree with the Department's agenda and to make examples of those who unintentionally publish housing advertisements found to be discriminatory by radical advocacy organizations.

As many Americans are now aware, in November 1993, the Department of Housing and Urban Development launched an investigation into a group of Berkeley, CA, homeowners who spoke out against the Department's proposal to construct a homeless shelter for drug addicts and the mentally ill in their neighborhood. The subjects of the investigation were doing nothing more than exercising their first amendment rights to protest a Federal Government proposal with which they did not agree. HUD's Office of Fair Housing and Equal Opportunity, however, responded to a complaint that the protest amounted to discrimination against the disabled.

Before any finding of discrimination, HUD threatened the Berkeley group with fines of \$100,000 each and a year in jail for speaking out against the shelter. The Department demanded membership lists, copies of all written material related to the protest, and fundraising records from those individuals.

Mr. President, not only did the Department's actions violate first amendment rights of the subjects of the investigation, but they were designed to silence would-be protesters around the Nation with this campaign of intimidation.

That same Department recently took action against protesters in the State of Washington, a group of residents from the Capitol Hill area of Seattle. The Capitol Hill Association for Parity, or CHAP, has also faced the wrath of Ms. Achtenburg's office. The members of the Capitol Hill Association for



Parity did not agree with a plan to use five buildings in their neighborhood to house drug addicts and the mentally ill.

Their peaceful campaign against the Department's plans made them subject to the same scare tactics and threats used in the Berkeley, CA, case. Again, before any finding of discrimination, the Department offered a so-called conciliation agreement to CHAP. This agreement would have required CHAP to host a fundraising block party for the new shelter and inform housing advocacy groups of any scheduled meetings or protests.

Mr. President, this kind of action on the part of the Department of Housing and Urban Development was clearly in violation of the first amendment. Not only were the tactics and demands of the Office of Fair Housing an outrageous violation of the first amendment, but they were clearly intended to prevent other groups from protesting or questioning the Department's plans. As such, the Department's actions were entirely unacceptable.

Not until the press picked up on these stories and criticized the Department for its actions, did HUD decide to drop both investigations. The public outrage generated by editorials in the *Wall Street Journal*, the *Washington Post*, and other prominent publications was enormous. Even the ACLU, a strong supporter of equal housing opportunity, reprimanded the Department for what it deemed to be a clear violation of the first amendment.

Unfortunately, HUD's harassment does not stop with protestors. The Department has also been on the attack against publishers and newspapers across the country. Newspaper publishers now live in fear of publishing housing advertisements that are deemed to be discriminatory by radical fair housing groups. Several newspapers have already been sued or subject to large fines for publishing housing advertisements which use words or phrases which may be offensive to certain minority groups.

Over the past few years, HUD has taken extensive actions against several newspapers. A chain of weekly papers in suburban Los Angeles was forced into bankruptcy over legal fees related to a fair housing complaint. Three New York weeklies and a weekly paper in New Jersey have all been fined \$50,000, and Pennsylvania newspapers have been sued for \$1 million.

The Department's actions have generated fear among newspaper publishers across the Nation. Many are afraid to print housing advertisements at all. Thus, it seems, HUD's actions are hurting rather than helping the cause of equal housing rights.

In my home State, HUD recently filed a fair housing claim against David Pinkham, editor of the *Stanwood-Camano News*—a weekly publication

with a circulation of 4,500. The newspaper unintentionally published an advertisement including the phrase "no children" which HUD found to be discriminatory. HUD pursued its case against the paper by offering a number of conciliation agreement which was not only unacceptable to Dave Pinkham, but bordered on being ridiculous. The paper admitted that the advertisement in question was in fact discriminatory, but inadvertently made it through the paper's screening process unchecked. HUD's first offer to the paper was a penalty of some \$7,500 to be turned over to advocacy groups, they very advocacy groups that make these complaints in the first place, together with an agreement to print articles in the paper espousing the importance of the Fair Housing Act and record-keeping requirements that would be next to impossible for a small weekly newspaper to carry through.

Only after this demand came to the attention of my office in the last 2 or 3 months and only after the amendment which is now on the desk was threatened to this appropriations bill, did the Department of Housing and Urban Development suddenly determine that it could back off and levy a reasonable penalty against Mr. Pinkham and his newspaper.

Today, as a result of my inquiries into this case and into HUD's actions against protestors, I received a personal letter from Secretary Cisneros urging me not to introduce the amendment which is at the desk. The Secretary's letter emphasizes the Department's commitment to the Constitution and the freedom of speech granted by the first amendment. He has assured me that the Department will conduct its investigations into violations of the Fair Housing Act "with the utmost sensitivity to first amendment values." I sincerely hope the Secretary will stand by his word and that the Department will strictly enforce the new guidelines it established on September 2 when investigating fair housing claims.

Mr. President, I think it important enough that I ask that a copy of the Secretary's letter be printed in the *RECORD* as if read in full at this point.

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

DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT,  
Washington, DC, September 26, 1994.

Hon. SLADE GORTON,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR GORTON: I am told that you are very interested in several issues concerning HUD's enforcement of the Fair Housing Act, and that you may, in fact, consider introducing legislation which would amend the Act. I believe, as I know you do, that HUD must be ever vigilant to protect First Amendment rights. That is why Assistant Secretary Achtenberg and I developed guidelines to govern the conduct of HUD employ-

ees in the field when issues arise that may have First Amendment implications.

HUD issued these guidelines to its fair housing enforcement staff on September 2, 1994. The purpose of the guidelines is to ensure that no HUD investigation interferes with or chills speech protected by the First Amendment. They instruct staff not to accept for filing or investigate any complaint involving public activities that are directed toward achieving action by a governmental entity or official, other than cases involving force, physical harm, or a clear threat of force or physical harm. They further instruct staff that they may not accept for filing any complaint involving speech that may be protected by the First Amendment without prior written approval from Headquarters.

The guidelines assure that HUD will fulfill its obligation to enforce the Fair Housing Act in a manner that fully and faithfully protects the rights of all Americans to speak freely on issues of public concern. The guidelines, which went into effect September 2, 1994, are binding on all HUD personnel involved in the investigation of fair housing complaints. By applying the new guidelines, HUD has identified 23 cases nationwide that were based on protected free speech. In each of those cases, HUD dismissed the complaint as without cause, or the complaint was withdrawn.

No further legislation is needed to assure that the Department will conduct its investigations with utmost sensitivity to First Amendment values. The HUD guidelines soon will be issued in Notice form. Accordingly, any HUD employee who fails to comply with the procedures set forth in the guidelines will be subject to disciplinary action. It is my belief that additional action by the Congress is unnecessary, and may in fact prove harmful.

By codifying the guidelines, the Congress takes the risk that First Amendment jurisprudence might change. While the guidelines accurately reflect the state of the law at this point, they are relatively easy to change should the courts expand the scope of the First Amendment in this area. A statutory codification could place the Act in conflict with developing First Amendment jurisprudence.

In addition, the guidelines speak to the process to be followed by HUD staff in the field and in the Office of Fair Housing and Equal Opportunity in Washington. While we at HUD believe this process will be effective in the short term, we cannot know if it will prove to be the best procedural mechanism in the long term. For instance, a reorganization of the staffing structure may make the procedural rules of the guidelines obsolete.

I also understand that you have taken a particular interest in a Fair Housing Act case involving one of your constituents, David Pinkham, the owner and publisher of the *Stanwood-Camano News*. The case concerns the publication of certain advertisements in the newspaper's real estate listings. I am happy to report that HUD and the publisher have successfully resolved the complaint. A conciliation agreement was signed this morning.

I hope you will agree with me that there is no need for legislative action concerning these issues at this time. Please contact me or my staff should you require further consultation or assistance. I would be very happy to work further with you on these matters.

Sincerely,

HENRY G. CISNEROS,  
Secretary.

Mr. GORTON. Mr. President, HUD's recent actions have made a mockery of our Nation's Constitution by placing the Department's own agenda above the protections granted by the Bill of Rights. No cause, no matter how worthy, is more important than the maintenance of the basic rights granted every American by the U.S. Constitution. I cannot stand idly by and allow a radical arm of this administration to trample on the Constitution in the name of fair housing. That is why, Mr. President, I stand today to urge the Department of Housing and Urban Development to act on its commitment to uphold the U.S. Constitution and the first amendment.

Mr. President, I wish to give notice that I intend to offer this amendment or an amendment similar to it to the next substantive bill on housing which comes before the Senate of the United States. The reason I wish this amendment to be printed here today is that I hope that people who are concerned on both sides of this issue, fair housing and protection of first amendment rights and the rights of newspaper publishers, will have an opportunity to review and critique this proposal.

I am delighted that the Secretary of the Department of Housing and Urban Development has finally responded and has responded in the forthright manner expressed in his letter. But I am not at all certain, given the history of this Department, that we are going to be able to depend on that without explicitly and by law limiting the kind of activities which have been so disruptive in the past.

Mr. President, I withdraw the amendment at this point. I want to thank the distinguished chairman of the subcommittee who is managing this bill for her tolerance while I have done the speech and held the bill up to this extent. She has done a very good job in this respect. I want her appropriations bill to get to the President and be signed. But I could not forsake this opportunity to speak out on behalf of the first amendment rights of Americans and to give notice that this is not the end of this debate.

Ms. MIKULSKI. Mr. President, I thank the Senator for bringing this issue to the attention of the U.S. Senate. I thank him also for withdrawing his amendment to the amendment because it could have derailed us again in meeting our debt to try to get to the October 1 deadline. However, the Senator does raise excellent points. I urge him to continue to stand sentry on these issues that he has raised that, under the guise of enforcing the fair housing legislation, there is a small group of people who have their own ideological agenda.

To the Senator from the State of Washington, who has administered a State, has been an attorney general, I believe he knows the Constitution. I

believe he has worked to enforce the Constitution. Knowing also the Senator's background, he has also been a supporter of fair housing legislation.

I also note that the Senator believes that dissent is allowed under the Constitution whether one agrees with any particular administrative philosophy or not. I agree with that. I believe that the fair housing law should be enforced as law and that the Assistant Secretary should focus on the mission of enforcing the legislation rather than ideological groupings looking to push their own agenda on what is right or what is wrong.

It has been my observation that the ideologues do not acknowledge the validity of the concerns of the neighborhoods. As someone who marched for fair housing, supported fair housing, whether it was on the Baltimore City Council, the House of Representatives, or the Senate of the United States, I acknowledge that there is value to protest. When one wants to open some of the facilities, neighborhoods have concern. What they have concern about is that the whole HUD preference rules and others create problems. They actually create problems in neighborhoods and we do not look at what the problems are. We blame the people who are raising the problems. I do not know if the Senator is aware that among some of the HUD preference rules, like for disabilities, there are people who are both drug addicts and alcoholics who qualify as handicapped. Well, that is not the inhibition of the activities of daily living. For a chronic illness like manic depressiveness, which is under the supervision of an appropriate clinical team, that is what handicapped is.

I hope that if and when we get to an authorizing bill on HUD, we can begin to deal with those issues that raise citizens' concerns and enable us to meet the compelling human needs that HUD is designed to meet, advocate a fair housing agenda, and advocate free and fair speech. And if people raise an issue, let us deal with the issue and not blame the dissenter, like we do not want the right wing ideologues to blame the victim.

I think the Senator has done a great deed in bringing this to our attention. We have a letter from Secretary Cisneros. I presume we will live by the intent offered by that. We look forward to the research of the Senator from Washington on these issues.

Mr. President, I believe we have now, for today, completed our discussion on the VA-HUD bill.

I ask unanimous consent that the Senate concur in the House amendment to Senate amendment No. 123.

I ask further unanimous consent that no further amendments be in order to the Smith amendment to the amendment No. 28, or the McCain amendment to Senate amendment No. 84.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PORTLAND, OR, VETERANS MEDICAL CENTER

Mr. HATFIELD. Mr. President with the assistance of the Senator from Maryland, the Senate approved funding requested by the Department of Veterans Affairs for the construction of an addition to the Portland, OR, veterans medical center. While the conference report does not specifically mention the Portland addition in the statement of managers, by approving the budget request, Portland is funded.

Ms. MIKULSKI. The Senator is correct. As a conferee, he knows that the conference committee endorsed the VA major construction budget request and thereby approved funding for the Portland project. Let there be no mistake, the conferees' intent is clear. Portland funding is approved.

The research program at the Portland VAMC now consists of over 80 investigators with a yearly peer reviewed budget of over \$11 million. The service continues to grow and remains the single most valuable inducement for the recruitment and retention of physicians involved in patient care. During the spring of 1994 round of merit review grant submissions, 57 percent of the grants from this medical center were funded compared to a national average of 25 percent. Given this track record, I agree with Secretary Brown that "this addition will enhance a program that contributes directly to improving the quality of care of patients."

TAOS COUNTY COMMUNITY DEVELOPMENT

Mr. BINGAMAN. Mr. President, within the VA, HUD, and independent agencies conference report, there is \$900,000 earmarked for Taos County, NM, to provide basic community services. Taos County contains municipalities that are having difficulty with infrastructure development. If I may pose a question to the Senator from Maryland. Was the conference committee's intent for the \$900,000 to alleviate the most pressing infrastructure needs within Taos County, including municipalities?

Ms. MIKULSKI. Yes.

Mr. BINGAMAN. Thank you.

NEW YORK CITY WASTEWATER TREATMENT

Mr. D'AMATO. Would the chairwoman yield in order that I might seek some clarification with regard to one of the conference report's provisions?

Ms. MIKULSKI. Certainly.

Mr. D'AMATO. I thank the Senator. Mr. President, included within this bill is grant funding for some much needed improvements to New York City's wastewater treatment capabilities. The conference report describes these funds as being available "for a grant to the city of New York for the construction of a wastewater reclamation facility."

Ms. MIKULSKI. Mr. President, the Senator is correct. That is the language in the conference report.

Mr. D'AMATO. I would appreciate the chairwoman's clarification that the



words "construction of a wastewater reclamation facility" are intended to convey the availability of these grant funds for the construction and improvement of any of the City's various wastewater treatment facilities, including combined sewer overflow facilities.

Ms. MIKULSKI. I appreciate the Senator from New York's inquiry. What the Senator is seeking, if I am not mistaken, is to provide some more explicit direction to the Environmental Protection Agency, which will disseminate these grant funds, regarding the types of activities that would be eligible for this grant funding.

Mr. D'AMATO. Mr. President, the chairwoman is correct.

Ms. MIKULSKI. In that case, I concur with the clarification being offered by the Senator from New York.

Mr. D'AMATO. I thank the chairwoman, and I appreciate her consideration of this matter.

#### REGARDING THE NATIONAL CENTER FOR APPROPRIATE TECHNOLOGY

Mr. BAUCUS. Mr. President, I wonder if the distinguished manager would engage me in a short colloquy regarding Department of Housing and Urban Development appropriations?

Ms. MIKULSKI. I would be happy to.

Mr. BAUCUS. I am very pleased that the conferees have included funding under the special purpose grant account for the National Center for Appropriate Technology [NCAT] in Butte, MT, to assist HUD in the application of low cost conservation technologies in publicly assisted housing. Is it the understanding of the distinguished Senator that these funds are to be used by NCAT at selected demonstration sites around the country?

Ms. MIKULSKI. The Senator from Montana is correct. The committee intended those funds to be used by NCAT in projects throughout the country.

Mr. BAUCUS. I thank the Senator for that clarification and for her assistance in providing this important funding.

#### BUFFALO'S CENTRAL TERMINAL

Mr. MOYNIHAN. Mr. President, I wonder if I might enter into a colloquy with my friend from Maryland, the distinguished chair of the Subcommittee on VA, HUD, and Independent Agencies, concerning a small item in her bill?

Ms. MIKULSKI. I would be happy to do so with the distinguished Senator from New York.

Mr. MOYNIHAN. Last spring the mayor of Buffalo came to my office and told me of his plans to renovate Buffalo's central terminal, an art deco train station and formerly one of Buffalo's architectural landmarks. Sadly this one was not maintained or preserved and it now sits in great disrepair, even though it is listed on the National Register of Historic Places. Mayor Massiello asked me for help in

making it a useable, useful building once again. I then asked for help from the Senator from Maryland, and she was good enough to include \$1.5 million in her bill to do so.

Regrettably, it now seems that the time has not yet come to restore the terminal. I wonder if the distinguished Senator would entertain the idea of re-allocating these funds at the next opportunity to another Buffalo landmark that is on the road to restoration, the Darwin Martin House. It is a Frank Lloyd Wright masterpiece, the rejuvenation of which is under the guidance of the Martin House Restoration Corp., a private, nonprofit group that has already raised \$1.5 million toward the \$9 million cost.

The Martin House is also on the National Register, and an internationally recognized example of Wright's Prairie School. When the Darwin Martin House reopens people will come from across the country just to see it, as they do other Wright masterpieces. The Martin House is but one of Buffalo's architectural jewels that comprise an untapped source of tourist revenue for this city in great need of revenue.

Ms. MIKULSKI. To my friend from New York I say that I will do my best to reassign this money to the Darwin Martin House at the next opportunity, which will likely be a supplemental appropriations bill early next year.

Mr. MOYNIHAN. I thank the distinguished Senator from Maryland, and I invite her to tour the Martin House at her next opportunity.

#### NSF ARCTIC RESEARCH

Mr. MURKOWSKI. Mr. President, I would like to ask my colleague, the Senator from Maryland, what action will be taken in fiscal year 1995 by the National Science Foundation to balance the funding between its Arctic and Antarctic research programs? As the Senator will recall, I offered an amendment on this subject during the Senate floor debate on this appropriations bill.

I have been frustrated for many years at the clear bias the Foundation has demonstrated toward the Antarctic at the expense of the Arctic, even though our national economic interests, our strategic interests, and our environmental concerns are much greater in the Arctic. Without further delay, the Foundation should put into place a logistics support program for Arctic research, and it should increase the fraction of its funding that goes for Arctic research.

During floor debate, I received the Senator's assurance that my concerns would be taken into account, and so I withdrew my amendment. Now I ask the Senator what plans the Foundation has made to improve its performance for funding research in the Arctic?

Ms. MIKULSKI. Mr. President, I thank the Senator from Alaska for his question. I agree with him that we

need more emphasis on research in the Arctic. This fall, after the enactment of this appropriation, legislation, the National Science Foundation will submit its operating plan for fiscal year 1995 to the Congress. This document will include a new structure for a more balanced set of polar programs, including a logistics support program for the Arctic, that recognizes the importance of the Arctic to our national interests. I expect real improvements in the NSF Arctic program with a greater allocation of resources to Arctic research. We do not simply want to see the same level of activity within a revamped organizational structure. And we will communicate with the Senator to be sure that the Foundation's plan properly addresses the concerns expressed by the Senator.

Mr. MURKOWSKI. I thank the Senator.

#### THE TWIN CITIES OPPORTUNITIES INDUSTRIALIZATION CENTER

Mr. WELLSTONE. Mr. President, I rise today to speak in support of one of the special purpose grants contained in title II of H.R. 4624. Two million dollars has been allocated under provisions of the bill for the Twin Cities Opportunities Industrialization Center [TCOIC] in Minneapolis, MN.

The Twin Cities Opportunities Industrialization Center is a private, nonprofit organization that came into existence back in 1966 to provide employment and training services to at-risk and disadvantaged populations in the Twin Cities. Its services include providing literacy and basic training skills, technical and vocational education, job counseling, and placement services.

Since its inception the TCOIC has served some 20,000 individuals with effective programs that have resulted in long-term economic self-sufficiency for program graduates. TCOIC places a special emphasis on serving populations that cannot be served by other training institutions. Its 650 per year student population consists of large numbers of welfare recipients, ex-offenders, single parents, non-English speakers, the desperately poor, and the chronically unemployed. Additionally, TCOIC believes in a holistic approach to serving its clients which includes addressing personal, family, and social problems to ensure that clients find meaningful and sustainable employment.

TCOIC also maintains a program called STRIDE—success through reaching individual development and employment. This is a Minnesota State initiative to assist eligible AFDC recipients to become self-sufficient.

TCOIC takes pride in the fact that it has never turned any client away because of a lack of financial resources, but it is also proud of its cautious spending of taxpayer dollars in providing services. In 1993, TCOIC conducted

a return on investment analysis with respect to a group of 70 program graduates to determine how cost effective their programs were. This analysis revealed that during the first year after graduation these individuals, through Federal and State taxes, and through salaries spent into the economy, yielded an average return of 308 percent on the investment of services from the TCOIC Program.

The Opportunities Industrialization Centers of America [OIC], the parent organization of the TCOIC, has served over 1½ million disadvantaged Americans. In 1989 a study commissioned by the OIC estimated that the first million clients produced more than \$150 billion in earnings for the U.S. economy, generating some \$22 billion in taxes and \$35 billion in savings of welfare payments.

TCOIC has been and is working in partnership with a number of corporations to facilitate program development, including IBM, 3M, General Mills, and Honeywell. Additionally, TCOIC has developed a network of links to other community groups, including the United Way, the Minneapolis Public Schools, the Hennepin County Department of Economic Assistance, the Minneapolis Public Housing Authority, and the Minneapolis Chamber of Commerce. The TCOIC facility also houses such organizations as the Red Cross, the Urban League, an adult basic education program, a GED program, and a literacy training program—for over 10 years—and has a collaborative partnership with the JTPA—(Job Training Partnership Act)—program.

In short, the Twin Cities Opportunities Industrialization Center has contributed significantly to the Minneapolis-St. Paul community and to the lives of individuals by delivering market-driven job training, job placement and employer recruitment programs, human and social services and educational support services.

The current TCOIC facility was constructed some 35 years ago and though the building has been renovated, it is rapidly deteriorating. Cost for repairs are estimated at \$5 million, and therefore construction of a new facility is a much more cost effective option.

Providing a \$2 million special purpose grant for the construction of a multi-purpose training, commercial and community center for this organization is a long-term investment in the human capital of some of the most disadvantaged of the American people. This investment yields a phenomenal return by reducing the welfare rolls as well as crime and drug abuse among this population. It gives them hope and a real opportunity to achieve the American dream. I hope we will take the time to reflect upon how well the money we appropriate is spent. TCOIC's commitment to employment

and its devotion to improving the human economic and social condition of individuals warrants the respect, encouragement and assistance of policymakers in this body.

#### HEALTH CARE

Ms. MIKULSKI. Mr. President, before I leave the podium, I would like to also, as a Senator who has worked very hard on health insurance reform, tell you the rather melancholy feeling that I have about today. There are many of us in the Senate on both sides of the aisle who try to work very hard to make health insurance available so that there would be no discrimination on previous conditions, that it would be portable, and that we wanted to make insurance affordable by reforming the way people could buy insurance, through purchasing co-ops, and by moving toward universal coverage.

Obviously, that is not going to happen this year, and I believe this is a sad day for the United States of America. I know, as I travel through my own State, the misinformation and disinformation that prevailed has made my constituents say that no bill was better than a bad bill. But what they really did not know, because we could not get through the clutter of the naysayers, was that we had a good bill. The Mitchell bill was a good bill, and we were making very steady progress, reaching out to other Members of the Senate on either side of the aisle who also had other ideas. We have our colleague, Senator HARKIN, and others, who were advocating an approach and at least a core benefit package for children and elderly.

I am so sorry that as of today, we have lost the opportunity to provide a prescription drug benefit for the senior citizens of the United States of America, whose pharmaceutical bills are now higher than their utilities. For them, the pharmaceuticals they take every day are as important as their utilities. They may be able to live without their telephone, but they cannot live without insulin. They need gas and electric, and they need their heart patch, their angina medicine, and they need the kind of pharmaceuticals that are a lifeline.

But, no, the naysayers have derailed the ability for us to have a prescription drug benefit. The naysayers have derailed the fact that we were ready to make a downpayment on long-term care, and everyone in America knows that the cost of long-term care bankrupts many families. This Senator believes in family responsibility, yes, but family bankruptcy, no. And that is why in the Clinton bill and in the Mitchell bill, we were moving toward a downpayment on long-term care.

As someone who has advocated the cause of women's health care, we were going to have a series of preventive benefits in here that would have screened for those cancers unique to

women. But it would also have screened for those cancers unique to the men we love. We have lost an opportunity for preventive services for both men and women in this country, and it is indeed a great tragedy. So for the kids who might not have immunization, for the men and women who will not have screening for cancers and other illnesses, where we could do preventive care, and for those senior citizens who are going to wonder how they are going to pay for their gas and electric bill as well as their insulin, this is a sad day.

So I hope the naysayers go out with their Gucci lobbyists, drink a couple of things that Gucci lobbyists like to. I think maybe we will stop the ad campaigns that cluttered the airwaves and confused the American people.

Mr. President, though the legislative debate comes to an end on health care for this year, it will not come to an end. We will be here next year, day after day, month after month, and we will reform health insurance in this country.

I salute both the President and First Lady. Had they not been such a vigorous voice for change, the private sector would not have taken the modest steps that they have to reform themselves. Change is here, and we either need to embrace it or be rolled over by it. I believe we need to embrace it, and we will next year, again, come forth for a way to reform health insurance in an orderly, rational, cost-conscious way that meets the compelling needs of our American people. I believe that will be the way to do it.

#### MORNING BUSINESS

##### TRIBUTE TO JOHN E. KOEHN

Mrs. FEINSTEIN. Mr. President, today I regret to announce that a man well known to all the members of the California delegation, and a very good friend to many of us, Jack Koehn, is leaving his post as the vice president of governmental relations for the Pacific Gas and Electric Co., due to a serious illness.

I think I can safely speak for officials at all levels of government in California when I congratulate Jack for 35 years of service and for a job well done. Many if not most of us in California had had occasion to work closely with PG&E, either in furthering community goals or in times of recovery from various disasters. Through thick and thin, we have always been able to count on Jack Koehn to deal with us in a forthright and candid manner—and with the steady courage and integrity we would expect from an ex-Marine.

While Jack earned our trust and respect for professionalism in his work at PG&E, he also earned the trust and respect of an entire community, where he



has dedicated years in an effort to better the lives of many in San Francisco and the bay area. Jack Koehn has been active in the Boy Scouts, the California Business Roundtable, the United Way, the Public Affairs Council, the California Foundation on the Environment and the Economy, the California Taxpayers Association, and the San Francisco Chamber of Commerce, to name a few. Jack Koehn is the kind of citizen we should all hope to be.

Jack is a native of North Dakota and a graduate of the University of California. He and his wife Elaine have four grown children, and presently live in San Leandro. I wish them all well at this difficult time in their lives, and I expect Jack to call upon that indomitable fighting-Marine spirit of his to make the days ahead a time of triumph.

#### BOB PASTOR'S ROLE IN HAITI NEGOTIATIONS

Mr. NUNN. Mr. President, I would like to take a moment today to pay tribute to one of the unsung heroes who assisted President Carter, General Powell, and me throughout our long weekend in Port-au-Prince, Haiti. That person is Dr. Robert Pastor of Emory University. Bob Pastor accompanied President Carter, General Powell, and me to Port-au-Prince at President Carter's urging. General Powell and I were thankful that Bob agreed to join us.

Bob Pastor was the one person, besides the three of us, who attended all meetings and took complete notes of the proceedings. He was unfailingly energetic, creative, and diplomatic. Bob Pastor deserves a large measure of credit for the agreement we reached.

Mr. President, Bob Pastor's contribution did not end upon the signing of the agreement Sunday evening. At President Carter's urging, seconded by General Powell and myself, Bob agreed to stay in Port-au-Prince to convey the spirit and the background of our agreement to Ambassador Swing and General Bates and later to General Shelton and General Meade. For obvious reasons, United States military forces initially deployed to and around Haiti were operating on a set of assumptions that did not foresee agreement between the United States and the Haitian military and de facto civilian authorities.

So while President Carter, General Powell, and I returned to Washington to brief President Clinton in person, Bob Pastor agreed with President Carter's request that he remain in Port-au-Prince to brief U.S. authorities there. Bob in effect served as the bridge between our delegation, de facto Haitian authorities, our Embassy, and our military forces during the critical, initial phase of our military deployment in Port-au-Prince. I believe Bob played an important role in ensuring that our

deployment proceeded smoothly, without untoward incident—and most importantly, without loss of life or even serious injury.

Mr. President, I have worked with Bob Pastor for almost a decade on numerous issues relating to Central and Latin American. He has distinguished academic credentials as well as a distinguished academic credentials as well as a distinguished record of public service. He was Director of the Linowitz Commission on United States-Latin American Relations. He was Director of the Office of Latin American and Caribbean Affairs on the National Security Council during the Carter Administration. Currently, he is professor of political science at Emory, and also director of the Latin American and Caribbean Program at Emory's Carter Center.

Mr. President, Bob Pastor played a very important role in our success in Haiti. I am pleased to commend him from the floor of the U.S. Senate for his service to our delegation and to our country.

#### "OUT OF HAITI—FAST"

Mr. BOREN. Mr. President, Sunday's Washington Post included an excellent article on the situation in Haiti by former Secretary of State Henry Kissinger. Dr. Kissinger is right on target about past failures of our policy and what needs to be done from this point forward. It merits thoughtful consideration by all Members of Congress and the administration. I ask unanimous consent that the full text of the article be reprinted in the CONGRESSIONAL RECORD.

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

##### OUT OF HAITI—FAST

The ink was barely dry on the agreement negotiated by President Carter's team in Haiti when second-guessing developed. It came as a shock to many that the administration postponed its proclaimed goal of overthrowing the junta and that the landing in Haiti was brought about with the cooperation of leaders described by President Clinton as mass murderers only 72 hours earlier.

But the criticism should focus not so much on the culmination of the crisis as on the policy that left no other option except military invasion by a high-tech superpower of a practically unarmed country and the poorest nation of the Western Hemisphere. The agreement negotiated by the Carter team saves American and Haitian lives, removes the Haitian junta, albeit with a slight delay, and returns the deposed elected leader, Jean-Bertrand Aristide, to power, sacrificing only grandiloquent statements that should never have been made. Most important, the brief interval in which these changes take place provides an opportunity for sober reflection about just how deeply America should launch itself into the Haitian morass.

In my view, any prolonged military occupation must be avoided; another attempt at nation-building will trap us in an endless enterprise before it ends in a fiasco. Too much

has already been staked; some relationship between means and ends must be reestablished.

The basic dilemmas of postwar American foreign policy have been the result of enterprises undertaken lightly, with little if any opposition, and from which extrication proved hellishly difficult. The Carter mission has eased the entry of American troops—a success that is also an admission ticket to the far more complex danger of American forces finding themselves engulfed in the passions and conflicts of Haitian factions much more practiced in violence than in pluralism and which may yet undermine the agreement. A prolonged U.S. military occupation of Haiti would almost guarantee that the hatreds accumulated over decades would overwhelm the purposes for which we entered.

I have always had grave doubts about military intervention to restore Aristide. That America should favor an elected president over the murderous junta was inherent in our values, and justified diplomatic pressure and embargoes of the kind that had, after all, contributed to the overthrow of the Duvalier dictatorship. But American lives should be risked only when there is a demonstrable threat to the national security, on behalf of clearly defined objectives and with forces proportionate to the objective.

The administration policy failed all three tests. Haiti posed no conceivable direct threat. Contrary to administration statements, the junta represented no model any Western Hemisphere nation might be tempted to follow. The stated objectives were vague, and the force deployed was disproportionate to any sensible goal. When CNN shows daily briefings by the press officer of the American Embassy in Port-au-Prince describing locations from which to view the planned invasion of the country to which he was accredited and promising the arrival of additional personnel to handle the overflow demand for invasion coverage, the argument that the threat represented by Haiti cannot wait for the operation of less drastic measures becomes hardly plausible. (Moreover, it raises the question of how to curb public relations efforts whose proconsular character undermines America's relations with the other nations of this hemisphere.)

Ambassador Madeleine Albright's invocation of moral absolutes that transcend all practical considerations is belied by the actual record. The administration did not intervene in Bosnia or Rwanda, where the atrocities were far greater; in Rwanda, President Clinton stood apart from genocide with the argument that America could not serve as the world's policeman and that it had no national interest in that part of Africa. The current administration, like any other, cannot escape the need for selectivity.

Thus the principal achievement of the Carter mission is that it provides a graceful exit from becoming engulfed in the vortex of Haitian domestic politics. It is senseless to talk of the "restoration" of democracy in a country that has never known democracy, or to equate the fact that Aristide was elected with a certificate of democratic practices—as Sen. Nunn has wisely pointed out. To turn Haiti into a pluralistic society may take a decade or more and cannot be achieved by military occupation.

Even the limited task of disarming Haiti's armed forces implies difficult decisions: How, when and by whom is the army to be disarmed or restrained? To whom do we provide protection once Aristide is back in power? What precisely are the terms of the

amnesty and which parliament approves it—the existing one or that emerging from future elections? Will Aristide abide by the amnesty despite his opposition, and what is America's obligation to enforce the Carter agreement?

Nor can the dilemmas of a prolonged military operation be avoided by turning nation-building over to the United Nations. I hope that President Clinton was speaking euphemistically when he presented America's policy on Haiti as reflecting some kind of international political consensus. For the international support we elicited was a tribute to America's power, not to its purposes. With the exception of Argentina, it included not a single major country of Latin America. Most of the nations participating from outside the hemisphere do so because of the economic strength of the United States, as a quid pro quo for past or future American security assistance, or to gain some influence over actions they far from approve. Neither Bangladesh nor Israel has heretofore exhibited any major political and security interests in the Caribbean. Thus there is no other group to which this assignment can be turned over. International support of a military occupation may provide a few auxiliaries and a modicum of financial help. But in the real world, the military occupation of Haiti will remain America's problem.

The artificial nature of this international support has already levied an exorbitant toll. One of the most hallowed principles of American foreign policy has been to keep the military power of other continents out of the Western Hemisphere. From the Monroe Doctrine to the 1947 Rio Treaty setting up a collective security system for the Western Hemisphere and in the decades since, every U.S. administration has insisted that hemispheric problems be settled by the nations of this hemisphere. Yet the administration recoiled from involving the institution specifically designed for that purpose—the Organization of American States—because it realized that our partners in this hemisphere would never approve military intervention, though they would and did support diplomatic and economic measures short of it. Appealing for the military assistance of nations outside the hemisphere on an inter-American issue sets a precedent that future American administrations may well come to regret.

Another such booby trap inherent in the Security Council resolution authorizing the use of force for the purpose of replacing the Haitian junta, a resolution that passed with Russian support. The precedent for Moscow's ambitions in what Russia calls the "near abroad" is hard to miss—the worrisome policy of forcing the republics of the former Soviet Union to return to the imperial fold. That this tacit quid pro quo is understood in Washington is reflected in pronouncements by Ambassador Albright and President Clinton stating that each major power has a special responsibility for peace-keeping and stability in "its own back yard."

It is a dangerous doctrine. America's actions in Haiti, however ill-advised, do not affect overall security. America's interventions in this hemisphere have been short-lived; Russia's military advances have tended to be permanent. They are certain to rekindle ancient fears and tensions. Three conclusions follow.

America's military presence in Haiti ought to be brought to a rapid conclusion, preferably by the end of this year. We will have restored an elected president. By then, we will have disarmed or neutralized those Hai-

tian armed forces threatening his rule. Aristide should be able to maintain himself after that by his own efforts, helped by generous American economic aid.

If our armed forces stay beyond this mandate, they will either become spectators in a bloody spectacle or participants in struggles where it may not be easy to tell which side to back—rebellious crowds or forces appearing in the guise of law and order. In the end, even Aristide will turn on the United States, if only to demonstrate that he is a genuine nationalist and not America's instrument—a tendency already implicit in his conduct.

Once American forces—except for a small training mission—are withdrawn, the remaining tasks can be assigned to inter-American institutions, which, when freed of the Latin American fear of U.S. military intervention, could prove quite effective. Governmental reform could be assigned to the OAS, economic assistance to the inter-American financial institutions—backed up, of course, by a continuing U.S. interest.

The Haitian crisis provides an occasion for the administration to review the practices that have produced such stark alternatives and such an obsession with public relations. Symbolic of these tendencies is the decision to launch the 82nd Airborne Division while American emissaries were still on the ground in Haiti. Given the possibility of glitches in any military operation, which was the hurry? What if the Haitian junta had not yielded, the attack had proceeded, and Carter's plane had blown a tire on takeoff? What if the junta, learning of the launch—as it is said to have done—had taken the American delegation as hostages? Surely there was no need for surprise when the projected landing sites could be seen on television. If the purpose was to land before Congress could pass a resolution of disapproval the next day, the enterprise marked an astonishing disintegration of the executive-congressional relationship.

It is painful to come to such conclusions while a military operation is underway. But the greatest risk we now face is an open-ended commitment of military forces to tasks for which they are not designed. The greatest need is a bipartisan reassessment of our foreign policy and above all a prudent definition of the circumstances in which American power is to be engaged.

#### CONGRATULATING DOUGLAS D. HULTBERG—1994 DISTINGUISHED PRINCIPAL

Mr. CONRAD. Mr. President, it is my great pleasure today to offer my congratulations to Douglas D. Hultberg, principal of Dakota Elementary School at the Minot Air Force Base in North Dakota. Douglas Hultberg has been selected by the U.S. Department of Education and the National Association of Elementary School Principals as one of the 1994 National Distinguished Principals.

Each year, the National Distinguished Principals Program honors principals from each of the 50 States who have shown a strong commitment to quality and community in their schools. The program understands the crucial role a principal plays in creating an environment in which teachers and students can thrive and everyone can live up to their fullest potential. In

selecting Douglas Hultberg, I believe the program pays tribute to not only his leadership and outstanding work, but also to all those associated with Dakota Elementary School. His energy and commitment helped shape the school and the community with which it interacts.

As the principal of a school located on a U.S. Air Force base, Douglas Hultberg faces a unique set of challenges. In addition to the financial demands schools on Federal properties face, the changing school and community populations commonly found on Air Force bases pose particular challenges to principals trying to forge strong ties between school and community. Douglas Hultberg has risen to this challenge.

Mr. President, I have often spoken proudly of the fine schools found in North Dakota. The hard work of our schools is evident in the fact that North Dakota has one of the highest graduation rates in the country. Clearly, North Dakotans recognize the value of a good education. I am pleased today to congratulate Douglas Hultberg and to thank him for his hard work and his dedication, and to wish him continued success. Though I am sure everyone associated with Dakota Elementary School is already aware that Douglas Hultberg is truly outstanding in his field, they have even more cause to be proud of their principal today.

#### CYNTHIA SILLERS

Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Cynthia Sillers.

Cynthia is like many people of my State who take their part as community leaders and problem solvers. She comes by this because, for several generations, her family has set the example of community service. Her father, Doug Sillers, served in the State Senate. Her brother Hal is a leader in agricultural groups throughout the State. They all farm together in the great Red River Valley of northwestern Minnesota.

As a teacher, Cynthia Sillers believes that the well-being and education of children serves as the foundation of a better life. She believes this fervently, not only for the children of Moorhead, but also for the children of migrant workers who reside in the community. With candor and hard work, she took on a most difficult job as migrant issues coordinator for the city of Moorhead, its school district, and for Clay County.

Cynthia has done a remarkable job. But, like those rare citizens who are willing to work at the intersection of State and Federal bureaucracies, cultural and ethnic diversity, longheld misperceptions, and volatile emotions, she has carried the brunt of criticism from every side.



Last month, when Cynthia Sillers indicated an interest in a different position, the Fargo Forum published an editorial that put into context the work that she has carried out. Excerpts from that editorial follow:

Her [Cynthia Sillers'] moderate voice has been a sane note in the otherwise droning chorus of rancor and recrimination that too often dominates discussions of cultural and ethnic diversity, racism and other issues of importance to migrant laborers, the city's growing permanent Hispanic population and the community in general.

With compassion and diplomacy, Sillers has tried to represent the complex interests of migrant workers, the sugar beet industry, resident Hispanics who feel unaccepted, and a larger community struggling to adjust to change.

In all arenas she has honestly discussed the strengths and failings to those constituencies, even if doing so made her unpopular with those she aimed to serve. And it has.

Not long ago, she candidly discussed the political divisions among Hispanics in Minnesota and was branded a racist by the newsletter of the state's Spanish Speaking Affairs Council.

Then, in an act of profound moral hypocrisy, the newsletter suggested that since Sillers is white, she is incapable of representing the interests of Hispanics. Had such a sentiment been expressed about a Hispanic in any other taxpayer-funded publication, Minnesota's human rights gestapo would have been on the doorstep the next day.

The chief complaint among Sillers' detractors is that she was not an advocate for Hispanics. If by that they mean she was not a confrontational jerk who portrayed Hispanics as perpetual victims—whether true or not—or who was not willing to lie for "the cause," they are right.

She was, however, tirelessly dedicated to her job—and to the idea that quiet, earnest work succeeds where inflammatory rhetoric and political posturing fails. That's what Sillers was all about and so was her staff—Hispanic staff, Anglo staff.

There are in the community countless numbers of men and women—black, white, Hispanic, Native American—whose only concern is that children are educated and that families are functional and happy.

Advice to the Joint Powers Commission: Find them, use them all. Fire the mavericks. Moorhead doesn't need self-anointed messiahs. It needs sincere, effective workers.

As for Cynthia Sillers, the community owes her a debt.

Mr. President, all of us who serve the public owe Cynthia Sillers a debt of gratitude as well. Our gratitude is also extended to the family that nurtured her on the importance of public service. We need to underscore the fact that our communities and our Nation function at the highest level when people offer their hearts and their minds to serving others at home.

#### IS CONGRESS IRRESPONSIBLE? YOU BE THE JUDGE OF THAT

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about the weather but nobody does anything about it. Many politicians talk a good

game when they are back home about bringing Federal deficits and the Federal debt under control. But take a look at how so many of them regularly vote in support of bloated spending bills that roll through the Senate.

As of Friday, September 23, at the close of business, the Federal debt stood—down to the penny—at exactly \$4,667,471,330,077.67. This debt, don't forget, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until it had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every schoolboy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban missile crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,667 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at 4 trillion, 667 billion, 471 million, 330 thousand, 77 dollars and 67 cents. It'll be even greater at closing time today.

#### RECOGNIZING SHIRLEY D. COLETTI

Mr. MACK. Mr. President, I have the pleasure today of recognizing the achievements of a truly outstanding Florida citizen.

Shirley D. Coletti is the president of Operation PAR, an organization in the Tampa Bay area that seeks to help others build a better life for themselves. But her responsibilities as president have extended far beyond the scope of the Tampa Bay area. In 1986, Shirley was appointed by President Reagan to the U.S. Senate Caucus on International Narcotics Control and in 1991 she served on the bipartisan President's Commission of Model State Drug Laws. She has also served as a Special Representative on behalf of the State

Department, traveling to several countries including Australia, Thailand, Trinidad, and Nepal.

Shirley continues to dedicate her life to serving her fellow Americans. As the president of Operation PAR, Shirley has moved the organization from a grassroots parent movement to one of the largest and most comprehensive nonprofit substance abuse prevention and treatment agencies in North America.

The board of directors of Operation PAR, has chosen to recognize her 25 years of service by renaming the Academy for Behavioral Change for Adolescents and Their Families to the Shirley D. Coletti Academy.

The Shirley D. Coletti Academy will provide troubled young people ages 11-17 hope for a better life. Through a combination of strong academics with results-oriented emotional growth, it will seek to address the gaps created due to the abuse of drugs and alcohol. It will provide vocational, educational, and recreational services to our youth, and focus on the treatment of the individual and the family to help them both find healing.

Mr. President, Shirley D. Coletti is truly a champion of youth, adults, and families fighting the disease of drug addiction. She is a pioneer in the prevention and treatment field and an advocate in the fight against illegal drug use. Florida is fortunate to have her working for such a worthy cause.

#### TRIBUTE TO ROSE M. SANDERS

Mr. HEFLIN. Mr. President, it is my pleasure to pay tribute today to Selma, AL attorney Rose M. Sanders upon the occasion of "Rose Sanders Day" to be held this Saturday, October 1, in Selma. Ms. Sanders is a community activist and leader, and she has consistently given 100 percent of her energy, talents, and wisdom to her community and State over the years.

Rose Sanders graduated summa cum laude from Johnson C. Smith University with a double major in political science and economics. She went on to graduate from Harvard Law School in 1969. That same year, she was awarded a Reginald Herbert Smith Fellowship award and assigned to the National Welfare Rights Organization and Columbia Center on Social Welfare Policy and Law. She has served as a partner with the law firm of Chestnut, Sanders, Sanders, and Pettaway since 1972, and is a past municipal judge of Uniontown, AL. She was the first black female judge in the State of Alabama.

One of the hallmarks of Rose Sanders' career has been her work to better the lives of children and young people from disadvantaged backgrounds. She has conducted extensive research on the status of youth leadership development, and has served as president and volunteer director of the 21st Century

Youth Leadership project and as a member of Central Alabama Youth Services. She was the founder of McRae Learning Center, a preschool successful in teaching children to read; Saturday University, an after-school tutorial set up to motivate youth; MOM's [Mothers of Many], an organization dedicated to uplifting children and low-income women; B.E.S.T. [Best Education Support Team], an organization of parents and students formed to end racial tracking in public education; and the Dare to Dream project, a project designed to prepare and encourage youth to attend college or trade school. She was the State youth coordinator for the Jesse Jackson for President Campaign.

Rose Sanders has authored, directed, and presented 15 musicals on issues impacting African American youth and their communities. Her plays have been performed around the Nation at colleges, churches, festivals, community gatherings, and at the World's Fair in New Orleans. She has authored several articles on youth leadership and over 100 musical compositions, 16 of which were performed by the Children of Selma for an album produced by Rounder Records. She has received the Gloria Steiner Award for Service to Youth and the Lewis Hines Child Labor Award.

Incredibly, while Ms. Sanders has worked extensively on behalf of children, she has also managed to give great energy and leadership to the civil rights movement in a number of capacities. She has served as a cooperating attorney with the NAACP Legal Defense Fund; as president and volunteer director of the National Voting Rights Museum; and president of the Campaign for a New South. She has been recognized by the National Bar Association for her leadership on the cutting edge of law for civil, social, and economic justice and by the Bannerman Fellowship for her community activism.

Attorney Sanders' special legal cases have included the successful representation of the Blackbelt Eight, a case involving voter fraud prosecution by the Federal Government and her achievement of a settlement in a title VII case that resulted in \$1 million in grants to black colleges and the minority vendors program.

Rose Sanders is truly an exceptional woman who has earned her day of recognition many times over. She is one of those rare individuals who give themselves fully not only to their professions, but to their communities as well. Her remarkable career and projects on behalf of youth and civil rights have provided her a vital role in ongoing efforts to secure social justice for all. I extend my congratulations to Ms. Sanders for her remarkable accomplishments, and my best wishes for a memorable Rose Sanders Day. I hope

the people of her community and State enjoy the benefits of her services and talents for many years to come.

#### UNDER SECRETARY GENERAL FOR INTERNAL OVERSIGHT SERVICES AT THE UNITED NATIONS

Mr. GLENN. Mr. President, I rise today to once again applaud the efforts of the United Nations in their long, hard effort to create a position for an office of inspector general to be known as the Under Secretary General for Internal Oversight Services at the United Nations.

I have long advocated such an office as an essential element to restoring trust in the administration of U.N. matters, and met at the United Nations last spring with Ambassador Albright, U.N. Secretary General Boutros Boutros-Ghali, and a number of other interested Ambassadors from around the world.

A few weeks ago I spoke about the final resolution to create this office which passed the General Assembly on July 29. I had asked the General Accounting Office [GAO] to take a look at it, and they found that, while it went a long way in setting up the office, questions remained regarding important issues such as funding, staffing and hiring authority, and whistleblower protection. At that point GAO determined, and I agreed, that the way these issues would be handled in the implementing regulations, as they should be, would be key.

I am pleased to say that these concerns were fully addressed to my satisfaction in the implementing regulations released by the Secretary General on Thursday, September 8. Again, I asked GAO to take a look at those regulations to confirm this. They agreed that these binding regulations will foster the operational independence that an office such as this requires to be able to function effectively.

That element of independence, of reporting not only to the Secretary General, but also to the members of the General Assembly, is crucial to a successful IG operation, as we have found in our own U.S. Government in reporting not only to an agency or department head, but also to the appropriate committee of jurisdiction in the Congress.

Also, there will be a separate line item in the Secretary General's budget for this office. While the current request is for \$11.4 million for 2 years, there is general agreement that this is totally inadequate to fund such an office. Therefore, the Secretary General has asked for a 21 percent increase in funding for the next biennium. This is the largest increase requested for any section of the budget.

Additionally, the IG will have independent authority to hire and fire his staff. In fact, Ambassador Karl

Theodor Paschke, who will take his position as the first Undersecretary General for Internal Oversight Services on November 15, is already in the process of reviewing the contracts of the current employees of the Office of Inspections and Investigations [OII], the young predecessor office to the Office of Internal Oversight Services [OIOS]. I was pleased to learn that Ambassador Paschke does not feel obligated to retain staff with whom he is not comfortable, thereby giving him the authority to create his own staffing table. It is also my understanding that our own GAO will be involved in the training of the new staff of this office.

Finally, the issue of whistleblower protection has been resolved favorably; if a U.N. employee makes an accusation of improper conduct, his or her confidentiality will be protected. False accusations made willfully or knowingly will be treated as cases of misconduct themselves. Such matters will be dealt with through the administrative process already in place at the United Nations; however, this process is currently undergoing intense revision to deal with broader situations and sanctions for misconduct.

The only reservation raised by GAO was the possible reluctance of U.N. employees to come forward with allegations of misconduct if "willful disregard of the truth" is not clearly defined. While this is a valid point, this office is still in its infancy, and I am willing to give it a chance to get up and running before further scrutinizing procedures and safeguards. However, this is one of the items I will keep on my checklist for that time.

In accordance with the provisions of Public Law 103-236, the Foreign Relations Authorization Act for fiscal year 1994 and 1995, the certification to release the remaining 10 percent of the U.S. contribution to the United Nations has been made. I am pleased to say that I wholeheartedly support the certification.

I look forward to watching this office as it develops into one as effective as those of our own, and I further anticipate the beginning of the term of Ambassador Paschke.

Mr. President, I ask unanimous consent that the 2-page letter from GAO be placed in the RECORD following my remarks.

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

GENERAL ACCOUNTING OFFICE, NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,

Washington, DC, September 23, 1994.

Hon. John Glenn,  
U.S. Senate.

DEAR SENATOR GLENN: This letter responds to your request that we evaluate the U.N. Secretary-General's September 7, 1994, procedures for implementing the Office of Internal Oversight Services (OIOS). You asked that we determine whether the procedures address gaps in the July 29, 1994, General Assembly's resolution establishing the Office.



We previously provided you with our comments on that resolution in a letter dated August 8, 1994. We had concluded that if properly implemented, the resolution allows OIOS the operational independence to perform functions similar to those performed by Inspectors General, as established under the Inspector General Act of 1978, as amended.

Our letter also noted that the President could not certify that requirements of section 401(b) of the Foreign Relations Authorization Act for Fiscal Years 1994 and 1995 had been met unless several of actions required in the resolution were completed before September 30, 1994. These included (1) the appointment of an Under Secretary General for Internal Oversight Services with requisite qualifications and approval by the General Assembly; (2) the issuance of procedures to ensure compliance with recommendations of the Office; and (3) the issuance of procedures to protect the identity of, and to prevent reprisals against, any staff members making a complaint or disclosing information, or co-operating in any investigation or inspection by the Office.

The appointment process was completed on July 29, 1994, when the U.N. General Assembly approved the appointment of Ambassador Karl Paschke, a German national, as Under Secretary General for Internal Oversight Services. According to the State Department, Ambassador Paschke has the requisite credentials to fulfill the legislative requirement. We found that the Secretary-General's implementing procedures provide regulations to ensure that OIOS is operationally independent. The Secretary-General's procedures address compliance with OIOS recommendations under the section entitled "Implementation of Recommendations." Program managers are instructed to ensure prompt compliance with final recommendations and report to OIOS, on a quarterly basis, on the status of implementation. The Under-Secretary General responsible for the program area is to monitor the program manager's implementation of corrective action. In addition the procedures require investigations to be conducted with respect for the individual rights of staff and strict regard for fairness and due process. Further, confidential suggestions and/or information may be used only in official reports, without directly or indirectly naming people involved or implicated. The procedures also enhance the operational independence of the Office by including controls that enable the Under Secretary-General to hire and fire personnel and a separately identified line item for the OIOS budget.

Finally, we note one area of the procedures that may have an unintended consequence. Since the procedures do not clearly define "willful disregard of the truth" people with information about possible waste, fraud, or abuse may be inhibited from coming forward lest they be accused of making false reports. This cautionary note may prove unnecessary; however, we believe the process should be revisited in the future to determine whether changes are called for.

If you have any questions concerning this letter, please do not hesitate to call me on (202) 512-2800.

Sincerely yours,

NEAL CURTIN,  
(for Frank C. Conahan,  
Assistant Comptroller General).

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 3:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4422. An Act to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the resolution (H. Con. Res. 285) concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 2182.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, by unanimous consent, and placed on the calendar:

H.R. 4422. An Act to authorize appropriations for fiscal year 1995 for the Coast Guard, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-3349. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the lease of the ALBERT DAVID; to the Committee on Armed Services.

EC-3350. A communication from the Secretary of Energy, transmitting, pursuant to law, a five year transportation program plan; to the Committee on Energy and Natural Resources.

EC-3351. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the fiscal year 1992 Federal Sector Report on EEO Complaints and Appeals; to the Committee on Labor and Human Resources.

EC-3352. A communication from the Director of the Congressional Budget Office, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and the Small Business Administration, transmitting, pursuant to law, a report relative to developing a secondary market for

small business loans; to the Committee on Small Business.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 2036. A bill to specify the terms of contracts entered into by the United States and Indian tribal organizations under the Indian Self-Determination and Education Assistance Act, and for other purposes (Rept. No. 103-374).

By Mr. GLENN, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 2156. A bill to provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes (Rept. No. 103-375).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1786. A bill to increase the authorization of appropriations for the Belle Fourche Irrigation Project, and for other purposes. (Rept. No. 103-376).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 1988. A bill to authorize the transfer of a certain loan contract to the Upper Yampa Water Conservancy Project, and for other purposes (Rept. No. 103-377).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 2066. A bill to expand the Mni Wiconi Rural Water Supply Project, and for other purposes (Rept. No. 103-378).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 2124. A bill to provide development of power at the Mancos Project and for other purposes (Rept. No. 103-379).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment:

S. 2213. A bill to make applicable the provisions of the Act commonly known as the "Warren Act" to the Central Utah Project, Utah, and for other purposes (Rept. No. 103-380).

S. 2253. A bill to modify the Mountain Park Project in Oklahoma, and for other purposes (Rept. No. 103-381).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2266. A bill to amend the Recreation Management Act of 1992, and for other purposes (Rept. No. 103-382).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

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 Imperial Dam in a cost-effective manner (Rept. No. 103-383).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

H.R. 3839. A bill to designate the United States Post Office located at 220 South 40th Avenue in Hattiesburg, Mississippi, as the "Roy M. Wheat Post Office."

H.R. 4191. A bill to designate the United States Post Office located at 9630 Estate

Thomas in Saint Thomas, Virgin Islands, as the "Aubrey C. Ottley United States Post Office."

H.R. 4596. A bill to designate the building located at 2200 North Highway 67 in Florissant, Missouri, for the period of time during which it houses operations of the United States Postal Service, as the "John L. Lawler, Jr. Post Office."

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Delissa A. Ridgway, of the District of Columbia, to be Chairman of the Foreign Claims Settlement Commission of the United States for the remainder of the term expiring September 30, 1994.

#### 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. CHAFEE (for himself and Mr. DURENBERGER):

S. 2460. A bill to extend for an additional two years the period during which Medicare select policies may be issued; to the Committee on Finance.

By Mr. JOHNSTON:

S. 2461. A bill to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COHEN:

S. 2462. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG:

S. Res. 268. A resolution to refer S. 890 entitled "A bill for the relief of Matt Clawson," to the chief judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHAFEE (for himself and Mr. DURENBERGER):

S. 2460. A bill to extend for an additional 2 years the period during which Medicare select policies may be issued; to the Committee on Finance.

#### EXTENSION OF THE MEDICARE SELECT PROGRAM

• Mr. CHAFEE. Mr. President, I am pleased to join with Senator DURENBERGER today in introducing legislation to extend for 2 years the Medicare Select Program.

Based on legislation which I introduced in 1990, Medicare select is a demonstration project operating in 15 States with more than 400,000 participants. Under this program, Medicare beneficiaries have the option to purchase Medicare supplemental insurance policies—often referred to as Medigap policies—through managed care networks.

The program has been a huge success. Recent data show that Medicare beneficiaries who purchase Medicare select products pay premiums which are 10 to 37 percent less expensive than traditional Medigap products. Moreover, consumer satisfaction with these products is extremely high. Of the top 15 Medigap products ranked by Consumer Reports in its August 1994 issue, 8 were Medicare select policies. Unfortunately, under current law, Medicare select carriers will have to halt enrollment on December 31, 1994.

Almost all the major health care reform plans introduced during this session of Congress included provisions to expand the Medicare Select Program to all 50 States. Unfortunately, health care reform is beginning to look like a long shot. Therefore, at the very least, we should enact legislation which will allow the current 15-State demonstration project, which has been such a success, to continue. This bill will do just that, and I urge my colleagues to support it. •

By Mr. JOHNSTON:

S. 2461. A bill to amend the Energy Policy and Conservation Act to manage the strategic petroleum reserve more effectively, and for other purposes; to the Committee on Energy and Natural Resources.

#### ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

• Mr. JOHNSTON. Mr. President, the purpose of this bill is to amend the Energy Policy and Conservation Act to extend the President's basic authorities for dealing with energy emergencies. The authority of the President to maintain, manage and withdraw oil from our strategic petroleum reserves expires on September 30, 1994. In addition, key authorities essential for the United States to meet its obligations under programs of the International Energy Agency also expire on September 30, 1994. We need to extend these authorities before Congress adjourns. This legislation provides extensions of those authorities through June 30, 1996. •

By Mr. COHEN:

S. 2462. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### LEGISLATION TO PREVENT "EQUITY SKIMMING"

• Mr. COHEN. Mr. President, confidence in the Federal Government's ability to use scarce Federal resources wisely is quite low. Examples of wasteful and fraudulent spending confronts us whenever we pick up the newspaper or turn on the television.

As the ranking member of the Governmental Affairs Subcommittee on Oversight, I have investigated a disturbing number of instances of fraud.

In recent months, I have been looking at the Department of Housing and Urban Development's [HUD] subsidy and mortgage insurance programs. This investigation has focused on an outrageous practice known as equity skimming.

Equity skimming is the term used to describe a particular type of housing fraud. It occurs when an owner of HUD-insured projects take money intended to be used to pay the mortgage and provide maintenance and upkeep of the project and divert it for his or her own use. This diversion of funds causes the owner to default on their mortgage, forcing HUD—which guaranteed the loans—to pay the private lender the balance of the mortgage. At this point, HUD assumes the mortgage and the owner is required to make mortgage payments to HUD. Regrettably, however, the owner often continues to divert funds for personal use rather than meet mortgage and other expenses. As a result, these projects often fall into disrepair, forcing the tenants to endure intolerable living conditions.

The term "equity skimming" is somewhat of a misnomer in that the actual equity that the owner invests in the project is relatively small compared to the amount skimmed by the owner.

The HUD IG estimates that equity skimming has cost taxpayers approximately \$6 billion to date. HUD has approximately 20,000 total projects in its insured mortgage portfolio, totalling over \$40 billion. HUD holds another \$10 billion in mortgages already in default. An additional \$10 billion worth of HUD-insured mortgages are estimated to be at risk of default and in fiscal year 1993 alone HUD paid \$965 million in multi-family housing mortgage insurance claims to private lenders. While not all of these mortgages are in default because of equity skimming, I concur with HUD's IG that a significant amount of the defaults are a result of equity skimming.

The tragedy of this fraud goes beyond the waste of taxpayer dollars. As a result of equity skimming, tenants have been forced to live in horrible conditions because needed repairs go unattended to. At the same time, the owners of these projects live the high life while HUD is stuck with the cost of insuring the mortgage and rehabilitating the deteriorated project.

Let me give a couple of examples of how this shoddy practice has worked.



In upstate New York, partners in a nursing home claimed to be broke and failed to make payments on a \$5.1 million HUD-insured mortgage. While they were defaulting on the mortgage and sticking the taxpayers with the bill, the partners used various guises to divert some \$500,000 to personal use and paid themselves another \$1.7 million in fees for unverified services. While these partners were lining their own pockets, nursing home residents were going without appropriate care.

Another case of equity skimming involved a company in Texas, which managed approximately 86 HUD insured and/or subsidized multifamily projects. Results of a HUD IG audit revealed that \$19.6 million of the expenses were either ineligible or questionable because of insufficient support or evidence. The management company inadequately documented \$1.2 million in maintenance expenses and lacked documentation of some \$5.6 million in contracting expenses. The management company also diverted \$500,000 in project funds. The projects deteriorated at the expense of HUD, the taxpayers and the tenants who lived in seriously substandard housing. Due to the management company's lack of cooperation with HUD's auditors, HUD was unable to identify all the diversions and unsupported expenses.

In yet another case of equity skimming, the owner of four projects in Tennessee, diverted some \$4.7 million for personal benefit after defaulting on the HUD-insured mortgages. The owner also diverted almost \$800,000 to his wife rather than pay the mortgage. \$1.2 million was diverted to other companies operated by the owner. The owner also used another \$1 million to pay another loan.

Because of improper diversion of project funds, a project in Kansas, deteriorated leaving the tenants, who were receiving Federal rent subsidies, living in deplorable conditions. Apartments were roach infested, ceilings were falling down, and doors and windows provided neither security nor protection from the weather. The cost to rehabilitate the project came to an estimated \$1.4 million on a property worth \$1.8 million.

Two other recent cases of equity skimming in Minnesota cost the Government almost \$600,000. In one case, two partners collected rent and Government subsidies while failing to make full mortgage payments on their federally insured mortgages. The total cost to the taxpayers in this case was about \$425,000. In the other case, two owners of five subsidized buildings collected more than \$173,000 in rent while neglecting to make mortgage payments.

HUD is taking some positive steps to crack down on the owners engaged in equity skimming. Nicholas Retsinas, the Assistant Secretary for Housing

and Federal Housing Commissioner at HUD, testified at a recent governmental affairs hearing to some efforts that are under way. He testified that HUD is working to prevent the diversions from happening in the first place but if this fails, HUD intends to step up the efforts to recover the diverted monies. Also, the Housing Choice and Community Investment Act of 1994, contains some provisions to address the issue. Specifically, the act imposes civil money penalties against general partners and certain managing agents of multifamily housing projects for knowingly failing to properly maintain the projects in good condition and for failure to maintain the project. But, more needs to be done to effectively deter equity skimming.

Mr. President, today I am introducing legislation that will help to curb equity skimming. My legislation has three parts. The first part would allow equity skimming to fall under provisions of the Federal money laundering statute. Under current law, when the Federal Government sues project owners who steal or misappropriate money from federally insured housing projects, owners are able to protect their ill-gotten gains by transferring these assets to other individuals or parties during the lengthy litigation process. Making equity skimming as a violation of the Federal money laundering statute will allow the Government to seize those assets before the owner can hide them.

The second part would make HUD programs subject to the statute which makes it unlawful to obstruct Federal auditors. Unfortunately, there has been some question as to whether this statute applies to owners of low-income housing because the owners receive no direct Federal payment. Because the mortgages are insured and no money goes directly to the owner from the Government, owners are able to use the ambiguity in the law to stonewall Federal auditors. My bill would make clear that owners of housing projects financed with Government-insured mortgages are subject to the audit obstruction statute. Perpetrators of equity skimming would no longer be able to hide their books from Federal auditors.

The third provision in the bill requires HUD to provide in its agreements with borrowers that HUD could recover from project owners any funds paid out by HUD as a result of equity skimming. Under this new provision if an owner is convicted of equity skimming, the owner will be responsible for HUD's entire loss. Currently, HUD is unable to recover any funds it used to pay off the balance of the defaulted mortgage even if the borrowers are found guilty of equity skimming. Current law limits recovery to double the amount skimmed. For example, if an owner defaults on a \$500,000 mortgage insured by HUD because the owner

skimmed \$50,000 worth of equity, HUD would still be required to pay the balance of the \$500,000 mortgage. The owner would be liable for \$100,000, but escapes any additional liability for funds paid by HUD. My legislation would make the owner liable for any funds paid out by HUD as part of its insurance agreement with the lender.

Mr. President, this legislation should go far in slamming the door on fraudulent owners and managers who take advantage of both taxpayers and tenants to line their own pockets.

I would like to ask unanimous consent that a letter from the inspector general at HUD, Susan Gaffney, in support of this legislation, and the text of the bill be printed in the RECORD.

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

S. 2462

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government makes available mortgage insurance and other assistance to encourage investors and lending institutions to provide housing to low-income individuals and families;

(2) in general, this current system functions well;

(3) some unscrupulous owners of federally assisted housing, however, have diverted Federal housing subsidies and other funds to personal and other improper uses, while failing to make payments on their insured mortgages or maintain the assisted housing;

(4) this practice of diverting funds, known as equity skimming, has cost the Nation's taxpayers an estimated \$6,000,000,000; and

(5) current law is inadequate to deter or prevent the practice of equity skimming.

#### SEC. 2. INCLUSION OF EQUITY SKIMMING AS A LAUNDERING OFFENSE.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 254 of the National Housing Act (relating to equity skimming)," before "or any felony violation of the Foreign Corrupt Practices Act".

#### SEC. 3. OBSTRUCTION OF FEDERAL AUDIT.

Section 1516(a) of title 18, United States Code, is amended by inserting "or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of the Department of Housing and Urban Development pursuant to section 203, 207, 213, 220, 221, 223, 231, 232, 236, 238, 241, 242, 244, 608, or 810 of the National Housing Act," after "under a contract or subcontract,".

#### SEC. 4. EFFECT OF EQUITY SKIMMING ON MORTGAGE INSURANCE.

Section 254 of the National Housing Act (12 U.S.C. 1715z-19) is amended—

(1) by inserting "(a)" before "Whoever"; and

(2) by adding at the end the following new subsection:

"(b) EFFECT OF VIOLATION.—Each contract for insurance under any provision of law listed in subsection (a) shall provide that if an owner, agent, manager, or other person who is otherwise in custody, control, or possession of any property described in subsection (a) is convicted of a violation of this subsection (a), the Secretary may recover from

such owner, agent, manager, or other person an amount equal to the sum of—

"(1) any benefit of insurance conferred on the mortgagee by the Secretary with respect to such property; and

"(2) any other losses incurred by the Secretary in connection with such property; to the extent that such benefit was conferred or loss was incurred as a result of the violation."

#### U.S. DEPARTMENT OF HOUSING

##### AND URBAN DEVELOPMENT,

Washington, DC, September 19, 1994.

Hon. BILL COHEN,

U.S. Senate, Washington, DC.

DEAR SENATOR COHEN: I am writing to express my appreciation for your efforts in combatting equity skimming in HUD multifamily housing projects by promoting legislation for more effective enforcement authority.

As part of Operation Safe Home, HUD initiated an aggressive proactive effort to pursue project owners who misuse project operating funds through the criminal and civil courts. The overall goal is to deter these major abuses that cause unacceptable living conditions for low-income residents and cost taxpayers millions of dollars.

One of the keys in these efforts is to change statutes, HUD regulations, and contracts with HUD program participants to facilitate enforcement actions. Your efforts to improve statutory authority by making equity skimming a predicate for money laundering offenses, holding owners personally liable for losses to the Federal Government caused by equity skimming, and improving the obstruction of a Federal audit provisions are significant. Such statutes will better arm HUD to ensure that HUD insured multifamily housing projects are maintained in a decent and safe manner for all those who rely on HUD for housing.

I and my staff would be delighted to assist in any way we can. Again, thank you for your efforts in addressing these important enforcement issues.

Sincerely,

SUSAN GAFFNEY,  
Inspector General.●

#### ADDITIONAL COSPONSORS

S. 1955

At the request of Mr. LOTT, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1955, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to reform the budget process, and for other purposes.

S. 2091

At the request of Mr. SARBANES, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2091, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 2120

At the request of Mr. INOUE, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 2120, a bill to amend and extend the authorization of appropriations for

public broadcasting, and for other purposes.

S. 2330

At the request of Mr. ROCKEFELLER, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Missouri [Mr. BOND], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2330, a bill to amend title 38, United States Code, to provide that undiagnosed illnesses constitute diseases for purposes of entitlement of veterans to disability compensation for service-connected diseases, and for other purposes.

S. 2411

At the request of Mr. DOLE, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 2411, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 2452

At the request of Mr. GRAHAM, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 2452, a bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health and medical research, and for other purposes.

#### SENATE JOINT RESOLUTION 169

At the request of Mr. WARNER, the names of the Senator from Hawaii [Mr. INOUE] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of Senate Joint Resolution 169, a joint resolution to designate July 27 of each year as "National Korean War Veterans Armistice Day."

#### SENATE CONCURRENT RESOLUTION 66

At the request of Ms. MIKULSKI, the names of the Senator from California [Mrs. BOXER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 66, a concurrent resolution to recognize and encourage the convening of a National Silver Haired Congress.

#### SENATE RESOLUTION 243

At the request of Mr. LOTT, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Resolution 243, a resolution recognizing the Realtors Land Institute on the occasion of its 50th Anniversary.

#### SENATE RESOLUTION 264

At the request of Mr. MCCAIN, the names of the Senator from Nevada [Mr. REID] and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 264, a resolution expressing the sense of the Senate that the President should issue an Executive order to promote and expand Federal assistance for Indian institutions of higher education and foster the advancement of the National Education Goals for Indians.

#### SENATE RESOLUTION 268—FOR THE RELIEF OF MATT CLAWSON

Mr. CRAIG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 268

*Resolved*, That the bill S. 890 entitled "A bill for the relief of Matt Clawson," now pending in the Senate, together with all the accompanying papers, is referred to the chief judge of the United States Court of Federal Claims. The chief judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States. In complying with this resolution, the United States Court of Federal Claims is requested to consider the records of any previous trial of the issues in this case, including the records of *Mathew Clawson v. United States* (24 Cl. Ct. 366; 1991).

#### AMENDMENTS SUBMITTED

#### DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1995

#### MCCAIN AMENDMENT NO. 2587

Mr. MCCAIN (for himself, Mr. BROWN, and Mr. SMITH) proposed an amendment to the amendment to the House to the amendment of the Senate numbered 84, 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:

At the end of the matter proposed to be inserted, add the following:

#### SEC. . PROHIBITION ON THE EXPENDITURE OF APPROPRIATED AMOUNTS FOR CERTAIN PROGRAMS AND PROJECTS.

Notwithstanding any other provision of this Act—

(1) no amount appropriated under this Act shall be expended for a program or project that has not been—

(A) specifically, authorized by law prior to the date of enactment of this Act; or

(B) funded under—

(i) H.R. 4624, as passed by the House of Representatives on June 29, 1994; or

(ii) H.R. 4624, as passed by the Senate on August 4, 1994; and

(2) any amounts appropriated under this Act for a program or project that does not meet the requirements of paragraph (1) shall be distributed by the agency designated under this Act to administer the funds according to an applicable formula or an appropriate merit-based selection procedure.

#### SMITH AMENDMENT NO. 2588

Mr. SMITH proposed an amendment to the amendment of the House to the



amendment of the Senate numbered 28 to the bill H.R. 4624, *supra*; as follows:

At the end, add the following:

**SEC. . IDENTIFYING THE ORIGIN OF APPROPRIATIONS EARMARKS.**

It shall not be in order in the Senate or the House of Representatives to consider a conference report on an appropriations bill unless the joint explanatory statement of the conference committee on an appropriations bill specifies whether earmarked expenditures in the conference report or joint explanatory statement were contained in the House bill or committee report, the Senate bill or committee report, or added by the conferees.

**GORTON AMENDMENT NO. 2589**

Mr. GORTON proposed an amendment to the amendment of the House to the amendment of the Senate numbered 123 to the bill, H.R. 4624, *supra*; as follows:

At the end of the matter proposed to be inserted, insert the following:

**SEC. 518. FAIR HOUSING ACT ENFORCEMENT.**

**(a) ACTIONS AGAINST PRINTERS AND PUBLISHERS.—**

(1) **DONATIONS TO PRIVATE ADVOCACY ORGANIZATIONS.**—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)) is amended by adding at the end the following new paragraph:

"(6) **DONATIONS.**—In carrying out this subsection, the Secretary shall not propose or approve any conciliation agreement that requires any respondent to provide funding to any private advocacy organization."

(2) **LIMITATION ON MONETARY DAMAGES AND CIVIL PENALTIES.**—Section 804(c) of the Fair Housing Act (42 U.S.C. 3604(c)) is amended by inserting before the period the following: ", except that a printer or publisher of a notice, statement, or advertisement described in this subsection shall not be liable for monetary damages or civil penalties for violation of this subsection if such violation was unintentional".

**(b) ACTIONS AGAINST INDIVIDUALS.—**

(1) **COMPLAINTS AND INVESTIGATIONS.**—Section 810(a) of the Fair Housing Act (42 U.S.C. 3610(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by adding at the end the following new clause:

"(iv) No complaint involving speech or any other activity that may be protected by the First Amendment to the Constitution shall be accepted for filing without the prior written approval of the Secretary."; and

(ii) in subparagraph (B)(iv), by inserting "in accordance with the requirements of paragraph (4)" after "housing practice"; and

(B) by adding at the end the following new paragraphs:

**"(3) PROTECTED ACTIVITIES.—**

"(A) **IN GENERAL.**—In carrying out this subsection, other than in cases involving a clear violation of the rights of an individual or group under this Act, the Secretary shall not file, accept for filing, or investigate any complaint involving public activities that are directed toward achieving or preventing action by a governmental entity or official.

"(B) **ACTIVITIES INCLUDED.**—For purposes of subparagraph (A), the term 'public activities' that are directed toward achieving or preventing action by a governmental entity or official includes—

"(i) distributing fliers, pamphlets, brochures, posters, or other written materials to the public;

"(ii) holding open community and neighborhood meetings;

"(iii) writing articles or letters to the editor or making statements in a newspaper or other publication;

"(iv) conducting peaceful demonstrations;

"(v) testifying at public hearings; and

"(vi) communication directly with a governmental entity concerning official governmental matters within the jurisdiction of such entity.

**"(4) INVESTIGATIONS.—**

**"(A) INVESTIGATIVE PLAN.—**

"(i) **IN GENERAL.**—Prior to the commencement of an investigation under paragraph (1)(B)(iv), the Secretary shall require the submission of an investigative plan for approval by the Secretary.

"(ii) **REQUIREMENTS.**—Each investigative plan submitted under clause (i) shall contain provisions to ensure that the investigation will be—

"(I) prompt;

"(II) narrowly tailored to determine whether or not the First Amendment is applicable; and

"(III) conducted in close consultation with legal counsel.

"(iii) **APPROVAL.**—The Secretary shall not approve an investigation plan if an investigation conducted pursuant to such plan will, in the determination of the Secretary, violate the First Amendment rights of any party.

"(B) **INVESTIGATION.**—In conducting investigations under paragraph (1)(B)(iv), the Secretary—

"(i) shall not subpoena or otherwise seek membership lists, fundraising information, or financial data from organizations that are or may be engaging in protected political activities under the First Amendment; and

"(ii) shall, to the maximum extent practicable, review public records and interview public officials, rather than reviewing private correspondence or interviewing respondents."

(2) **CONCILIATION AGREEMENTS.**—Section 810(b) of the Fair Housing Act (42 U.S.C. 3610(b)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(7) **FIRST AMENDMENT RIGHTS.**—In carrying out this subsection, the Secretary shall not approve any conciliation agreement that would limit the First Amendment rights of any party."

(3) **ATTORNEY'S FEES.**—Section 812(p) of the Fair Housing Act (42 U.S.C. 3612(p)) is amended by adding at the end the following: "Notwithstanding the preceding provisions of this subsection, if in any administrative proceeding brought under this section, any court proceeding arising therefrom, or any civil action under this section, the administrative law judge or the court, as the case may be, makes a determination that is or becomes final that any proposal, offer, order, or demand made by the Secretary during the conciliation process conducted pursuant to section 810(b) violated the respondent's rights under the First Amendment to the Constitution, the administrative law judge or the court shall require the Secretary to pay all reasonable attorney's fees and costs incurred by the respondent in connection with such proceeding or action."

**ADDITIONAL STATEMENTS**

**THE HEALTH INNOVATION PARTNERSHIP ACT OF 1994**

• Mr. GRAHAM. Mr. President, on September 22, 1994, I introduced S. 2452, the

Health Innovation Partnership Act of 1994. My floor statement, a summary of the bill, and various articles on State innovation were included in the RECORD. I would ask that the bill be printed in its entirety in today's RECORD.

The text of the bill follows:

S. 2452

*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 "Health Innovation Partnership Act of 1994".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) Americans support universal coverage. The people of this country agree that all Americans, rich and poor, should be guaranteed access to affordable, high-quality health care.

(2) Although there is common agreement on the goal of universal coverage, there are many different ways to achieve this goal. The States can play an important role in achieving universal coverage for our population, demonstrating additional health reforms that may be needed on a national level to enhance access to affordable, high-quality health care. The States can also serve as testing grounds to identify effective alternatives for making the transition to universal coverage, while maintaining the strengths of the current health care system.

(3) Maintaining the high quality of health care Americans expect and controlling costs are also important goals of health care reform. As payers of health care, the States have a strong incentive to ensure that such States purchase high-quality, cost-effective services for the residents of such States. The States can develop and test alternative payment and delivery systems to ensure that these goals are achieved.

(4) There are many health-related issues that should be addressed at the State level before their implementation on the national level. As with social security and child labor protections, States can lead the way in testing ideas for national application.

(5) The States should have the flexibility to test alternative health reforms with the objectives of increasing access to care, controlling health care costs, and maintaining or improving the quality of health care.

**TITLE I—HEALTH INSURANCE REFORM**

**SEC. 1001. ESTABLISHMENT OF STANDARDS.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall request that the National Association of Insurance Commissioners (hereafter referred to in this section as the "Association") develop, not later than 6 months after the date of enactment of this Act, standards for health insurance plans with respect to—

(1) the renewability of coverage under such plans;

(2) the portability of coverage under such plans, including—

(A) limitations on the use of pre-existing conditions;

(B) the concept of an "amnesty period" during which limitations on pre-existing conditions would be suspended; and

(C) the advisability of open enrollment periods;

(3) guaranteed issue with respect to all health insurance coverage products;

(4) the establishment of an adjusted community rating system with adjustment factors limited to age (with no more than a 2:1

variation in premiums based on age) and geography;

(5) solvency standards for health insurance plans regulations under Federal and State law, including the development of risk-based capital standards for health plans, solvency standards for health plans, self-funded employer-sponsored health plans, and multi-employer welfare arrangements and association plans;

(6) stop-loss standards for self-funded health insurance plans and multi-employer welfare arrangements and association plans;

(7) the identification of minimum employer size for self-funding and the interrelationship between self-funding and the community-rated pool of enrollees; and

(8) any other areas determined appropriate by the Secretary.

(b) REVIEW.—Not later than 30 days after receipt of the standards developed by the Association under subsection (a), the Secretary shall complete a review of such standards. If the Secretary, based on such review, approves such standards, such standards shall apply with respect to all health insurance plans offered or operating in a State on and after the date specified in subsection (d) herein.

(c) FAILURE TO DEVELOP STANDARDS OR FAILURE TO APPROVE.—If the Association fails to develop standards within the 6-month period referred to in subsection (a), or the Secretary fails to approve any standards developed under such subsection, the Secretary shall develop, not later than 15 months after the date of enactment of this Act, standards applicable to health insurance plans, including standards related to the matter described in paragraphs (1) through (7) of subsection (a) ("Federal standards") and such standards shall apply with respect to all health insurance plans offered or operating in a State on and after the date specified in subsection (d) herein.

(d)(1) Subject to clause (2), the date specified in this subparagraph for a State is the date the State adopts the NAIC standards or the Federal standards or 1 year after the date the Association or the Secretary first adopts such standards, whichever is earlier.

(2) In the case of a State which the Secretary identifies, in consultation with the Association, as—

(A) requiring State legislation (other than legislation appropriating funds) in order for health insurance policies to meet the NAIC or Federal standards, but

(B) having a legislature which is not scheduled to meet in 1992 in a legislative session in which such legislation may be considered, the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1992. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(e) In promulgating standards under this paragraph, the Association or Secretary shall consult with a working group composed of representatives of issuers of health insurance policies, consumer groups, health insurance beneficiaries, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

(f) EFFECT ON STATE LAW.—Nothing in this section shall be construed to preempt any State law to the extent that such State law implements more progressive reforms than

those implemented under the standards developed under this section, as determined by the Secretary.

#### SEC. 1002. MEDICARE SELECT.

(a) AMENDMENTS TO PROVISIONS RELATING TO MEDICARE SELECT POLICIES.—

(1) PERMITTING MEDICARE SELECT POLICIES IN ALL STATES.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 is hereby repealed.

(2) REQUIREMENTS OF MEDICARE SELECT POLICIES.—Section 1882(t)(1) (42 U.S.C. 1395ss(t)(1)) is amended to read as follows:

"(1)(A) If a Medicare supplemental policy meets the requirements of the 1991 NAIC Model Regulation or 1991 Federal Regulation and otherwise complies with the requirements of this section except that—

"(i) the benefits under such policy are restricted to items and services furnished by certain entities (or reduced benefits are provided when items or services are furnished by other entities), and

"(ii) in the case of a policy described in subparagraph (C)(i)—

"(I) the benefits under such policy are not one of the groups or packages of benefits described in subsection (p)(2)(A),

"(II) except for nominal copayments imposed for services covered under part B of this title, such benefits include at least the core group of basic benefits described in subsection (p)(2)(B), and

"(III) an enrollee's liability under such policy for physician's services covered under part B of this title is limited to the nominal copayments described in subclause (II),

the policy shall nevertheless be treated as meeting those requirements if the policy meets the requirements of subparagraph (B).

"(B) A policy meets the requirements of this subparagraph if—

"(i) full benefits are provided for items and services furnished through a network of entities which have entered into contracts or agreements with the issuer of the policy,

"(ii) full benefits are provided for items and services furnished by other entities if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition and it is not reasonable given the circumstances to obtain the services through the network,

"(iii) the network offers sufficient access,

"(iv) the issuer of the policy has arrangements for an ongoing quality assurance program for items and services furnished through the network,

"(v)(I) the issuer of the policy provides to each enrollee at the time of enrollment an explanation of—

"(aa) the restrictions on payment under the policy for services furnished other than by or through the network,

"(bb) out of area coverage under the policy,

"(cc) the policy's coverage of emergency services and urgently needed care, and

"(dd) the availability of a policy through the entity that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation without regard to this subsection and the premium charged for such policy, and

"(II) each enrollee prior to enrollment acknowledges receipt of the explanation provided under subclause (I), and

"(vi) the issuer of the policy makes available to individuals, in addition to the policy described in this subsection, any policy (otherwise offered by the issuer to individuals in the State) that meets the 1991 Model NAIC Regulation or 1991 Federal Regulation and other requirements of this section without regard to this subsection.

"(C)(i) A policy described in this subparagraph—

"(I) is offered by an eligible organization (as defined in section 1876(b)),

"(II) is not a policy or plan providing benefits pursuant to a contract under section 1876 or an approved demonstration project described in section 603(c) of the Social Security Amendments of 1983, section 2355 of the Deficit Reduction Act of 1984, or section 9412(b) of the Omnibus Budget Reconciliation Act of 1986, and

"(III) provides benefits which, when combined with benefits which are available under this title, are substantially similar to benefits under policies offered to individuals who are not entitled to benefits under this title.

"(ii) In making a determination under subclause (III) of clause (i) as to whether certain benefits are substantially similar, there shall not be taken into account, except in the case of preventive services, benefits provided under policies offered to individuals who are not entitled to benefits under this title which are in addition to the benefits covered by this title and which are benefits an entity must provide in order to meet the definition of an eligible organization under section 1876(b)(1)."

(b) RENEWABILITY OF MEDICARE SELECT POLICIES.—Section 1882(q)(1) (42 U.S.C. 1395ss(q)(1)) is amended—

(1) by striking "(1) Each" and inserting "(1)(A) Except as provided in subparagraph (B), each";

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(3) by adding at the end the following new subparagraph:

"(B)(i) In the case of a policy that meets the requirements of subsection (t), an issuer may cancel or nonrenew such policy with respect to an individual who leaves the service area of such policy; except that, if such individual moves to a geographic area where such issuer, or where an affiliate of such issuer, is issuing Medicare supplemental policies, such individual must be permitted to enroll in any Medicare supplemental policy offered by such issuer or affiliate that provides benefits comparable to or less than the benefits provided in the policy being canceled or nonrenewed. An individual whose coverage is canceled or nonrenewed under this subparagraph shall, as part of the notice of termination or nonrenewal, be notified of the right to enroll in other Medicare supplemental policies offered by the issuer or its affiliates.

"(ii) For purposes of this subparagraph, the term 'affiliate' shall have the meaning given such term by the 1991 NAIC Model Regulation."

(c) CIVIL PENALTY.—Section 1882(t)(2) (42 U.S.C. 1395ss(t)(2)) is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) in clause (iv), as redesignated—

(A) by striking "paragraph (1)(E)(i)" and inserting "paragraph (1)(B)(v)(I); and

(B) by striking "paragraph (1)(E)(ii)" and inserting "paragraph (1)(B)(v)(II)";

(4) by striking "the previous sentence" and inserting "this subparagraph"; and

(5) by adding at the end the following new subparagraph:

"(B) If the Secretary determines that an issuer of a policy approved under paragraph (1) has made a misrepresentation to the Secretary or has provided the Secretary with false information regarding such policy, the



issuer is subject to a civil money penalty in an amount not to exceed \$100,000 for each such determination. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a)."

(d) EFFECTIVE DATES.—

(1) NAIC STANDARDS.—If, within 9 months after the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subsection referred to as the "NAIC") makes changes in the 1991 NAIC Model Regulation (as defined in section 1882(p)(1)(A) of the Social Security Act) to incorporate the additional requirements imposed by the amendments made by this section, section 1882(g)(2)(A) of such Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed under this paragraph (such changed Regulation referred to in this subsection as the "1995 NAIC Model Regulation").

(2) SECRETARY STANDARDS.—If the NAIC does not make changes in the 1991 NAIC Model Regulation (as so defined) within the 9-month period specified in paragraph (1), the Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall promulgate a regulation and section 1882(g)(2)(A) of the Social Security Act shall be applied in each State, effective for policies issued to policyholders on and after the date specified in paragraph (3), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation (as so defined) as changed by the Secretary under this paragraph (such changed Regulation referred to in this subsection as the "1995 Federal Regulation").

(3) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State adopts the 1995 NAIC Model Regulation or the 1995 Federal Regulation, or

(ii) 1 year after the date the NAIC or the Secretary first adopts such regulations.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

(i) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 1995 NAIC Model Regulation or the 1995 Federal Regulation, but

(ii) having a legislature which is not scheduled to meet in 1995 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 1996. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

## TITLE II—STATE INNOVATION

### Subtitle A—State Waiver Authority

#### SEC. 2001. STATE HEALTH REFORM PROJECTS.

(a) OBJECTIVES.—The objectives of the waiver programs approved under this section shall include, but not be limited to—

(1) achieving the goals of increased health coverage and access;

(2) containing the annual rate of growth in public and private health care expenditures;

(3) ensuring that patients receive high-quality, appropriate health care; and

(4) testing alternative reforms, such as building on the private health insurance system or creating new systems, to achieve the objectives of this Act.

(b) STATE HEALTH REFORM APPLICATIONS.—

(1) IN GENERAL.—A State may apply for—

(A) an alternative State health program waiver under paragraph (2); or

(B) a limited State health care waiver under paragraph (3).

(2) ALTERNATIVE STATE HEALTH PROGRAM WAIVERS.—

(A) IN GENERAL.—In accordance with this paragraph, each State desiring to implement an alternative State health program may submit an application for waiver to the Secretary for approval.

(B) WAIVER REQUIREMENTS SPECIFIED.—A State that desires to receive a program waiver under this paragraph shall prepare and submit to the Secretary, as part of the application, a State health care plan that shall—

(i) provide and describe the manner in which the State will ensure that individuals residing within the State have expanded access to health care coverage;

(ii) describe the number and percentage of current uninsured individuals who will achieve coverage under the alternative State health program;

(iii) describe the benefits package that will be provided to all classes of beneficiaries under the alternative State health program;

(iv) identify Federal, State, or local programs that currently provide health care services in the State and describe how such programs could be incorporated into or coordinated with the alternative State health program, to the extent practicable;

(v) provide that the State will develop and implement health care cost containment procedures;

(vi) describe the public and private sector financing to be provided for the alternative State health program;

(vii) estimate the amount of Federal, State, and local expenditures, as well as the costs to business and individuals under the alternative State health program;

(viii) describe how the State plan will ensure the financial solvency of the alternative State health program;

(ix) describe any changes in eligibility for public subsidies;

(x) provide assurances that Federal expenditures under the alternative State health program shall not exceed the Federal expenditures which would otherwise be made in the aggregate for the entire program period;

(xi) provide quality control assurances and agreements as required by the Secretary;

(xii) provide for the development and implementation of a State health care delivery system that provides increased access to care in areas of the State where there is an inadequate supply of health care providers;

(xiii) identify all Federal law waivers required to implement the alternative State health program, including such waivers necessary to achieve the access, cost containment, and quality goals of this Act and the alternative State health program; and

(xiv) provide that the State will prepare and submit the Secretary such reports as the Secretary may require to carry out program evaluations.

(C) PROJECT WAIVERS.—

(i) CRITERIA FOR SELECTION.—In selecting from among the applications for alternative

State health program waivers, the Secretary shall be satisfied that each approved State alternative State health program—

(I) will not have a negative effect on quality of care;

(II) increase coverage of or access for the State's population; and

(III) will—

(aa) provide quality of care and premium comparisons directly to employers and individuals in an easy-to-use format,

(bb) contract with an external peer review organization to monitor the quality of health care plans, and

(cc) establish a mechanism within the State's grievance process that allows members of a health plan to disenroll at any time if it can be shown that such members were provided erroneous information that biased their health plan selection.

(ii) WAIVER APPROVAL.—The Secretary shall approve applications submitted by States that meet the access, cost containment, and quality goals established in this Act and shall waive to the extent necessary to conduct each alternative State health program any of the requirements of this Act, including, but not limited to, eligibility requirements; alternative data collection systems and sampling designs that focus on measuring health status, patient treatment outcomes, and patient satisfaction with health plans, rather than on the collection of 100 percent of patient encounters; and benefit designs; and any provisions of Federal law contained in the following:

(I) Titles V, XVIII, XIX, and XX of the Social Security Act.

(II) The Public Health Service Act.

(III) Any other Federal law authorizing a Federal health care program that the Secretary identifies as providing health care services to qualified recipients.

(3) LIMITED STATE HEALTH CARE WAIVERS.—Each State which does not receive an approved application under paragraph (2) may apply for a limited State health care waiver. The Secretary shall award limited State health care waivers to ensure State demonstrations of health reforms that could address, but are not limited to addressing, the following issues that are likely to provide guidance for the development of additional national health reforms:

(A) Integration of acute and long-term care systems, including delivery and financing systems.

(B) Establishment of methodologies that limit expenditures or establish global budgets, including rate setting and provider reimbursements.

(C) Implementation of a quality management and improvement system.

(D) Strategies to improve the proper specialty and geographic distribution of the health care work force.

(E) Initiatives to improve the population's health status.

(F) Development of uniform health data sets that emphasize the measurement of patient satisfaction, treatment outcomes, and health status.

(G) Methods for coordinating or integrating State-funded programs that provide services for low-income individuals, including programs authorized by this Act.

(H) Programs to improve public health.

(I) Reforms intended to reduce health care fraud and abuse.

(J) Reforms to reduce the incidence of defensive medicine and practitioner liability costs associated with medical malpractice.

(K) Development of a uniform billing system.

(c) ADDITIONAL RULES REGARDING APPLICATIONS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall, if requested, provide technical assistance to States to assist such States in developing waiver applications under this section.

(2) INITIAL REVIEW.—The Secretary shall complete an initial review of each State application for a waiver under paragraph (2) or (3) of subsection (b) within 40 days of the receipt of such application, analyze the scope of the proposal, and determine whether additional information is needed from the State. The Secretary shall issue a preliminary opinion concerning the likelihood that the application will be approved within such 40-day period and shall advise the State within such period of the need to submit additional information.

(3) FINAL DECISION.—The Secretary shall, within 90 days of the later of—

(A) the receipt of a State application for a waiver under paragraph (2) or (3) of subsection (b), or

(B) the date on which the Secretary receives additional information requested from a State under paragraph (1), issue a final decision concerning such application.

(4) WAIVER PERIOD.—A State waiver may be approved for a period of 5 years and may be extended for subsequent 5-year periods upon approval by the Secretary, except that a shorter period may be requested by a State and granted by the Secretary.

(d) QUALIFICATION FOR FEDERAL FUNDS.—For purposes of this Act, a State with an approved alternative health care system under subsection (b)(2) shall be considered a participating State and shall maintain such status if such State meets the requirements established by the Secretary in the waiver approval and in this section.

(e) EVALUATION, MONITORING, AND COMPLIANCE.—

(1) STATE HEALTH REFORM ADVISORY BOARD.—Within 90 days after the date of the enactment of this Act, the Secretary shall establish a 7-member State Health Reform Advisory Board (hereafter in this subsection referred to as the "Board") that will be responsible for monitoring the status and progress achieved under waivers granted under this section and promoting information exchange between States and the Federal Government. The Board shall be comprised of members representing relevant participants in State programs, including representatives of State government, employers, consumers, providers, and insurers. The Board shall also be responsible for making recommendations to the Secretary, using equivalency or minimum standards, for minimizing the negative effect of State waivers on national employer groups, provider organizations, and insurers because of differing State requirements under the waivers.

(2) ANNUAL REPORTS BY STATES.—Each State that has received a waiver approval shall submit to the Secretary an annual report based on the period representing the respective State's fiscal year, detailing compliance with the requirements established by the Secretary in the waiver approval and in this section.

(3) CORRECTIVE ACTION PLANS.—If a State is not in compliance, the Secretary shall develop, in conjunction with all the approved States, a corrective action plan.

(4) TERMINATION.—For good cause, the Secretary may revoke any waiver of Federal law granted under this section, and if necessary, may terminate any alternative State health

program. Such decisions shall be subject to a petition for reconsideration and appeal pursuant to regulations established by the Secretary.

(5) EVALUATIONS BY SECRETARY.—The Secretary shall prepare and submit to the Committee on Finance and the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives annual reports that shall contain—

(A) a description of the effects of the reforms undertaken in States receiving waiver approvals under this section;

(B) an evaluation of the effectiveness of such reforms in—

(i) expanding health care coverage for State residents;

(ii) providing health care to State residents with special needs;

(iii) reducing or containing health care costs in the States; and

(iv) improving the quality of health care provided in the States; and

(C) recommendations regarding the advisability of increasing Federal financial assistance for State alternative State health program initiatives, including the amount and source of such assistance.

(f) FUNDING.—

(1) IN GENERAL.—The Secretary may provide a grant to a State that has an application for a waiver approved under this section to enable such State to carry out an alternative State health program in the State.

(2) AMOUNT OF GRANT.—The amount of a grant provided to a State under paragraph (1) shall be determined pursuant to an allocation formula established by the Secretary.

(3) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to those State projects that the Secretary determines have the greatest opportunity to succeed in providing expanded health insurance coverage and in providing children and youth with access to health care items and services.

(4) MAINTENANCE OF EFFORT.—A State, in utilizing the proceeds of a grant received under paragraph (1), shall maintain the expenditures of the State for health care coverage purposes at a level equal to not less than the level of such expenditures maintained by the State for the fiscal year preceding the fiscal year for which the grant is received. The requirement of this paragraph shall not apply in the case of a State that desires to alter health care coverage funding levels within the scope of the State's alternative health program.

(5) REPORT.—At the end of the 5-year period beginning on the date on which the Secretary awards the first grant under paragraph (1), the State Health Reform Advisory Board established under subsection (e)(1) shall prepare and submit to the appropriate committees of Congress, a report on the progress made by States receiving grants under paragraph (1) in achieving universal health care coverage in such States during the 5-year period of the grant. Such report shall contain the recommendation of the Board concerning any future action that Congress should take concerning health care reform, including whether or not to extend the program established under this subsection.

(g) AVAILABILITY OF FUNDS.—With respect to each of the calendar years 1996 through 2000, \$10,000,000,000 shall be available for a calendar year to carry out this section from the Health Care Reform Trust Fund established under section 9551(a)(2)(A) of the In-

ternal Revenue Code of 1986. Amounts made available in a calendar year under this paragraph and not expended may be used in subsequent calendar years to carry out this section.

(h) AMENDMENT TO CRIMINAL PENALTIES FOR ACTS INVOLVING MEDICARE OR STATE HEALTH CARE PROGRAMS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) is amended by adding at the end the following new paragraph:

"(4) Paragraphs (1) and (2) shall not apply to—

"(A) any payment to a health insurer or health maintenance organization for which the premium is paid in whole or in part by a State health care program; and

"(B) any payment made by a health insurer or a health maintenance organization to a sales representative or a licensed insurance agent as compensation for the services of the representative or agent in marketing and enrolling an individual in a health plan for which the premium is paid in whole or in part by a State health care program."

#### Subtitle B—Existing State Laws

#### SEC. 2101. CONTINUANCE OF EXISTING FEDERAL LAW WAIVERS.

Nothing in this Act shall preempt any feature of a State health care system operating under a waiver granted before the date of the enactment of this Act under titles XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. or 1396 et seq.) or the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

#### SEC. 2102. HAWAII PREPAID HEALTH CARE ACT.

(a) ERISA WAIVER.—

(1) IN GENERAL.—Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A) Except as provided in subparagraphs (B) and (C), subsection (a) shall not apply to the Hawaii Prepaid Health Care Act (Haw. Rev. Stat. §§393-1 through 393-51).

"(B) Nothing in subparagraph (A) shall be construed to exempt from subsection (a) any State tax law relating to employee benefits plans.

"(C) If the Secretary of Labor notifies the Governor of the State of Hawaii that as the result of an amendment to the Hawaii Prepaid Health Care Act enacted after the date of the enactment of this paragraph—

"(i) the proportion of the population with health care coverage under such Act is less than such proportion on such date, or

"(ii) the level of benefit coverage provided under such Act is less than the actuarial equivalent of such level of coverage on such date,

subparagraph (A) shall not apply with respect to the application of such amendment to such Act after the date of such notification."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) HSA WAIVER.—

(1) IN GENERAL.—The Secretary shall, at the request of the Governor of the State of Hawaii and in accordance with this section, grant a waiver to the State from the requirements of this Act (other than the requirements specified in paragraph (3)).

(2) SCOPE OF WAIVER.—The waiver granted under paragraph (1) shall exempt—

(A) the State of Hawaii;

(B) health plans offered within the State; and

(C) health plan participants, including employers, employees, residents, and health plan sponsors within the State,



from requirements otherwise applicable to the State and such plans and participants.

(3) **REQUIRED COMPLIANCE OF OTHER REQUIREMENTS.**—The waiver shall initially be granted under paragraph (1) if the State of Hawaii demonstrates to the Secretary that the State maintains—

(A) a requirement that employers make premium contributions in accordance with the requirements of title I;

(B) a comprehensive benefit package (including cost sharing) that is comparable with the requirements of title I;

(C) a percentage of State population with health care coverage that is not less than the national average;

(D) a quality control mechanism and data system; and

(E) health care cost containment consistent with the provisions of title I.

(4) **WAIVER PERIOD.**—The waiver initially granted under paragraph (1) shall extend for the period during which the State of Hawaii continues to comply with the requirements specified in paragraph (3). The Secretary may require the State, every 5 years, to demonstrate to the Secretary the State's continued compliance with such requirements.

(5) **PROCEDURE IN THE EVENT OF NON-COMPLIANCE.**—

(A) **NOTICE.**—If, at any time after granting a waiver under paragraph (1), the Secretary finds that the State of Hawaii is not meeting the requirements specified in paragraph (3), the Secretary shall notify the State of the Secretary's findings.

(B) **OPPORTUNITY TO CONTEST.**—The State may contest the Secretary's findings.

(C) **OPPORTUNITY FOR CORRECTION.**—

(i) **FINDINGS NOT CONTESTED.**—If the State does not contest the Secretary's findings within the 30-day period beginning on the date of receipt of a notice of such findings, the State shall have—

(I) a 90-day period beginning on such date to show a good faith effort to remedy the non-compliance, and

(II) an additional 12-month period to take such actions as may be required to bring the State into compliance with the requirements specified in paragraph (3).

(ii) **CONTESTED FINDINGS.**—If the State contests the Secretary's findings within such 30-day period but such findings are upheld, the State shall have—

(I) a 90-day period beginning on the date of final adjudication to show a good faith effort to remedy the non-compliance, and

(II) an additional 12-month period to take such actions as may be required to bring the State into compliance with the requirements specified in paragraph (3).

(D) **TERMINATION.**—If the State fails to demonstrate a good faith effort under subparagraph (C)(i)(I) or (C)(ii)(I) or to take actions under subparagraph (C)(i)(II) or (C)(ii)(II) within the time period specified, the Secretary may revoke the waiver granted in paragraph (1).

(6) **COOPERATIVE AGREEMENT WITH THE SECRETARY.**—The Secretary shall enter into cooperative agreements with appropriate officials of the State of Hawaii—

(A) to develop standards and reporting requirements necessary for the issuance and maintenance of the State's waiver under paragraph (1); and

(B) otherwise to effectuate the provisions of this subsection.

(7) **ELIGIBILITY FOR FEDERAL FUNDS PROVIDED TO PARTICIPATING STATES.**—Nothing in this subsection shall preclude the eligibility of the State of Hawaii to participate in any public health initiative, grant, or financial

aid program under this Act (including the Medicaid program under title XIX of the Social Security Act), designed to implement the purpose of this Act. The Secretary shall work with appropriate officials of the State of Hawaii to develop comparable, alternative standards to govern the State's entitlement under title XI.

#### SEC. 2103. ALTERNATIVE STATE PROVIDER PAYMENT SYSTEMS.

Notwithstanding any other provision of law, if a hospital reimbursement system operated by a State meets the requirements of section 1814(b) of the Social Security Act (42 U.S.C. 1395f(b)) and has been approved by the Secretary and in continuous operation since July 1, 1977, the payment rates and methodologies required under the system for services provided in the State shall apply to all purchasers and payers, including those under employee welfare benefit plans authorized under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), workers' compensation programs under State law, the Federal Employees' Compensation Act under chapter 81 of title 5, United States Code, and Federal employee health benefit plans under chapter 89 of title 5, United States Code.

#### SEC. 2104. ALTERNATIVE STATE HOSPITAL SERVICES PAYMENT SYSTEMS.

(a) **IN GENERAL.**—No State shall be prevented from enforcing—

(1) a State system described in subsection (b), or

(2) a State system described in subsection (c),

by any provision of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) or chapter 81 or 89 of title 5, United States Code.

(b) **REIMBURSEMENT CONTROL SYSTEM.**—A State system is described in this subsection if it is a State reimbursement control system in operation before the date of the enactment of this Act which—

(1) applies to substantially all non-Federal acute care hospitals in the State, and

(2) regulates substantially all rates of payment (including maximum charges) in the State for inpatient hospital services, except payments made under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(c) **HEALTH INSURANCE REFORM SYSTEM.**—A State system is described in this subsection if it is a State health insurance reform system in operation before the date of the enactment of this Act which requires any insurer (including a health maintenance organization) to comply with requirements governing open enrollment and community rating, including premium adjustments or other health care assessments for the purpose of risk adjustment.

(d) **EFFECTIVE DATES.**—

(1) **SUBSECTION (b).**—In the case of a State system described in subsection (b), the provisions of this section shall apply before, on, and after the date of the enactment of this Act.

(2) **SUBSECTION (c).**—In the case of a State system described in subsection (c), the provisions of this section shall apply before, on, and after the date of the enactment of this Act, and before the date of enactment of this Act.

#### SEC. 2105. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF OREGON RELATING TO HEALTH PLANS.

(a) **IN GENERAL.**—Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end the following new paragraph:

"(9)(A) Subject to subparagraph (B), subsection (a) shall not apply to the following provisions of the law of the State of Oregon as applied to a group health plan:

"(i) Chapter 838, Oregon Laws 1989 (relating to the creation and operation of a high-risk insurance pool).

"(ii) Chapter 591, Oregon Laws 1987, chapter 381, Oregon Laws 1989, and chapter 916, Oregon Laws 1991 (relating to employer-based health plan coverage reforms).

"(iii) Chapter 470, Oregon Laws 1991 (relating to health care cost containment and technology assessment).

"(iv) Chapter 836, Oregon Laws 1989 and chapter 753, Oregon Laws 1991 (relating to prioritization and medical assistance reforms).

"(v) Chapter 815, Oregon Laws 1993 (relating to phasing in of employer coverage and other revisions of the Oregon Health Plan).

"(vi) Any other provision of the law of the State of Oregon, to the extent that such provision is necessary to achieve universal coverage under the Oregon Health Plan.

"(B) Subparagraph (A) shall apply with respect to any provision of the law of the State of Oregon which provides, directly or indirectly, for taxation of employers or group health plans only if under such provision the assessment of the tax is under a uniform schedule, applicable to all employers and group health plans, and does not discriminate on the basis of the extent to which a group health plan is insured.

"(C) For purposes of this paragraph, the term 'group health plan' has the meaning provided in section 607(1).".

(b) **APPLICABILITY OF FEDERAL HEALTH REFORM LEGISLATION.**—The State of Oregon shall not be treated as failing to comply with applicable requirements of any Federal health reform law, which is enacted on or after the date of the enactment of this Act and which provides for coverage of individuals under a comprehensive benefit package, before the first day of the first calendar year following the calendar year in which all other States have in effect plans under which individuals are eligible for coverage under a comprehensive benefit package in compliance with such law.

#### SEC. 2106. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF MINNESOTA RELATING TO HEALTH PLANS.

(a) **ERISA WAIVER.**—

(1) **IN GENERAL.**—Section 514(b)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)(5)) is amended to read as follows:

"(5)(A)(i) Except as provided in clauses (ii) and (iii), subsection (a) shall not apply to the following provisions of the law of the State of Minnesota:

"(I) Sections 295.50 through 295.59 Minnesota Statutes relating to gross revenues, hospitals and health care surgical centers and pass through of such tax.

"(II) Sections 62J.30 through 62J.45 Minnesota Statutes relating to data to the extent those provisions authorize or require submission of data by health care providers, health insurers, health maintenance organizations, or third party administrators.

"(ii) Nothing in clause (i) shall be construed to exempt from subsection (a)—

"(I) any State tax law relating to employee benefit plans (other than a provision described in clause (i)), and

"(II) any amendment of any provision referred to in clause (i) enacted on or after May 31, 1994; to the extent it provides for more than the effective administration of such provision as in effect on such date.

"(iii) Notwithstanding clause (i), parts 1 and 4 of this subtitle, and the preceding sections of this part to the extent they govern matters which are governed by the provisions of such parts 1 and 4, shall supersede the provisions described in clause (i) (as in effect on or after May 31, 1994), but the Secretary may enter into cooperative arrangements under this subparagraph and section 506 with officials of the State of Minnesota to assist them in effectuating the policies of such provisions which are superseded by such parts 1 and 4 and the preceding sections of this part."

**SEC. 2107. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF WASHINGTON RELATING TO HEALTH PLANS.**

Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by adding at the end of the following new paragraph:

"(9) Subsection (a) of this section shall not apply to the following provisions of the law of the State of Washington—

"(A) section 212 of Chapter 492, Laws of 1993 (relating to enrollment of certain employees in the Washington basic health plan);

"(B) sections 301 and 304 of Chapter 492, Laws of 1993 (relating to taxation of premiums and hospitals);

"(C) sections 406(7) and 454 of Chapter 492, Laws of 1993 (relating to medical risk adjustment mechanisms);

"(D) section 427 of Chapter 492, Laws of 1993 (relating to benefits required to be offered by registered employer health plans);

"(E) section 430 of Chapter 492, Laws of 1993 (relating to requirements applicable to registered employer health plans); and

"(F) section 464 of Chapter 492, Laws of 1993, as amended by section 3 of Chapter 494, Laws of 1993 (relating to requirements that employers offer and pay a portion of the costs of employee health care coverage)."

**SEC. 2108. EXEMPTION FROM ERISA PREEMPTION OF CERTAIN PROVISIONS OF THE LAW OF THE STATE OF CONNECTICUT RELATING TO HEALTH PLANS.**

Section 514(b) of the Employee Retirement Income Security Act (29 U.S.C. 1144(b)) is amended by adding at the end of the following new subsection:

"(9) Subsection (a) of this section shall not apply to any State law enacted in the State of Connecticut in accordance with Public Law 102-234 which taxes or otherwise assesses short-term acute care hospitals for the purpose of providing funds to be used to pay for the cost of uncompensated care. This subsection shall take effect January 1, 1992."

**TITLE III—PUBLIC HEALTH AND RURAL AND UNDERSERVED ACCESS IMPROVEMENT**

**SEC. 3001. SHORT TITLE.**

This title may be cited as the "Public Health and Rural and Underserved Access Improvement Act of 1994".

**SEC. 3002. ESTABLISHMENT OF NEW TITLE XXVII REGARDING PUBLIC HEALTH PROGRAMS.**

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end of the following title:

**"TITLE XXVII—PUBLIC HEALTH PROGRAMS IMPROVEMENT**

**"Subtitle A—Core Functions of Public Health Programs**

**"PART 1—FORMULA GRANTS TO STATES**

**"SEC. 2711. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this subtitle, there are authorized to be appropriated

from the Health Care Reform Trust Fund established under section 9551(a)(2)(A) of the Internal Revenue Code of 1986 (hereafter referred to in this title as the "Fund"), \$200,000,000 for fiscal year 1996, \$350,000,000 for fiscal year 1997, \$500,000,000 for fiscal year 1998, \$650,000,000 for fiscal year 1999, and \$700,000,000 for fiscal year 2000.

**"SEC. 2712. FORMULA GRANTS TO STATES FOR CORE HEALTH FUNCTIONS.**

"(a) IN GENERAL.—In the case of each State that submits to the Secretary an application in accordance with section 2715 for a fiscal year, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall make a grant to the State for carrying out the activities described in subsection (c). The award shall consist of the allotment determined under section 2716 for the State.

"(b) GENERAL PURPOSE.—The purpose of this subtitle is to provide for improvements in the health status of the public through carrying out the activities described in subsection (b) toward attaining the Healthy People 2000 Objectives (as defined in section 2799). A funding agreement for a grant under subsection (a) is that—

"(1) the grant will be expended for such activities; and

"(2) the activities will be carried out by the State in collaboration with local public health departments, health education and training centers, neighborhood health centers, and other community health providers.

"(c) CORE FUNCTIONS OF PUBLIC HEALTH PROGRAMS.—Subject to the purpose described in subsection (b), the activities referred to in subsection (a) are the following:

"(1) Data collection, and analytical activities, related to population-based status and outcomes monitoring, including the following:

"(A) The regular collection and analysis of public health data (including the 10 leading causes of death and their costs to society).

"(B) Vital statistics.

"(C) Personal health services data.

"(D) The supply and distribution of health professionals.

"(2) Activities to reduce environmental risk and to assure the safety of housing, schools, workplaces, day-care centers, food and water, including the following activities:

"(A) Monitoring the overall public health status and safety of communities.

"(B) Assessing exposure to high lead levels and other environmental contaminants; and activities for abatement of toxicant hazards, including lead-related hazards.

"(C) Monitoring the quality of community water supplies used for consumption or for recreational purposes.

"(D) Monitoring sewage and solid waste disposal, radiation exposure, radon exposure, and noise levels.

"(E) Monitoring indoor and ambient air quality and related risks to vulnerable populations.

"(F) Assuring recreation, worker, and school safety.

"(G) Enforcing public health safety and sanitary codes.

"(H) Monitoring community access to appropriate health services.

"(I) Other activities relating to promoting and protecting the public health of communities.

"(3) Investigation, control, and public-awareness activities regarding adverse health conditions (such as emergency treatment preparedness, community efforts to reduce violence, outbreaks of communicable diseases within communities, chronic disease

and dysfunction exposure-related conditions, toxic environmental pollutants, occupational and recreational hazards, motor vehicle accidents, and other threats to the health status of individuals).

"(4) Public information and education programs to reduce risks to health (such as use of tobacco, alcohol and other drugs; unintentional injury from accidents, including motor vehicle accidents; sexual activities that increase the risk to HIV transmission and sexually transmitted diseases; poor diet; physical inactivity; stress-related illness; mental health problems; genetic disorders; and low childhood immunization levels).

"(5) Provision of public health laboratory services to complement private clinical laboratory services and that screen for diseases and conditions (such as metabolic diseases in newborns, provide assessments of blood lead levels and other environmental toxicants, diagnose and contact tracing of sexually transmitted diseases, tuberculosis and other diseases requiring partner notification, test for infectious and food-borne diseases, and monitor the safety of water and food supplies).

"(6) Training and education of new and existing health professionals in the field of public health, with special emphasis on epidemiology, biostatistics, health education, public health administration, public health nursing and dentistry, environmental and occupational health sciences, public health nutrition, social and behavioral health sciences, operations research, and laboratory technology.

"(7) Leadership, policy development and administration activities, including assessing needs and the supply and distribution of health professionals; the setting of public health standards; the development of community public health policies; and the development of community public health coalitions.

"(d) RESTRICTIONS ON USE OF GRANT.—

"(1) IN GENERAL.—A funding agreement for a grant under subsection (a) for a State is that the grant will not be expended—

"(A) to provide inpatient services;

"(B) to make cash payments to intended recipients of health services;

"(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(E) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under subsection (a) is that the State involved will not expend more than 20 percent of the grant for administrative expenses with respect to the grant.

"(e) MAINTENANCE OF EFFORT.—A funding agreement for a grant under subsection (a) is that the State involved will maintain expenditures of non-Federal amounts for core health functions at a level that is not less than the level of such expenditures maintained by the State for the fiscal year preceding the first fiscal year for which the State receives such a grant.

**"SEC. 2713. NUMBER OF FUNCTIONS; PLANNING.**

"(a) NUMBER OF FUNCTIONS.—Subject to subsection (b), a funding agreement for a grant under section 2712 is that the State involved will carry out each of the activities described in subsection (c) of such section.

"(b) PLANNING.—In making grants under section 2712, the Secretary shall for each



State designate a period during which the State is to engage in planning to meet the responsibilities of the State under subsection (a). The period so designated may not exceed 18 months. With respect to such period for a State, a funding agreement for a grant under section 2712 for any fiscal year containing any portion of the period is that, during the period, the State will expend the grant only for such planning.

**"SEC. 2714. SUBMISSION OF INFORMATION; REPORTS.**

"(a) **SUBMISSION OF INFORMATION.**—The Secretary may make a grant under section 2712 only if the State involved submits to the Secretary the following information:

"(1) A description of the relationship between community health providers, public and private health plans, and the public health system of the State.

"(2) A description of existing deficiencies in the public health system at the State level and the local level, using standards under the Healthy People 2000 Objectives.

"(3) A description of public health priorities identified at the State level and local levels, including the 10 leading causes of death and their respective direct and indirect costs to the State and the Federal Government.

"(4) Measurable outcomes and process objectives (using criteria under the Healthy People 2000 Objectives) which indicate improvements in health status as a result of the activities carried out under section 2712(c).

"(5) Information regarding each such activity, which—

"(A) identifies the amount of State and local funding expended on each such activity for the fiscal year preceding the fiscal year for which the grant is sought; and

"(B) provides a detailed description of how additional Federal funding will improve each such activity by both the State and local public health agencies.

"(6) A description of activities under section 2712(c) to be carried out at the local level, and a specification for each such activity of—

"(A) the communities in which the activity will be carried out and any collaborating agencies; and

"(B) the amount of the grant to be expended for the activity in each community so specified.

"(7) A description of how such activities have been coordinated with activities supported under title V of the Social Security Act (relating to maternal and child health).

"(b) **REPORTS.**—A funding agreement for a grant under section 2712 is that the States involved will, not later than the date specified by the Secretary, submit to the Secretary a report describing—

"(1) the purposes for which the grant was expended;

"(2) the health status of the population of the State, as measured by criteria under the Healthy People 2000 Objectives; and

"(3) the progress achieved and obstacles encountered in using uniform data sets under such Objectives.

**"SEC. 2715. APPLICATION FOR GRANT.**

"The Secretary may make a grant under section 2712 only if an application for the grant is submitted to the Secretary, the application contains each agreement described in this part, the application contains the information required in section 2712(c), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

**"SEC. 2716. DETERMINATION OF AMOUNT OF ALLOTMENT.**

"For purposes of section 2712, the allotment under this section for a State for a fiscal year shall be determined through a formula established by the Secretary on the basis of the population, economic indicators, and health status of each State. Such allotment shall be the product of—

"(1) a percentage determined under the formula; and

"(2) the amount appropriated under section 2711 for the fiscal year, less any amounts reserved under section 2717.

**"SEC. 2717. ALLOCATIONS FOR CERTAIN ACTIVITIES.**

"Of the amounts made available under section 2711 for a fiscal year for carrying out this part, the Secretary may reserve not more than 15 percent for carrying out the following activities:

"(1) Technical assistance with respect to planning, development, and operation of activities under section 2712(b), including provision of biostatistical and epidemiological expertise, provision of laboratory expertise, and the development of uniform data sets under the Healthy People 2000 Objectives.

"(2) Development and operation of a national information network among State and local health agencies for utilizing such uniform data sets.

"(3) Program monitoring and evaluation of activities carried out under section 2712(b).

"(4) Development of a unified electronic reporting mechanism to improve the efficiency of administrative management requirements regarding the provision of Federal grants to State public health agencies.

**"PART 2—COMPREHENSIVE EVALUATION OF DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS**

**"SEC. 2718. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this part, there are authorized to be appropriated from the Fund, \$100,000,000 for fiscal year 1996, and \$150,000,000 for each of the fiscal years 1997 through 2000.

**"SEC. 2719. EVALUATION OF PROGRAMS.**

"(a) **GRANTS.**—The Secretary may make grants to, or enter into cooperative agreements or contracts with, eligible entities for the purpose of enabling such entities to carry out evaluations of the type described in subsection (c). The Secretary shall carry out this section acting through the Director of the Centers for Disease Control and Prevention, subject to subsection (g).

"(b) **REQUIREMENTS.**—

"(1) **ELIGIBLE ENTITIES.**—To be eligible to receive an award of a grant, cooperative agreement, or contract under subsection (a), an entity must—

"(A) be a public, nonprofit, or private entity or a university;

"(B) prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require, including a plan for the conduct of the evaluation under the grant;

"(C) provide assurances that any information collected while conducting evaluations under this section will be maintained in a confidential manner with respect to the identities of the individuals from which such information is obtained; and

"(D) meet any other requirements that the Secretary determines to be appropriate.

"(2) **TYPES OF ENTITIES.**—In making awards under subsection (a), the Secretary shall consider applications from entities proposing to conduct evaluations using community programs, managed care programs, State and

county health departments, public education campaigns, school programs, and other appropriate programs. The Secretary shall ensure that not less than 25 percent of the amounts appropriated under section 2718 for a fiscal year are used for making such awards to entities that will use the amounts to conduct evaluations in the workplace.

**"(c) USE OF FUNDS.—**

"(1) **EVALUATIONS.**—An award under subsection (a) shall be used to—

"(A) conduct evaluations to determine the extent to which clinical preventive services, health promotion and unintentional injury prevention activities, and interpersonal and community violence prevention activities, achieve short-term and long-term health care cost reductions and health status improvement with respect to the Healthy People 2000 Objectives; and

"(B) evaluate other areas determined appropriate by the Secretary.

"(2) **INCLUSION OF CERTAIN POPULATION GROUPS.**—In carrying out this section, the Secretary shall ensure that data concerning women, children, minorities, older individuals with different income levels, retirees, and individuals from diverse geographical backgrounds, are obtained.

"(3) **MINIMUM SERVICES.**—The evaluations that the Secretary may provide for under this section include (but are not limited to) evaluations of programs that provide one or more of the following services:

"(A) Blood pressure screening and control (to detect and control hypertension and coronary heart disease).

"(B) Early cancer screening.

"(C) Blood cholesterol screening and control.

"(D) Smoking cessation programs.

"(E) Substance abuse programs.

"(F) Dietary and nutrition counseling, including nutrition.

"(G) Physical fitness counseling.

"(H) Stress management.

"(I) Diabetes education and screening.

"(J) Intraocular pressure screening.

"(K) Monitoring of prescription drug use.

"(L) Violence and injury prevention programs.

"(M) Health education.

"(N) Immunization rates.

"(4) **ENVIRONMENTAL DATA.**—Evaluations conducted under this section may consider the health effects and cost-effectiveness of certain environmental programs, including fluoridation programs, traffic safety programs, pollution control programs, accident prevention programs, and antismoking programs.

"(5) **PUBLIC POLICIES.**—Evaluations conducted under this section may consider the effects of prevention-oriented social and economic policies on improvement of health status and their long-term cost effectiveness.

"(6) **USE OF EXISTING DATA.**—In conducting evaluations under this section, entities shall use existing data and health promotion and screening programs where practicable.

"(7) **COOPERATION.**—In providing for an evaluation under this section, the Secretary shall encourage the recipient of the award and public and private entities with relevant expertise (including State and local agencies) to collaborate for purposes of conducting the evaluation.

"(d) **SITES.**—Recipients of awards under subsection (a) shall select evaluation sites under the award that present the greatest potential for new and relevant knowledge. Such recipients, in selecting such sites, shall ensure that—

"(1) the sites provide evidence of pilot testing, process evaluation, formative evaluation, availability assessment strategies and results;

"(2) the sites provide evidence of a clear definition of the program and protocols for the implementation of the evaluation; and

"(3) the sites provide evidence of valid, appropriate and feasible assessment methods and tools and a willingness to use common data items and instruments across such sites.

"(e) REPORTING REQUIREMENTS.—Not later than 1 year after an entity first receives an award under subsection (a), and not less than once during each 1-year period thereafter for which such an award is made to the entity, the entity shall prepare and submit to the Secretary a report containing a description of the activities under this section conducted during the period for which the report is prepared, and the findings derived as a result of such activities.

"(f) TERM OF EVALUATIONS.—Evaluations conducted under this section shall be for a period of not less than 3 years and may continue as necessary to permit the grantee to adequately measure the full benefit of the evaluations.

"(g) DISSEMINATION AND GUIDELINES.—

"(1) CONSULTATION.—The Secretary shall carry out this subsection acting through the Director of the Centers for Disease Control and Prevention and the Administrator for Health Care Policy and Research.

"(2) GUIDELINES.—The Secretary shall, where feasible and practical, develop and issue practice guidelines that are based on the results of evaluations conducted under this section. The practice guidelines shall be developed by the Secretary utilizing expert practitioners to assist in the development and implementation of these guidelines.

"(3) DATA.—

"(A) IN GENERAL.—The Secretary shall collect, store, analyze, and make available data related to the formulation of the guidelines that is provided to the Centers for Disease Control and Prevention by entities conducting evaluations under this section.

"(B) USE OF DATA.—The Secretary shall—

"(i) identify activities that prevent disease, illness, injury and disability, and promote good health practices; ascertain their cost-effectiveness; and identify their potential to overall health status with respect to Healthy People 2000 Objectives;

"(ii) disseminate practice guidelines to State and county health departments, State insurance departments, insurance companies, employers, professional medical organizations, and others determined appropriate by the Secretary; and

"(iii) provide information with respect to recidivism rates of participation in the evaluations.

"(4) DISSEMINATION.—The Secretary may disseminate information collected from evaluations under this section.

"(h) LIMITATION.—Amounts appropriated for carrying out this section shall not be utilized to provide services.

#### "Subtitle B—Opportunities for Education and Training in Public Health

#### "PART 1—SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS REGARDING SERVICE IN PUBLIC HEALTH POSITIONS

#### "SEC. 2721. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.

"For the purpose of carrying out this part, there are authorized to be appropriated from the Fund, \$50,000,000 for each of the fiscal years 1996 through 2000.

#### "SEC. 2722. SCHOLARSHIP PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall carry out a program under which the Secretary awards scholarships to individuals described in subsection (b) for the purpose of assisting the individuals with the costs of attending public and nonprofit private schools of public health (or other public or nonprofit private institutions providing graduate or specialized training in public health).

"(b) ELIGIBLE INDIVIDUALS.—An individual referred to in subsection (a) is any individual meeting the following conditions:

"(1) The individual is enrolled (or accepted for enrollment) at a school or other institution referred to in subsection (a) as a full-time or part-time student in a program providing training in a health profession in a field of public health (including the fields of epidemiology, biostatistics, environmental health, health administration and planning, behavioral sciences, maternal and child health, occupational safety, public health nursing, nutrition, and toxicology).

"(2) The individual enters into the contract required pursuant to subsection (d) as a condition of receiving the scholarship (relating to an agreement to provide services in approved public health positions, as defined in section 2724).

"(c) ELIGIBLE SCHOOLS.—For fiscal year 1996 and subsequent fiscal years, the Secretary may make an award of a scholarship under subsection (a) only if the Secretary determines that—

"(1) the school or other institution with respect to which the award is to be provided has coordinated the activities of the school or institution with relevant activities of the Health Resources and Services Administration and the Centers for Disease Control and Prevention; and

"(2) not fewer than 60 percent of the graduates of the school or institution are in public health positions determined by the Secretary to be consistent with the needs of the United States regarding such professionals.

"(d) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section or section 2724, the provisions of subpart III of part D of title III (relating to the Scholarship and Loan Repayment Programs of the National Health Service Corps) apply to an award of a scholarship under subsection (a) to the same extent and in the same manner as such provisions apply to an award of a scholarship under section 338A.

#### "SEC. 2723. LOAN REPAYMENT PROGRAM.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the Centers for Disease Control and Prevention, shall carry out a program under which the Federal Government enters into agreements to repay all or part of the educational loans of individuals meeting the following conditions:

"(1) The individual involved is a graduate of a school or other institution described in section 2722(a).

"(2) The individual meets the applicable legal requirements to provide services as a public health professional (including a professional in any of the fields specified in section 2722(b)(1)).

"(3) The individual enters into the contract required pursuant to subsection (b) as a condition of the Federal Government repaying such loans (relating to an agreement

to provide services in approved public health positions, as defined in section 2724).

"(b) APPLICABILITY OF CERTAIN PROVISIONS.—Except as inconsistent with this section or section 2724, the provisions of subpart III of part D of title III (relating to the Scholarship and Loan Repayment Programs of the National Health Service Corps) apply to an agreement regarding repayment under subsection (a) to the same extent and in the same manner as such provisions apply to an agreement regarding repayment under section 338B.

"(c) AMOUNT OF REPAYMENTS.—For each year for which an individual contracts to serve in an approved public health position pursuant to subsection (b), the Secretary may repay not more than \$20,000 of the principal and interest of the educational loans of the individual.

#### "SEC. 2724. APPROVED PUBLIC HEALTH POSITIONS.

"(a) POSITION REGARDING POPULATIONS WITH SIGNIFICANT NEED FOR SERVICES.—

"(1) IN GENERAL.—With respect to the programs under this part, the obligated service of a program participant pursuant to sections 2722(d) and 2723(b) shall be provided through an assignment, to an entity described in subsection (b), for a position in which the participant provides services as a public health professional to a population determined by the Secretary to have a significant unmet need for the services of such a professional.

"(2) PERIOD OF SERVICE.—For purposes of sections 2722(d) and 2723(d), the period of obligated service is the following, as applicable to the program participant involved:

"(A) In the case of scholarships under section 2722 for full-time students, the greater of—

"(i) 1 year for each year for which such a scholarship is provided; or

"(ii) 2 years.

"(B) In the case of scholarships under section 2722 for part-time students, a period determined by the Secretary on the basis of the number of hours of education or training received under the scholarship, considering the percentage constituted by the ratio of such number to the number of hours for a full-time student in the program involved.

"(C) In the case of the loan repayments under section 2723, such period as the Secretary and the participant may agree, except that the period may not be less than 2 years.

"(b) APPROVAL OF ENTITIES FOR ASSIGNMENT OF PROGRAM PARTICIPANTS.—The entities referred to in subsection (a) are public and nonprofit private entities approved by the Secretary as meeting such requirements for the assignment of a program participant as the Secretary may establish. The entities that the Secretary may so approve include State and local departments of health, public hospitals, community and neighborhood health clinics, migrant health clinics, community-based health-related organizations, certified regional poison control centers, purchasing cooperatives regarding health insurance, and any other public or nonprofit private entity.

"(c) DEFINITIONS.—For purposes of this part:

"(1) The term 'approved public health position', with respect to a program participant, means a position to which the participant is assigned pursuant to subsection (a).

"(2) The term 'program participant' means an individual who enters into a contract pursuant to section 2722(b)(2) or 2723(a)(3).



**"SEC. 2725. ALLOCATION OF FUNDS; SPECIAL CONSIDERATIONS.**

"(a) ALLOCATIONS REGARDING NEW PARTICIPANTS IN SCHOLARSHIP PROGRAM.—Of the amounts appropriated under section 2721 for a fiscal year, the Secretary shall obligate not less than 30 percent for the purpose of providing awards for scholarships under section 2722 to individuals who have not previously received such scholarships.

"(b) SPECIAL CONSIDERATION FOR CERTAIN INDIVIDUALS.—In making awards of scholarships under section 2722 and making repayments under section 2723, the Secretary shall give special consideration to individuals who are in the armed forces of the United States or who are veterans of the armed forces.

**"PART 2—EDUCATIONAL INSTITUTIONS REGARDING PUBLIC HEALTH****"SEC. 2731. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this part from the Fund, there are authorized to be appropriated from the Fund, \$100,000,000 for each of the fiscal years 1996 through 2000.

**"SEC. 2732. GRANTS FOR EXPANDING CAPACITY OF INSTITUTIONS.**

"(a) IN GENERAL.—The Secretary may make grants to institutions described in subsection (b) for the purpose of expanding the educational capacities of the institutions through recruiting and retaining faculty, curriculum development, and coordinating the activities of the institutions regarding education, training, and field placements.

"(b) RELEVANT INSTITUTIONS.—The institutions referred to in subsection (a) are public and nonprofit private—

"(1) schools of public health;

"(2) departments of community and preventive medicine that—

"(A) are within schools of medicine and schools of osteopathic medicine; and

"(B) have established formal arrangements with schools of public health in order to award joint degrees in public health and another health profession; and

"(3) schools of nursing or dentistry that have established formal arrangements with schools of public health in order to carry out educational programs in public health at the schools of nursing or dentistry, respectively.

"(c) REQUIREMENTS REGARDING CURRICULUM DEVELOPMENT.—A funding agreement for a grant under subsection (a) for an institution is that, to the extent determined to be appropriate by the Secretary, the curriculum of institution will include the following:

"(1) Subject to subsection (d)(1), part-time nondegree programs for public health professionals who need further training in fields of public health.

"(2) With respect to the program of community health advisors established in part 5 of subtitle E, a program to train individuals to serve as supervisors under such part (including training and evaluating the community health advisors), which program is carried out in collaboration with local public health departments and health education and training centers.

"(3) A program under which the institution collaborates with health departments and elementary and secondary schools to develop a health education curriculum for use in the program established under subtitle B of the Public Health Improvement Act of 1994.

"(d) ADDITIONAL REQUIREMENTS.—Funding agreements for a grant under subsection (a) for an institution are as follows:

"(1) In developing the curriculum under the grant, the institution will consult with the health departments in the State involved, and will follow the relevant priorities of such departments.

"(2) The institution will, as appropriate in the determination of the Secretary, coordinate the activities of the institution under the grant with relevant activities of the Health Resources and Services Administration and the Centers for Disease Control and Prevention.

**"SEC. 2733. COORDINATION OF GRANT ACTIVITIES WITH NATIONAL PRIORITIES.**

"The Secretary shall—

"(1) determine the needs of the United States regarding the education and geographic distribution of public health professionals;

"(2) determine priorities among such needs; and

"(3) in making grants under section 2732, ensure that the curricula developed under such section, and the expertise of the faculty recruited and retained under such section, are consistent with such priorities.

**"SEC. 2734. CERTAIN REQUIREMENTS FOR GRANTS.**

"For fiscal year 1997 and subsequent fiscal years, the Secretary may make a grant under section 2732 only if the institution involved is in compliance with the following:

"(1) The institution has coordinated the activities of the school or institution with relevant activities of the Health Resources and Services Administration and the Centers for Disease Control and Prevention.

"(2) A significant number of the faculty of the institution has served as practitioners in public health.

"(3) The institution has consulted with public health departments and public hospital systems in the State involved in order to develop a curriculum that reflects the needs and priorities of the State regarding the public health.

"(4) The institution has coordinated the activities of the institution with the activities of the health departments and of community groups.

"(5) The institution carries out a program for part-time students to receive training in fields of public health.

"(6) Not less than 60 percent of the graduates of the school or institution are in public health positions determined by the Secretary to be consistent with the needs of the United States regarding such professionals.

**"PART 3—EXPANSION OF COMPETENCY IN PUBLIC HEALTH****"SEC. 2736. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this section, there is authorized to be appropriated from the Fund, \$60,000,000 for each of the fiscal years 1996 through 2000.

**"SEC. 2737. GRANTS TO STATES.**

"(a) STATES LACKING ADEQUATE TRAINING PROGRAMS.—

"(1) IN GENERAL.—The Secretary may make grants to States in which there is one or no program of training in a field of public health but in which there are 1 or more schools of medicine, osteopathic medicine, nursing, dentistry, social work, pharmacy, or health administration. A funding agreement for such a grant is that the purpose of the grant is for the State involved to assist 1 or more of such schools in developing and integrating public health curricula for the schools.

"(2) SPECIAL CONSIDERATIONS IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give special consideration to States that agree to consult with 1 or more schools of public health in carrying out the purpose described in such subsection.

"(b) STATES WITH NONACCREDITED SCHOOLS.—The Secretary may make grants

to States in which there are 1 or more non-accredited schools of public health. A funding agreement for such a grant is that the purpose of the grant is for the State involved to assist 1 or more of such schools in improving the schools.

"(c) AMOUNT OF GRANT; LIMITATION REGARDING INDIVIDUAL EDUCATIONAL ENTITIES.—

"(1) AMOUNT.—The amount of a grant under this section to a State may not exceed \$6,000,000.

"(2) LIMITATION.—A funding agreement for a grant under this section for a State is that, with respect to the school involved, the State will not provide more than 2 years of assistance to the school from grants under this section.

**"PART 4—AREA HEALTH EDUCATION CENTERS****"SEC. 2738. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"(a) ADDITIONAL FUNDING.—For the purpose of carrying out programs under section 746, there are authorized to be appropriated from the Fund, \$35,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) are in addition to any other authorizations of appropriations that are available for the purpose described in such subsection.

**"PART 5—HEALTH EDUCATION TRAINING CENTER****"SEC. 2739. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"(a) ADDITIONAL FUNDING.—For the purpose of carrying out Health Education Training Center programs, there are authorized to be appropriated from the Fund, \$20,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) are in addition to any other authorizations of appropriations that are available for the purpose described in such subsection.

**"Subtitle C—Regional Poison Control Centers****"SEC. 2741. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this subtitle, there is authorized to be appropriated from the Fund, \$50,000,000 for each of the fiscal years 1996 through 2000.

**"SEC. 2742. GRANTS FOR REGIONAL CENTERS.**

"(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for centers to carry out activities regarding—

"(1) the prevention and treatment of poisoning; and

"(2) such other activities regarding the control of poisons as the Secretary determines to be appropriate.

"(b) REGIONAL CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall determine the need in each of the principal geographic regions of the United States for a center under such subsection, and shall make the grants according to priorities established by the Secretary on the basis of the extent of such need in each of the regions. In carrying out the preceding sentence, the Secretary shall ensure that no two centers receive grants for the same geographic service area.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—With respect to the costs of an entity in providing for centers under subsection (a), the Secretary may make a grant under such subsection only if the State in which the center is to operate, or other public entities in the State, agree to make

available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount determined by the Secretary.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

**"SEC. 2743. REQUIREMENTS REGARDING CERTIFICATION.**

"(a) IN GENERAL.—Subject to subsection (b), the Secretary may make a grant under section 2742 only if the center involved has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning. In carrying out the preceding sentence, the Secretary shall consider the standards established by the American Association of Poison Control Centers.

"(b) TEMPORARY WAIVER.—The Secretary may waive the requirement of subsection (a) for a center for a period not exceeding 1 year.

**"SEC. 2744. GENERAL PROVISIONS.**

"(a) DURATION OF GRANT.—The period during which payments are made under a grant under section 2742 may not exceed 3 years. The provision of such payments is subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. The preceding sentence may not be construed as establishing a limitation on the number of such grants that may be made to an entity.

"(b) STUDY REGARDING NEED FOR CENTERS.—

"(1) IN GENERAL.—The Secretary shall conduct a study of each of the centers for which a grant under section 2742 has been provided. The purpose of the study shall be to determine the effectiveness of the centers in carrying out the activities described in such section and the extent to which the activities have been carried out in a cost-effective manner.

"(2) ALTERNATIVES TO CENTERS.—In carrying out the study under paragraph (1), the Secretary shall determine the extent to which the activities described in section 2742 can be effectively carried out through means other than centers under such section. The alternative means considered by the Secretary under the preceding sentence shall include the alternative of requiring public and private health plans to carry out such activities.

"(3) DATE CERTAIN FOR COMPLETION.—Not later than November 1, 1996, the Secretary shall submit to the Congress a report describing the findings made in the study under paragraph (1).

"(4) NOTICE TO CENTERS.—Not later than February 1, 1997, the Secretary shall notify each grantee under section 2742 whether the Secretary considers the continued operation of the center involved to be necessary in meeting the needs of the geographic region involved for the activities described in such section.

**"Subtitle D—School-Related Health Services**  
**"SEC. 2746. AUTHORIZATION OF APPROPRIATIONS FROM FUND.**

"(a) FUNDING FOR SCHOOL-RELATED HEALTH SERVICES.—For the purpose of carrying out

this subtitle, there are authorized to be appropriated from the Fund, \$100,000,000 for fiscal year 1996, \$200,000,000 for fiscal year 1997, \$300,000,000 for fiscal year 1998, \$400,000,000 for fiscal year 1999, and \$500,000,000 for fiscal year 2000.

"(b) FUNDING FOR PLANNING AND DEVELOPMENT GRANTS.—Of amounts made available under this section, not to exceed \$10,000,000 for each of fiscal years 1996 and 1997 may be utilized to carry out section 2749.

**"SEC. 2747. ELIGIBILITY FOR GRANTS.**

"(a) IN GENERAL.—

"(1) PLANNING AND DEVELOPMENT GRANTS.—Entities eligible to apply for and receive grants under section 2749 are—

"(A) State health agencies that apply on behalf of local community partnerships; or

"(B) local community partnerships in States in which health agencies have not successfully applied.

"(2) OPERATIONAL GRANTS.—Entities eligible to apply for and receive grants under section 2750 are—

"(A) a qualified State as designated under subsection (c) that apply on behalf of local community partnerships; or

"(B) local community partnerships in States that are not designated under subparagraph (A).

"(b) LOCAL COMMUNITY PARTNERSHIPS.—

"(1) IN GENERAL.—A local community partnership under subsection (a)(1)(B) and (a)(2)(B) is an entity that, at a minimum includes—

"(A) a local health care provider, which may be a local public health department, with experience in delivering services to children and youth or medically underserved populations;

"(B) local educational agency on behalf of one or more public schools; and

"(C) one community based organization located in the community to be served that has a history of providing services to at-risk children and youth.

"(2) RURAL COMMUNITIES.—In rural communities, local partnerships should seek to include, to the fullest extent practicable, providers and community based organizations with experience in serving the target population.

"(3) PARENT AND COMMUNITY PARTICIPATION.—An applicant described in subsection (a) shall, to the maximum extent feasible, involve broad-based community participation (including parents of the youth to be served).

"(c) QUALIFIED STATE.—A qualified State under subsection (a)(2)(A) is a State that, at a minimum—

"(1) demonstrates an organizational commitment (including a strategic plan) to providing a broad range of health, health education and support services to at-risk youth; and

"(2) has a memorandum of understanding or cooperative agreement jointly entered into by the State agencies responsible for health and education regarding the planned delivery of health and support services in school-based or school-linked centers.

**"SEC. 2748. PREFERENCES.**

"In making grants under sections 2749 and 2750, the Secretary shall give priority to applicants whose communities to be served show the most substantial level of need for health services among children and youth.

**"SEC. 2749. PLANNING AND DEVELOPMENT GRANTS.**

"(a) IN GENERAL.—The Secretary may make grants during fiscal years 1996 and 1997 to entities eligible under section 2747 to develop school-based or school-linked health service sites.

"(b) USE OF FUNDS.—Amounts provided under a grant under this section may be used for the following:

"(1) Planning for the provision of school health services, including—

"(A) an assessment of the need for health services among youth in the communities to be served;

"(B) the health services to be provided and how new services will be integrated with existing services;

"(C) assessing and planning for the modernization and expansion of existing facilities and equipment to accommodate such services; and

"(D) an affiliation with relevant health plans.

"(2) Recruitment and training of staff for the administration and delivery of school health services.

"(3) The establishment of local community partnerships as described in section 2747(b).

"(4) In the case of States, the development of memorandums of understanding or cooperative agreements for the coordinated delivery of health and support services through school health service sites.

"(5) Other activities necessary to assume operational status.

"(c) APPLICATION FOR GRANTS.—To be eligible to receive a grant under this section an entity described in section 2747(a) shall submit an application in a form and manner prescribed by the Secretary.

"(d) NUMBER OF GRANTS.—Not more than one planning grant may be made to a single applicant. A planning grant may not exceed 2 years in duration.

"(e) AMOUNT AVAILABLE FOR DEVELOPMENT GRANT.—The Secretary may award not to exceed—

"(1) \$150,000 to entities under section 2747(a)(1)(A) and to localities planning for a citywide or countywide school health services delivery system; and

"(2) \$50,000 to entities under section 2747(a)(1)(B).

**"SEC. 2750. GRANTS FOR OPERATION OF SCHOOL HEALTH SERVICES.**

"(a) IN GENERAL.—The Secretary may make grants to eligible entities described in section 2747(a)(2) that submit applications consistent with the requirements of this section, to pay the cost of operating school-based or school-linked health service sites.

"(b) USE OF GRANT.—Amounts provided under a grant under this section may be used for the following—

"(1) health services, including diagnosis and treatment of simple illnesses and minor injuries;

"(2) preventive health services, including health screenings follow-up health care, mental health, and preventive health education;

"(3) enabling services and other necessary support services;

"(4) training, recruitment, and compensation of health professionals and other staff necessary for the administration and delivery of school health services; and

"(5) referral services, including the linkage of individuals to health plans, and community-based health and social service providers.

"(c) APPLICATION FOR GRANT.—To be eligible to receive a grant under this section an entity described in section 2747(a)(2) shall submit an application in a form and manner prescribed by the Secretary. In order to receive a grant under this section, an applicant must include in the application the following information—

"(1) a description of the services to be furnished by the applicant;



"(2) the amounts and sources of funding that the applicant will expend, including estimates of the amount of payments the applicant will receive from health plans and other sources;

"(3) a description of local community partnerships, including parent and community participation;

"(4) a description of the linkages with other health and social service providers; and

"(5) such other information as the Secretary determines to be appropriate.

"(d) ASSURANCES.—In order to receive a grant under this section, an applicant must meet the following conditions—

"(1) school health service sites will, directly or indirectly, provide a broad range of health services, in accordance with the determinations of the local community partnership, that may include—

"(A) diagnosis and treatment of simple illnesses and minor injuries;

"(B) preventive health services, including health screenings and follow-up health care, mental health and preventive health education;

"(C) enabling services; and

"(D) referrals (including referrals regarding mental health and substance abuse) with follow-up to ensure that needed services are received;

"(2) the applicant provides services recommended by the health provider, in consultation with the local community partnership, and with the approval of the local education agency;

"(3) the applicant provides the services under this subsection to adolescents, and other school age children and their families as deemed appropriate by the local partnership;

"(4) the applicant maintains agreements with community-based health care providers with a history of providing services to such populations for the provision of health care services not otherwise provided directly or during the hours when school health services are unavailable;

"(5) the applicant establishes an affiliation with relevant health plans and will establish reimbursement procedures and will make every reasonable effort to collect appropriate reimbursement for services provided;

"(6) the applicant agrees to supplement and not supplant the level of State or local funds under the direct control of the applying State or participating local education or health authority expended for school health services as defined by this Act;

"(7) services funded under this Act will be coordinated with existing school health services provided at a participating school; and

"(8) for applicants in rural areas, the assurances required under paragraph (4) shall be fulfilled to the maximum extent possible.

"(e) STATE LAWS.—Notwithstanding any other provision in this subtitle, no school based health clinic may provide services, to any minor, when to do so is a violation of State laws or regulations pertaining to informed consent for medical services to minors.

"(f) LIMITATION ON ADMINISTRATIVE FUNDS.—In the case of a State applying on behalf of local educational partnerships, the applicant may retain not more than 5 percent of grants awarded under this subpart for administrative costs.

"(g) DURATION OF GRANT.—A grant under this section shall be for a period determined appropriate by the Secretary.

"(h) AMOUNT OF GRANT.—The annual amount of a grant awarded under this section shall not be more than \$200,000 per school-based or school-linked health service site.

"(i) FEDERAL SHARE.—

"(1) IN GENERAL.—Subject to paragraph (3), a grant for services awarded under this section may not exceed—

"(A) 90 percent of the non-reimbursed cost of the activities to be funded under the program for the first 2 fiscal years for which the program receives assistance under this section; and

"(B) 75 percent of the non-reimbursed cost of such activities for subsequent years for which the program receives assistance under this section.

The remainder of such costs shall be made available as provided in paragraph (2).

"(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required by paragraph (1) may be in cash or in-kind, fairly evaluated, including facilities, equipment, personnel, or services, but may not include amounts provided by the Federal Government. In-kind contributions may include space within school facilities, school personnel, program use of school transportation systems, outposted health personnel, and extension of health provider medical liability insurance.

"(3) WAIVER.—The Secretary may waive the requirements of paragraph (1) for any year in accordance with criteria established by regulation. Such criteria shall include a documented need for the services provided under this section and an inability of the grantee to meet the requirements of paragraph (1) despite a good faith effort.

"(j) TRAINING AND TECHNICAL ASSISTANCE.—Entities that receive assistance under this section may not exceed 10 percent of the amount of such assistance to provide staff training and to secure necessary technical assistance. To the maximum extent feasible, technical assistance should be sought through local community-based entities. The limitation contained in this subsection shall apply to individuals employed to assist in obtaining funds under this subtitle. Staff training should include the training of teachers and other school personnel necessary to ensure appropriate referral and utilization of services, and appropriate linkages between class-room activities and services offered.

"(k) REPORT AND MONITORING.—The Secretary will submit to the Committee on Labor and Human Resources in the Senate and the Committee on Energy and Commerce in the House of Representatives a biennial report on the activities funded under this Act, consistent with the ongoing monitoring activities of the Department. Such reports are intended to advise the relevant Committees of the availability and utilization of services, and other relevant information about program activities.

**"Subtitle E—Expansion of Rural and Underserved Areas Access to Health Services**

#### **"PART 1—COMMUNITY AND MIGRANT HEALTH CENTERS**

#### **"SEC. 2756. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"(a) IN GENERAL.—For the purpose of carrying out this part, there is authorized to be appropriated from the Fund, \$100,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) for the purpose described in such subsection are in addition to any other authorizations of appropriations that are available for such purpose.

#### **"SEC. 2757. GRANTS TO COMMUNITY AND MIGRANT HEALTH CENTERS.**

"(a) IN GENERAL.—The Secretary shall make grants in accordance with this section to migrant health centers and community health centers.

"(b) USE OF FUNDS.—

"(1) DEVELOPMENT, OPERATION, AND OTHER PURPOSES REGARDING CENTERS.—Subject to paragraph (2), grants under subsection (a) to migrant health centers and community health centers may be made only in accordance with the conditions upon which grants are made under sections 329 and 330, respectively.

"(2) REQUIRED FINANCIAL RESERVES.—The Secretary may authorize migrant health centers and community health centers to expend a grant under subsection (a) to establish and maintain financial reserves required for purposes of health plans.

"(c) DEFINITIONS.—For purposes of this subtitle, the terms 'migrant health center' and 'community health center' have the meanings given such terms in sections 329(a)(1) and 330(a), respectively.

#### **"PART 2—NATIONAL HEALTH SERVICE CORPS**

#### **"SEC. 2781. AUTHORIZATIONS OF APPROPRIATIONS FROM FUND.**

"(a) ADDITIONAL FUNDING; GENERAL CORPS PROGRAM; ALLOCATIONS REGARDING NURSES.—For the purpose of carrying out subpart II of part D of title III, and for the purpose of carrying out subsection (c), there are authorized to be appropriated from the Fund, \$100,000,000 for each of the fiscal years 1996 through 2000.

"(b) RELATION TO OTHER FUNDS.—The authorizations of appropriations established in subsection (a) are in addition to any other authorizations of appropriations that are available for the purpose described in such subsection.

"(c) ALLOCATION FOR PARTICIPATION OF NURSES IN SCHOLARSHIP AND LOAN REPAYMENT PROGRAMS.—Of the amounts appropriated under subsection (a), the Secretary shall reserve such amounts as may be necessary to ensure that, of the aggregate number of individuals who are participants in the Scholarship Program under section 338A, or in the Loan Repayment Program under section 338B, the total number who are being educated as nurses or are serving as nurses, respectively, is increased to 30 percent.

"(d) AVAILABILITY OF FUNDS.—An appropriation under this section for any fiscal year may be made at any time before that fiscal year and may be included in an Act making an appropriation under an authorization under subsection (a) for another fiscal year; but no funds may be made available from any appropriation under this section for obligation under sections 331 through 335, section 336A, and section 337 before the fiscal year involved.

#### **"PART 3—SATELLITE CLINICS REGARDING PRIMARY HEALTH CARE**

#### **"SEC. 2783. AUTHORIZATION OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this part, there is authorized to be appropriated from the Fund, \$50,000,000 for each of the fiscal years 1996 through 2000.

#### **"SEC. 2783A. GRANTS TO STATES FOR DEVELOPMENT AND OPERATION OF SATELLITE CLINICS.**

"(a) IN GENERAL.—With respect to outpatient health centers that are providers of comprehensive health services, the Secretary may make grants to States for the purpose of assisting such centers in developing or operating facilities that—

"(1) provide clinical preventive services, treatment of minor illnesses and injuries, family planning services, and referrals for health services, mental health services, and health-related social services; and

"(2) are located at a distance from the center sufficient to increase the extent to which individuals in the geographic area involved have access to the services specified in paragraph (1).

"(b) CERTAIN REQUIREMENTS.—The Secretary may make a grant under subsection (a) only if the State agrees that the health facility for which the grant is made, once in operation, will meet the following conditions:

"(1) The clinical preventive services provided by the facility will include routine preventive services, including family planning services, for pregnant and postpartum women and for children, including health screenings and immunizations.

"(2) The principal providers of health services at the facility, and the principal managers of the facility, will be nurse practitioners, physician assistants, or nurse clinicians, subject to applicable law.

"(3) The outpatient health center operating the facility will serve as a referral center for physician services and will provide for the ongoing monitoring of the activities of the facility.

"(c) MATCHING FUNDS.—The Secretary may make a grant under subsection (a) only if the State involved agrees to make non-Federal contributions toward the costs of developing and operating the health facilities involved.

"(d) APPLICATION FOR GRANT.—The Secretary may make a grant under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(e) LIMITATION ON AMOUNT OF ASSISTANCE PER FACILITY.—With respect to a health facility for which one or more grants under subsection (a) are made, the Secretary may not provide more than an aggregate \$250,000 for the development and operation of the facility.

#### **"PART 4—COMMUNITY HEALTH ADVISORS**

##### **"SEC. 2784. AUTHORIZATION OF APPROPRIATIONS FROM FUND.**

"For the purpose of carrying out this part, there is authorized to be appropriated from the Fund, \$100,000,000 for each of the fiscal years 1996 through 2000.

##### **"SEC. 2785. FORMULA GRANTS REGARDING COMMUNITY HEALTH ADVISOR PROGRAMS.**

"(a) FORMULA GRANTS.—

"(1) IN GENERAL.—In the case of each State (or entity designated by a State under subsection (b)) that submits to the Secretary an application in accordance with section 2788 for a fiscal year, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the heads of the agencies specified in paragraph (2), shall make an award of financial assistance to the State or entity for the development and operation of community health advisor programs under section 2786(b). The award shall consist of the allotment determined under section 2789 with respect to the State, subject to section 2794.

"(2) COORDINATION WITH OTHER AGENCIES.—The agencies referred to in paragraph (1) regarding coordination are the Health Resources and Services Administration, the National Institutes of Health, the Substance

Abuse and Mental Health Services Administration, and the Health Education and Training Center.

"(b) DESIGNATED ENTITIES.—With respect to the State involved, an entity other than the State may receive an award under subsection (a) only if the entity—

"(1) is a public or nonprofit private academic organization (or other public or nonprofit private entity); and

"(2) has been designated by the State to carry out the purpose described in such subsection in the State and to receive amounts under such subsection in lieu of the State.

"(c) ROLE OF STATE AGENCY FOR PUBLIC HEALTH.—A funding agreement for an award under subsection (a) is that—

"(1) if the applicant is a State, the award will be administered by the State agency with the principal responsibility for carrying out public health programs; and

"(2) if the applicant is an entity designated under subsection (b), the award will be administered in consultation with such State agency.

"(d) STATEWIDE RESPONSIBILITIES; LIMITATION ON EXPENDITURES.—

"(1) STATEWIDE RESPONSIBILITIES.—A funding agreement for an award under subsection (a) is that the applicant involved will—

"(A) operate a clearinghouse to maintain and disseminate information on community health advisor programs (and similar programs) in the State, including information on developing and operating such programs, on training individuals to participate in the programs, and on evaluation of the programs;

"(B) collaborate with schools of public health to provide to community health advisor programs in the State technical assistance in training and supervising community health advisors under section 2787(g)(1); and

"(C) coordinate the activities carried out in the State under the award, including coordination between the various community health advisor programs and coordination between such programs and related activities of the State and of other public or private entities.

"(2) LIMITATION.—A funding agreement for an award under subsection (a) is that the applicant involved will not expend more than 15 percent of the award in the aggregate for carrying out paragraph (1) and for the expenses of administering the award with respect to the State involved, including the process of receiving payments from the Secretary under the award, allocating the payments among the entities that are to develop and operate the community health advisor programs involved, and monitoring compliance with the funding agreements made under this subtitle by the applicant.

##### **"SEC. 2786. REQUIREMENTS REGARDING COMMUNITY HEALTH ADVISOR PROGRAMS.**

"(a) PURPOSE OF AWARD; HEALTHY PEOPLE 2000 OBJECTIVES.—

"(1) IN GENERAL.—Subject to paragraph (2), a funding agreement for an award under section 2785 for an applicant is that the purpose of the award is, through community health advisor programs under subsection (b), to assist the State involved in attaining the Healthy People 2000 Objectives.

"(2) AUTHORITY REGARDING SELECTION OF PRIORITY OBJECTIVES.—With respect to compliance with the agreement made under paragraph (1), an applicant receiving an award under section 2785 may, from among the various Healthy People 2000 Objectives, select one or more Objectives to be given priority in the operation of a community health advisor program of the applicant, subject to

the applicant selecting such priorities in consultation with the entity that is to carry out the program and the local health department involved.

"(b) REQUIREMENTS FOR PROGRAMS.—

"(1) IN GENERAL.—A funding agreement for an award under section 2785 for an applicant is that, in expending the award, the purpose described in subsection (a)(1) will be carried out in accordance with the following:

"(A) For each community for which the purpose is to be carried out, the applicant will establish a program in accordance with this subsection.

"(B) The program will be carried out in a community only if the applicant has, under section 2787(a), identified the community as having a significant need for the program.

"(C) The program will be operated by a public or nonprofit private entity with experience in providing health or health-related social services to individuals who are underserved with respect to such services.

"(D) The services of the program, as specified in paragraph (2), will be provided principally by community health advisors (as defined in subsection (d)).

"(2) AUTHORIZED PROGRAM SERVICES.—For purposes of paragraph (1)(D), the services specified in this paragraph for a program are as follows:

"(A) The program will collaborate with health care providers and related entities in order to facilitate the provision of health services and health-related social services (including collaborating with local health departments, community health centers, public hospital systems, migrant health centers, rural health clinics, hospitals, physicians and nurses, providers of health education, pre-school facilities for children, elementary and secondary schools, and providers of social services).

"(B) The program will provide public education on health promotion and on the prevention of diseases, illnesses, injuries, and disabilities, and will facilitate the appropriate use of available health services and health-related social services.

"(C) The program will provide health-related counseling.

"(D) The program will provide referrals for available health services and health-related social services.

"(E) For the purpose of increasing the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs, the following conditions will be met:

"(i) The program will assist individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs.

"(ii) The program will provide such other services as the Secretary determines to be appropriate, which services may include (but are not limited to) transportation and translation services.

"(F) The program will provide outreach services to inform the community of the availability of the services of the program.

"(c) PRIORITY FOR MEDICALLY UNDERSERVED COMMUNITIES.—A funding agreement for an award under section 2785 is that the applicant involved will give priority to developing and operating community health advisor programs for medically underserved communities.

"(d) DEFINITION OF COMMUNITY HEALTH ADVISOR.—For purposes of this part, the term 'community health advisor' means an individual—

"(1) who has demonstrated the capacity to carry out one or more of the authorized program services;



"(2) who, for not less than 1 year, has been a resident of the community in which the community health advisor program involved is to be operated; and

"(3) is a member of a socioeconomic group to be served by the program.

**"SEC. 2787. ADDITIONAL AGREEMENTS.**

"(a) **IDENTIFICATION OF COMMUNITY NEEDS.**—A funding agreement for an award under section 2785 is that the applicant involved will—

"(1) identify the needs of the community involved for the authorized program services, including the identifying the resources of the community that are available for carrying out the program;

"(2) in identifying such needs, consult with members of the community, with individuals and programs that provide health services in the community, and with individuals and programs that provide health-related social services in the community; and

"(3) consider such needs in carrying out a community health advisor program for the community.

"(b) **MATCHING FUNDS.**—

"(1) **IN GENERAL.**—With respect to the cost of carrying out a community health advisor program, a funding agreement for an award under section 2785 is that the applicant involved will make available (directly or through donations from public or private entities) non-Federal contributions toward such cost in an amount that is not less than 25 percent of such cost.

"(2) **DETERMINATION OF AMOUNT CONTRIBUTED.**—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) With respect to the State in which the community health advisor program involved is to be carried out, amounts provided by the State in compliance with subsection (c) shall be included in determining the amount of non-Federal contributions under paragraph (1).

"(c) **MAINTENANCE OF EFFORT.**—With respect to the purposes for which an award under section 2785 is authorized in this subtitle to be expended, the Secretary may make such an award only if the State involved agrees to maintain expenditures of non-Federal amounts for such purposes at a level that is not less than the level of such expenditures maintained by the State for the fiscal year preceding the first fiscal year for which such an award is made with respect to the State.

"(d) **CULTURAL CONTEXT OF SERVICES.**—A funding agreement for an award under section 2785 for an applicant is that the services of the community health advisor program involved will be provided in the language and cultural context most appropriate for the individuals served by the program, and that for such purpose the community health advisors of the program will include an appropriate number of advisors who are fluent in both English and not less than one of the other relevant languages.

"(e) **NUMBER OF PROGRAMS PER AWARD; PROGRAMS FOR URBAN AND RURAL AREAS.**—A funding agreement for an award under section 2785 for an applicant is that the number of community health advisor programs operated in the State with the award will be determined by the Secretary, except that (sub-

ject to section 2786(b)(1)(B)) such a program will be carried out in not less than one urban area of the State, and in not less than one rural area of the State.

"(f) **ONGOING SUPERVISION OF ADVISORS.**—A funding agreement for an award under section 2785 is that the applicant involved will ensure that each community health advisor program operated with the award provides for the ongoing supervision of the community health advisors of the program, and that the individuals serving as supervisors in the program will include 1 or more public health nurses with field experience and managerial experience.

"(g) **CERTAIN EXPENDITURES.**—

"(1) **TRAINING; CONTINUING EDUCATION.**—Funding agreements for an award under section 2785 include the following:

"(A) The applicant involved will ensure that, for each community health advisor program operated with the award, a program is carried out to train community health advisors to provide the authorized program services, including practical experiences in providing services for health promotion and disease prevention.

"(B) The program of training will provide for the continuing education of the community health advisors.

"(C) Not more than 15 percent of the award will be expended for the program of training.

"(2) **COMPENSATION.**—With respect to compliance with the agreements made under this subtitle, the purposes for which an award under section 2785 may be expended include providing compensation for the services of community health advisors.

"(h) **REPORTS TO SECRETARY; ASSESSMENT OF EFFECTIVENESS.**—Funding agreements for an award under section 2785 for an applicant include the following:

"(1) The applicant will ensure that, for each fiscal year for which a community health advisor program receives amounts from the award, the program will prepare a report describing the activities of the program for such year, including—

"(A) a specification of the number of individuals served by the program;

"(B) a specification of the entities with which the program has collaborated in carrying out the purpose described in section 2786(a)(1); and

"(C) an assessment of the extent of the effectiveness of the program in carrying out such purpose.

"(2) Such reports will include such additional information regarding the applicant and the programs as the Secretary may require.

"(3) The applicant will prepare the reports as a single document and will submit the document to the Secretary not later than February 1 of the fiscal year following the fiscal year for which the reports were prepared.

**"SEC. 2788. APPLICATION FOR ASSISTANCE; STATE PLAN.**

"For purposes of section 2785, an application is in accordance with this section if—

"(1) the application is submitted not later than the date specified by the Secretary;

"(2) the application contains each funding agreement described in this subtitle;

"(3) the application contains a State plan describing the purposes for which the award is to be expended in the State, including a description of the manner in which the applicant will comply with each such funding agreement; and

"(4) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as

the Secretary determines to be necessary to carry out this subtitle.

**"SEC. 2789. DETERMINATION OF AMOUNT OF ALLOTMENT.**

"(a) **IN GENERAL.**—For purposes of section 2785, the allotment under this section with respect to a State for a fiscal year is the sum of the respective amounts determined for the State under subsection (b) and subsection (c).

"(b) **AMOUNT RELATING TO POPULATION.**—For purposes of subsection (a), the amount determined under this subsection is the product of—

"(1) an amount equal to 50 percent of the amount appropriated under section 2784 for the fiscal year and available for awards under section 2785; and

"(2) the percentage constituted by the ratio of—

"(A) the number of individuals residing in the State involved; to

"(B) the sum of the respective amounts determined for each State under subparagraph (A).

"(c) **AMOUNT RELATING TO POVERTY LEVEL.**—For purposes of subsection (a), the amount determined under this subsection is the product of—

"(1) the amount determined under subsection (b)(1); and

"(2) the percentage constituted by the ratio of—

"(A) the number of individuals residing in the State whose income is at or below an amount equal to 200 percent of the official poverty line; to

"(B) the sum of the respective amounts determined for each State under subparagraph (A).

**"SEC. 2790. QUALITY ASSURANCE; COST-EFFECTIVENESS.**

"The Secretary shall establish guidelines for assuring the quality of community health advisor programs (including quality in the training of community health advisors) and for assuring the cost-effectiveness of the programs. A funding agreement for an award under section 2785 is that the applicant involved will carry out such programs in accordance with the guidelines.

**"SEC. 2791. EVALUATIONS; TECHNICAL ASSISTANCE.**

"(a) **EVALUATIONS.**—The Secretary shall conduct evaluations of community health advisor programs and disseminate information developed as result of the evaluations to the States. In conducting such evaluations, the Secretary shall determine whether the programs are in compliance with the guidelines established under section 2790.

"(b) **TECHNICAL ASSISTANCE.**—The Secretary may provide technical assistance to recipients of awards under section 2785 with respect to the planning, development, and operation of community health advisor programs.

"(c) **GRANTS AND CONTRACTS.**—The Secretary may carry out this section directly or through grants, cooperative agreements, or contracts.

"(d) **LIMITATION ON EXPENDITURES.**—Of the amounts appropriated under section 2784 for a fiscal year, the Secretary may reserve not more than 10 percent for carrying out this section.

**"SEC. 2792. RULE OF CONSTRUCTION REGARDING PROGRAMS OF INDIAN HEALTH SERVICE.**

"This subtitle may not be construed as requiring the Secretary to modify or terminate the program carried out by the Director of the Indian Health Service and designated by such Director as the Community Health Representative Program. The Secretary shall ensure that support for such Program is not

supplanted by awards under section 2785. In communities in which both such Program and a community health advisor program are being carried out, the Secretary shall ensure that the community health advisor program works in cooperation with, and as a complement to, the Community Health Representative Program.

#### "SEC. 2793. DEFINITIONS.

"For purposes of this subtitle:

"(1) The term 'authorized program services', with respect to a community health advisor program, means the services specified in section 2786(b)(2).

"(2) The term 'community health advisor' has the meaning given such term in section 2786(d).

"(3) The term 'community health advisor program' means a program carried out under section 2786(b).

"(4) The term 'financial assistance', with respect to an award under section 2785, means a grant, cooperative agreement, or a contract.

"(5) The term 'funding agreement' means an agreement required as a condition of receiving an award under section 2785.

"(6) The term 'official poverty line' means the official poverty line established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981, which poverty line is applicable the size of the family involved.

"(7) The term 'State involved', with respect to an applicant for an award under section 2785, means the State in which the applicant is to carry out a community health advisor program.

#### "SEC. 2794. EFFECT OF INSUFFICIENT APPROPRIATIONS FOR MINIMUM ALLOTMENTS.

"(a) IN GENERAL.—If the amounts made available under section 2784 for a fiscal year are insufficient for providing each State (or entity designated by the State pursuant to section 2785, as the case may be) with an award under section 2785 in an amount equal to or greater than the amount specified in section 2789(a)(2), the Secretary shall, from such amounts as are made available under subsection (a), make such awards on a discretionary basis.

"(b) RULE OF CONSTRUCTION.—For purposes of subsection (a), awards under section 2785 are made on a discretionary basis if the Secretary determines which States (or entities designated by States pursuant to such section, as the case may be) are to receive such awards, subject to meeting the requirements of this subtitle for such an award, and the Secretary determines the amount of such awards.

#### "Subtitle F—General Provisions

#### "SEC. 2798. REQUIREMENT REGARDING ACCREDITATION OF SCHOOLS, DEPARTMENTS, AND PROGRAMS.

"Except as indicated otherwise in this title:

"(1) A reference in this title to a school of public health, a school of nursing, or any other entity providing education or training in a health profession (whether a school, department, program, or other entity) is a reference to the entity as defined under section 799 or 853.

"(2) If an entity is not defined in either of such sections, the reference in this title to the entity has the meaning provided by the Secretary, except that the Secretary shall require for purposes of this title that the entity be accredited for the provision of the education or training involved.

#### "SEC. 2799. RELATION TO OTHER FUNDS.

"Notwithstanding any other provision of law, the authorizations of appropriations established in this title are in addition to any other authorizations of appropriations that are available for the purposes described with respect to such appropriations in this title.

#### "SEC. 2799A. DEFINITIONS.

"(a) IN GENERAL.—For purposes of this title:

"(1) The term 'Healthy People 2000 Objectives' means the objectives established by the Secretary toward the goals of increasing the span of healthy life, reducing health disparities among various populations, and providing access to preventive services, which objectives apply to the health status of the population of the United States for the year 2000.

"(2) The term 'medically underserved community' means—

"(A) a community that has a substantial number of individuals who are members of a medically underserved population, as defined in section 330; or

"(B) a community a significant portion of which is a health professional shortage area designated under section 332."

#### TITLE IV—MEDICAL RESEARCH

#### SEC. 4001. FINDINGS.

The Congress finds the following:

(1) Nearly 4 of 5 peer reviewed research projects deemed worthy of funding by the National Institutes of Health are not funded.

(2) Less than 2 percent of the nearly one trillion dollars our Nation spends on health care is devoted to health research, while the defense industry spends 15 percent of its budget on research.

(3) Public opinion surveys have shown that Americans want more Federal resources put into health research and support by having a portion of their health insurance premiums set aside for this purpose.

(4) Ample evidence exists to demonstrate that health research has improved the quality of health care in the United States. Advances such as the development of vaccines, the cure of many childhood cancers, drugs that effectively treat a host of diseases and disorders, a process to protect our Nation's blood supply from the HIV virus, progress against cardiovascular disease including heart attack and stroke, and new strategies for the early detection and treatment of diseases such as colon, breast, and prostate cancer clearly demonstrate the benefits of health research.

(5) Among the most effective methods to control health care costs are prevention and cure of disease and disability, thus, health research which holds the promise of cure and prevention of disease and disability is a critical component of any comprehensive health care reform plan.

(6) The state of our Nation's research facilities at the National Institutes of Health and at universities is deteriorating significantly. Renovation and repair of these facilities are badly needed to maintain and improve the quality of research.

(7) Because the Omnibus Budget Reconciliation Act of 1993 freezes discretionary spending for the next 5 years, the Nation's investment in health research through the National Institutes of Health is likely to decline in real terms unless corrective legislative action is taken.

(8) A health research fund is needed to maintain our Nation's commitment to health research and to increase the percentage of approved projects which receive funding at the National Institutes of Health to at least 33 percent.

#### SEC. 4002. NATIONAL FUND FOR HEALTH RESEARCH.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States an account, to be known as the "National Fund for Health Research" (hereafter referred to in this section as the "Fund"), consisting of such amounts as are transferred to the Fund under subsection (b) and any interest earned on investment of amounts in the Fund.

#### (b) TRANSFERS TO FUND.—

(1) IN GENERAL.—With respect to each of the 5 full calendar years beginning after the date of enactment of this Act, the Secretary of the Treasury shall transfer to the Fund an amount equal to the applicable amount under paragraph (2).

(2) APPLICABLE AMOUNT.—The applicable amount under this paragraph is—

(A) with respect to amounts in the Health Care Reform Trust Fund established under section 951(a)(2)(A) of the Internal Revenue Code of 1986, \$1,200,000,000 for each calendar year described in paragraph (1); and

(B) with respect to amounts received in the Treasury under section 6097 of the Internal Revenue Code of 1986, 100 percent of the amounts received under such section in each calendar year described in paragraph (1).

#### (3) DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS.—

(A) IN GENERAL.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to returns and records) is amended by adding at the end the following new part:

#### "PART IX—DESIGNATION OF OVERPAYMENTS AND CONTRIBUTIONS FOR THE NATIONAL FUND FOR HEALTH RESEARCH

"Sec. 6097. Amounts for the National Fund for Health Research.

#### "SEC. 6097. AMOUNTS FOR THE NATIONAL FUND FOR HEALTH RESEARCH.

"(a) IN GENERAL.—Every individual (other than a nonresident alien) may designate that—

"(1) a portion (not less than \$1) of any overpayment of the tax imposed by chapter 1 for the taxable year, and

"(2) a cash contribution (not less than \$1), be paid over to the National Fund for Health Research established under section 4002 of the Health Innovation Partnership Act of 1994. In the case of a joint return of a husband and wife, each spouse may designate one-half of any such overpayment of tax (not less than \$2).

"(b) MANNER AND TIME OF DESIGNATION.—Any designation under subsection (a) may be made with respect to any taxable year only at the time of filing the original return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made either on the 1st page of the return or on the page bearing the taxpayer's signature.

"(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this section, any overpayment of tax designated under subsection (a) shall be treated as being refunded to the taxpayer as of the last day prescribed for filing the return of tax imposed by chapter 1 (determined with regard to extensions) or, if later, the date the return is filed.

"(d) DESIGNATED AMOUNTS NOT DEDUCTIBLE.—No amount designated pursuant to subsection (a) shall be allowed as a deduction under section 170 or any other section for any taxable year.

"(e) TERMINATION.—This section shall not apply to taxable years beginning in a calendar year after a determination by the Secretary that the sum of all designations under subsection (a) for taxable years beginning in the second and third calendar years preceding the calendar year is less than \$5,000,000."



(B) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of such Code is amended by adding at the end the following new item:

"Part IX. Designation of overpayments and contributions for the National Fund for Health Research."

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to taxable years beginning after December 31, 1994.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall pay annually, within 30 days after the President signs an appropriations Act for the Departments of Labor, Health and Human Services, and Education and related agencies, or by the end of the first quarter of the fiscal year, to the Secretary of Health and Human Services on behalf of the National Institutes of Health, an amount equal to the amount in the National Fund for Health Research at the time of such payment, to enable the Secretary to carry out the purpose of section 404F of the Public Health Service Act, less any administrative expenses which may be paid under paragraph (3).

(2) PURPOSES FOR EXPENDITURES FROM FUND.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following new section:

"SEC. 404F. EXPENDITURES FROM THE NATIONAL FUND FOR HEALTH RESEARCH.

"(a) IN GENERAL.—From amounts received for any fiscal year from the National Fund for Health Research, the Secretary of Health and Human Services shall distribute—

"(1) 2 percent of such amounts during any fiscal year to the Office of the Director of the National Institutes of Health to be allocated at the Director's discretion for the following activities:

"(A) for carrying out the responsibilities of the Office of the Director, National Institutes of Health, including the Office of Research on Women's Health and the Office of Research on Minority Health, the Office of the Alternative Medicine and the Office of Rare Diseases Research; and

"(B) for construction and acquisition of equipment for or facilities of or used by the National Institutes of Health;

"(2) 2 percent of such amounts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993 concerning Biomedical and Behavioral Research Facilities;

"(3) 1 percent of such amounts during any fiscal year for carrying out section 301 and part D of title IV with respect to health information communications; and

"(4) the remainder of such amounts during any fiscal year to member institutes of the National Institutes of Health and centers in the same proportion to the total amount received under this section, as the amount of annual appropriations under appropriations Acts for each member institute and center for the fiscal year bears to the total amount of appropriations under appropriations Acts for all member institutes and centers of the National Institutes of Health for the fiscal year.

"(b) PLANS OF ALLOCATION.—The amounts transferred under subsection (a) shall be allocated by the Director of NIH or the various directors of the institutes and centers, as the case may be, pursuant to allocation plans developed by the various advisory councils to such directors, after consultation with such directors."

(3) ADMINISTRATIVE EXPENSES.—Amounts in the National Fund for Health Research shall be available to pay the administrative expenses of the Department of the Treasury directly allocable to—

(A) modifying the individual income tax return forms to carry out section 6097 of the Internal Revenue Code of 1986;

(B) carrying out this section with respect to such Fund; and

(C) processing amounts received under this section and transferring such amounts to such Fund.

(4) TRIGGER AND RELEASE OF FUND MONIES.—No expenditures shall be made pursuant to section 4002(c) during any fiscal year in which the annual amount appropriated for the National Institutes of Health is less than the amount so appropriated for the prior fiscal year.

(d) BUDGET ENFORCEMENT.—Amounts contained in the National Fund for Health Research shall be excluded from, and shall not be taken into account for purposes of, any budget enforcement procedures under the Congressional Budget Act of 1974 or the Balanced Budget Emergency Deficit Control Act of 1985.

**TITLE V—REVENUE PROVISIONS**

**SEC. 5000. AMENDMENT OF 1986 CODE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**Subtitle A—Financing Provisions**

**PART I—INCREASE IN TAX ON TOBACCO PRODUCTS**

**SEC. 5001. INCREASE IN EXCISE TAXES ON TOBACCO PRODUCTS.**

(a) CIGARETTES.—Subsection (b) of section 5701 is amended—

(1) by striking "\$12 per thousand (\$10 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (1) and inserting "\$62 per thousand", and

(2) by striking "\$25.20 per thousand (\$21 per thousand on cigarettes removed during 1991 or 1992)" in paragraph (2) and inserting "\$130.20 per thousand".

(b) CIGARS.—Subsection (a) of section 5701 is amended—

(1) by striking "\$1.125 cents per thousand (93.75 cents per thousand on cigars removed during 1991 or 1992)" in paragraph (1) and inserting "\$51.13 per thousand", and

(2) by striking "equal to" and all that follows in paragraph (2) and inserting "equal to 66 percent of the price for which sold but not more than \$155 per thousand."

(c) CIGARETTE PAPERS.—Subsection (c) of section 5701 is amended by striking "0.75 cent (0.625 cent on cigarette papers removed during 1991 or 1992)" and inserting "3.88 cents".

(d) CIGARETTE TUBES.—Subsection (d) of section 5701 is amended by striking "1.5 cents (1.25 cents on cigarette tubes removed during 1991 or 1992)" and inserting "7.76 cents".

(e) SMOKELESS TOBACCO.—Subsection (e) of section 5701 is amended—

(1) by striking "36 cents (30 cents on snuff removed during 1991 or 1992)" in paragraph (1) and inserting "\$13.69", and

(2) by striking "12 cents (10 cents on chewing tobacco removed during 1991 or 1992)" in paragraph (2) and inserting "\$5.45".

(f) PIPE TOBACCO.—Subsection (f) of section 5701 is amended by striking "67.5 cents (56.25 cents on pipe tobacco removed during 1991 or 1992)" and inserting "\$17.35".

(g) APPLICATION OF TAX INCREASE TO PUERTO RICO.—Section 5701 is amended by adding at the end the following new subsection:

"(h) APPLICATION TO TAXES TO PUERTO RICO.—Notwithstanding subsections (b) and (c) of section 7653 and any other provision of law—

"(1) IN GENERAL.—On tobacco products and cigarette papers and tubes, manufactured or imported into the Commonwealth of Puerto Rico, there is hereby imposed a tax at the rate equal to the excess of—

"(A) the rate of tax applicable under this section to like articles manufactured in the United States, over

"(B) the rate referred to in subparagraph (A) as in effect on the day before the date of the enactment of the Health Innovation Partnership Act of 1994.

"(2) SHIPMENTS TO PUERTO RICO FROM THE UNITED STATES.—Only the rates of tax in effect on the day before the date of the enactment of this subsection shall be taken into account in determining the amount of any exemption from, or credit or drawback of, any tax imposed by this section on any article shipped to the Commonwealth of Puerto Rico from the United States.

"(3) SHIPMENTS FROM PUERTO RICO TO THE UNITED STATES.—The rates of tax taken into account under section 7652(a) with respect to tobacco products and cigarette papers and tubes coming into the United States from the Commonwealth of Puerto Rico shall be the rates of tax in effect on the day before the date of the enactment of the Health Innovation Partnership Act of 1994.

"(4) DISPOSITION OF REVENUES.—The provisions of section 7652(a)(3) shall not apply to any tax imposed by reason of this subsection."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1994.

(i) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States or the Commonwealth of Puerto Rico which are removed before any tax-increase date, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 or 7652 of such Code on such article.

(2) AUTHORITY TO EXEMPT CIGARETTES HELD IN VENDING MACHINES.—To the extent provided in regulations prescribed by the Secretary, no tax shall be imposed by paragraph (1) on cigarettes held for retail sale on any tax-increase date, by any person in any vending machine. If the Secretary provides such a benefit with respect to any person, the Secretary may reduce the \$500 amount in paragraph (3) with respect to such person.

(3) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to \$500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on each tax-increase date for which such person is liable.

(4) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding cigarettes on any tax-increase date, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) **METHOD OF PAYMENT.**—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) **TIME FOR PAYMENT.**—The tax imposed by paragraph (1) shall be paid on or before the date which is 3 months after the tax-increase date.

(5) **ARTICLES IN FOREIGN TRADE ZONES.**—Notwithstanding the Act of June 18, 1934 (48 Stat. 998, 19 U.S.C. 81a) and any other provision of law, any article which is located in a foreign trade zone on any tax-increase date shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of a customs officer pursuant to the 2d proviso of such section 3(a).

(6) **DEFINITIONS.**—For purposes of this subsection—

(A) **IN GENERAL.**—Terms used in this subsection which are also used in section 5702 of the Internal Revenue Code of 1986 shall have the respective meanings such terms have in such section, as amended by this Act.

(B) **SECRETARY.**—The term "Secretary" means the Secretary of the Treasury or his delegate.

(C) **TAX-INCREASE DATE.**—The term "tax-increase date" means January 1, 1995, and July 1, 1996.

(7) **CONTROLLED GROUPS.**—Rules similar to the rules of section 561(e)(3) of such Code shall apply for purposes of this subsection.

(8) **OTHER LAWS APPLICABLE.**—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

#### SEC. 5002. MODIFICATIONS OF CERTAIN TOBACCO TAX PROVISIONS.

(a) **EXEMPTION FOR EXPORTED TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES TO APPLY ONLY TO ARTICLES MARKED FOR EXPORT.**—

(1) Subsection (b) of section 5704 is amended by adding at the end the following new sentence: "Tobacco products and cigarette papers and tubes may not be transferred or removed under this subsection unless such products or papers and tubes bear such marks, labels, or notices as the Secretary shall by regulations prescribe."

(2) Section 5761 is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting after subsection (b) the following new subsection:

"(c) **SALE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES FOR EXPORT.**—Except as provided in subsections (b) and (d) of section 5704—

"(1) every person who sells, relands, or receives within the jurisdiction of the United States any tobacco products or cigarette papers or tubes which have been labeled or shipped for exportation under this chapter,

"(2) every person who sells or receives such relanded tobacco products or cigarette papers or tubes, and

"(3) every person who aids or abets in such selling, relanding, or receiving,

shall, in addition to the tax and any other penalty provided in this title, be liable for a penalty equal to the greater of \$1,000 or 5 times the amount of the tax imposed by this chapter. All tobacco products and cigarette papers and tubes relanded within the jurisdiction of the United States, and all vessels, vehicles, and aircraft used in such relanding or in removing such products, papers, and tubes from the place where relanded, shall be forfeited to the United States."

(3) Subsection (a) of section 5761 is amended by striking "subsection (b)" and inserting "subsection (b) or (c)".

(4) Subsection (d) of section 5761, as redesignated by paragraph (2), is amended by striking "The penalty imposed by subsection (b)" and inserting "The penalties imposed by subsections (b) and (c)".

(5)(A) Subpart F of chapter 52 is amended by adding at the end the following new section:

#### "SEC. 5754. RESTRICTION ON IMPORTATION OF PREVIOUSLY EXPORTED TOBACCO PRODUCTS.

"(A) **IN GENERAL.**—Tobacco products and cigarette papers and tubes previously exported from the United States may be imported or brought into the United States only as provided in section 5704(d). For purposes of this section, section 5704(d), section 5761, and such other provisions as the Secretary may specify by regulations, references to exportation shall be treated as including a reference to shipment to the Commonwealth of Puerto Rico.

"(b) **CROSS REFERENCE.**—

"**For penalty for the sale of tobacco products and cigarette papers and tubes in the United States which are labeled for export, see section 5761(c).**"

(B) The table of sections for subpart F of chapter 52 is amended by adding at the end the following new item:

"Sec. 5754. Restriction on importation of previously exported tobacco products."

(b) **IMPORTERS REQUIRED TO BE QUALIFIED.**—

(1) Sections 5712, 5713(a), 5721, 5722, 5762(a)(1), and 5763(b) and (c) are each amended by inserting "or importer" after "manufacturer".

(2) The heading of subsection (b) of section 5763 is amended by inserting "QUALIFIED IMPORTERS," after "MANUFACTURERS."

(3) The heading for subchapter B of chapter 52 is amended by inserting "and Importers" after "Manufacturers".

(4) The item relating to subchapter B in the table of subchapters for chapter 52 is amended by inserting "and importers" after "manufacturers".

(c) **REPEAL OF TAX-EXEMPT SALES TO EMPLOYEES OF CIGARETTE MANUFACTURERS.**—

(1) Subsection (a) of section 5704 is amended—

(A) by striking "EMPLOYEE USE OR" in the heading, and

(B) by striking "for use or consumption by employees or" in the text.

(2) Subsection (e) of section 5723 is amended by striking "for use or consumption by their employees, or for experimental purposes" and inserting "for experimental purposes".

(d) **REPEAL OF TAX-EXEMPT SALES TO UNITED STATES.**—Subsection (b) of section 5704 is amended by striking "and manufacturers may similarly remove such articles for use of the United States";

(e) **BOOKS OF 25 OR FEWER CIGARETTE PAPERS SUBJECT TO TAX.**—Subsection (c) of section 5701 is amended by striking "On each

book or set of cigarette papers containing more than 25 papers," and inserting "On cigarette papers,".

(f) **STORAGE OF TOBACCO PRODUCTS.**—Subsection (k) of section 5702 is amended by inserting "under section 5704" after "internal revenue bond".

(g) **AUTHORITY TO PRESCRIBE MINIMUM MANUFACTURING ACTIVITY REQUIREMENTS.**—Section 5712 is amended by striking "or" at the end of paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following new paragraph:

"(2) the activity proposed to be carried out at such premises does not meet such minimum capacity or activity requirements as the Secretary may prescribe, or".

(h) **SPECIAL RULES RELATING TO PUERTO RICO AND THE VIRGIN ISLANDS.**—Section 7652 is amended by adding at the end the following new subsection:

"(h) **LIMITATION ON COVER OVER OF TAX ON TOBACCO PRODUCTS.**—For purposes of this section, with respect to taxes imposed under section 5701 or this section on any tobacco product or cigarette paper or tube, the amount covered into the treasuries of Puerto Rico and the Virgin Islands shall not exceed the rate of tax under section 5701 in effect on the article on the day before the date of the enactment of the Health Innovation Partnership Act of 1994."

(i) **EFFECTIVE DATE.**—The amendments made by this section shall apply to articles removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1994.

#### SEC. 5003. IMPOSITION OF EXCISE TAX ON MANUFACTURE OR IMPORTATION OF ROLL-YOUR-OWN TOBACCO.

(a) **IN GENERAL.**—Section 5701 (relating to rate of tax), as amended by section 701, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

"(g) **ROLL-YOUR-OWN TOBACCO.**—On roll-your-own tobacco, manufactured in or imported into the United States, there shall be imposed a tax of \$17.35 per pound (and a proportionate tax at the like rate on all fractional parts of a pound)."

(b) **ROLL-YOUR-OWN TOBACCO.**—Section 5702 (relating to definitions) is amended by adding at the end the following new subsection:

"(p) **ROLL-YOUR-OWN TOBACCO.**—The term 'roll-your-own tobacco' means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes."

(c) **TECHNICAL AMENDMENTS.**—

(1) Subsection (c) of section 5702 is amended by striking "and pipe tobacco" and inserting "pipe tobacco, and roll-your-own tobacco".

(2) Subsection (d) of section 5702 is amended—

(A) in the material preceding paragraph (1), by striking "or pipe tobacco" and inserting "pipe tobacco, or roll-your-own tobacco", and

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) a person who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the person's own personal consumption or use, and".

(3) The chapter heading for chapter 52 is amended to read as follows:

#### "CHAPTER 52—TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES".

(4) The table of chapters for subtitle E is amended by striking the item relating to



chapter 52 and inserting the following new item:

"CHAPTER 52. Tobacco products and cigarette papers and tubes."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to roll-your-own tobacco removed (as defined in section 5702(k) of the Internal Revenue Code of 1986, as amended by this Act) after December 31, 1994.

(2) TRANSITIONAL RULE.—Any person who—

(A) on the date of the enactment of this Act is engaged in business as a manufacturer of roll-your-own tobacco or as an importer of tobacco products or cigarette papers and tubes, and

(B) before January 1, 1995, submits an application under subchapter B of chapter 52 of such Code to engage in such business, may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

**Subtitle B—Health Care Reform Trust Fund**  
**SEC. 5101. ESTABLISHMENT OF GRADUATE MEDICAL EDUCATION AND ACADEMIC HEALTH CENTERS TRUST FUND.**

(a) IN GENERAL.—Subchapter A of chapter 98 (relating to establishment of trust funds) is amended by adding at the end the following new part:

**"PART II—HEALTH CARE TRUST FUNDS**

**"Sec. 9551. Health Care Reform Trust Fund**  
**"SEC. 9551. HEALTH CARE REFORM TRUST FUND.**

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Health Care Reform Trust Fund', consisting of such amounts as may be appropriated or credited to the Health Care Reform Trust Fund as provided in this section.

"(b) TRANSFERS TO THE TRUST FUND.—There are hereby appropriated to the Health Care Reform Trust Fund amounts received in the Treasury under section 5701 (relating to taxes on tobacco products) to the extent attributable to the increases in such taxes as the result of the enactment of section 5001 of the Health Innovation Partnership Act of 1994.

"(c) EXPENDITURES.—Amounts in the Health Care Reform Trust Fund are appropriated as provided for in sections 1001 and 4002 of the Health Innovation Partnership Act of 1994, and title XXVII of the Public Health Service Act, and to the extent any such amount is not expended during any fiscal year, such amount shall be available for such purpose for subsequent fiscal years.

"(d) OTHER RULES.—

"(1) INSUFFICIENT FUNDS.—If, for any fiscal year, the sum of the amounts required to be allocated under subsection (c) exceeds the amounts received in the Health Care Reform Trust Fund, then each of such amounts required to be so allocated shall be reduced to an amount which bears the same ratio to such amount as the amounts received in the trust fund bear to the amounts required to be so allocated (without regard to this paragraph).

"(2) ALLOCATION OF EXCESS FUNDS AND INTEREST.—Amounts received in the Health Care Reform Trust Fund in excess of the amounts required to be allocated under subsection (c), for any fiscal year shall be allo-

cated ratably on the basis of the amounts allocated for the fiscal year (without regard to this paragraph)."

(b) CONFORMING AMENDMENT.—Subchapter A of chapter 98 is amended by inserting after the subchapter heading the following new items:

"Part I. General trust funds.

"Part II. Health care trust fund.

**"PART I—GENERAL TRUST FUNDS"•**

**AZERBAIJAN'S OIL DEAL**

• Mr. DECONCINI. Mr. President, this week, President Heydar Aliyev of Azerbaijan signed a very important contract with a consortium of Western companies to extract and sell Azerbaijan's oil. I am pleased that a deal has finally been struck, which will benefit both United States firms and the people of Azerbaijan. At the same time, this agreement involves the United States much more deeply than before in the region and its conflicts, which has many implications.

A critical undecided matter is how to transport Caspian Sea oil to the West. Moscow has already pressured Azerbaijan into ceding to Lukoil, the Russian oil company, 10 percent of Azerbaijan's share, but Moscow also demands that Azerbaijan's oil reach Europe through Russia's oil pipeline, as opposed to proposed alternative routes through Turkey, Iran, or Armenia. Even more problematic, Russia considers the legal status of the Caspian Sea to be in question, thus challenging Azerbaijan's right to sell its oil, and has also announced that no country along the Caspian can dispose of the region's natural resources without the consent of neighboring states. This, in effect, would give Russia a veto, which can be used to intensify pressure on Azerbaijan.

Russia can also influence Azerbaijan in other ways—Moscow's position on the oil deal is closely connected to prospects for peace in the Nagorno-Karabakh conflict. While this dispute has roots that are deep and local, Russian involvement has prolonged and exacerbated the hostilities. If Moscow feels its economic and strategic interests are not satisfied, its ability to step up military operations and undermine the current ceasefire, CSCE arbitration and future peace talks is considerable. Certain Russian agencies could also try to destabilize Azerbaijan and place someone more pliable than Aliyev in power.

The new American economic stake in Azerbaijan translates into more resolute support for Azerbaijan's efforts to keep Russian troops out of the country and remain sovereign and independent. This means pushing even more energetically the CSCE peace plan for Nagorno-Karabakh, which envisions an international contingent of ceasefire monitors; Russia's plan, by contrast, would place Russian/CIS peacekeeping

troops in Azerbaijan. With the oil deal now linking Azerbaijan and the United States, the struggle between these duelling peace plans may now become a more open and tense confrontation between Washington and Moscow.

With respect to Azerbaijani domestic politics, the oil deal strengthens the position of President Aliyev; even the opposition Popular Front fully supports both the agreement and Aliyev's resistance to Russian pressure. It is therefore all the more peculiar that security forces have recently intensified attacks on opposition parties. On September 11, police attacked an opposition rally in Baku, where scores of people were injured and 77 arrested. In August, the Popular Front reported that secret government agents had confessed to an attempt to assassinate Abulfaz Elchibey, the Popular Front president ousted in June 1993. President Aliyev is presumably clamping down on an opposition that shares his strategic goals in order to halt the political liberalization begun under the Popular Front regime and to ensure that Azerbaijan's political system and prospective wealth remain firmly in his hands.

The United States can back President Aliyev in resisting Russian pressure and consolidating mutually profitable economic ties without acquiescing in his intimidation and suppression of a peaceful political opposition. We must emphasize to him that no oil deal absolves him of his responsibility to observe CSCE commitments, and to implement his own stated agenda of promoting democratization in Azerbaijan. •

**UNANIMOUS-CONSENT AGREEMENT**

Ms. MIKULSKI. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday, September 27, there be a total of 90 minutes remaining for debate on the conference report accompanying H.R. 4624, the VA-HUD appropriations bill and the remaining amendments in disagreement, with the time divided and controlled in the usual form, with no other amendments in order; that at 2:15 p.m., the Senate vote on adoption of the conference report; that upon the disposition of the conference report, the Senate vote on or in relation to the McCain amendment No. 2587 to amendment 84; that upon disposition of the McCain amendment, the Senate concur in the House amendment to the Senate amendment No. 84; that upon disposition of amendment No. 84, the Senate then vote on or in relation to the Smith amendment No. 2588 to amendment No. 28; that upon disposition of the Smith amendment, the Senate concur in the House amendment to Senate amendment No. 28; that upon disposition of amendment No. 28, the Senate vote on the motion to invoke cloture on the motion to request a conference

with the House on the disagreeing votes of the two Houses relative to S. 3, Campaign Finance Reform; that if cloture is invoked, there be 26 hours remaining for debate under rule 22, with the above occurring without intervening action or debate.

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

Ms. MIKULSKI. Mr. President, I now ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Ms. MIKULSKI. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Illinois is recognized.

#### HEALTH CARE

Mr. SIMON. Mr. President, I would like to speak briefly—and I assure my friend from Pennsylvania that I will speak briefly—on the topic that Senator MIKULSKI spoke on at the end of her remarks, and that is health care.

What has happened in this Nation today is sad. We have seen health care in a coma for the last few weeks, and today health care died for 1994.

I think of the woman who testified before the Labor and Human Resources Committee—I would guess she is 55 years old—working part time at the minimum wage. She cannot afford both her heart medicine and food. So she is not getting any heart medicine. The news from the U.S. Congress today is you are going to continue without heart medicine. You are going to risk your life.

I think of the story my secretary told me just 2 weeks ago. She and two friends, one of whom the Presiding Officer and I know, who has been active in Democratic fundraising, and she was with these two friends and the woman you and I know started to get pale, have chest pains, started to perspire, and she had all the symptoms of a heart attack. She would not let them take her to a hospital. They took her in a taxi to her apartment and on the way they had to stop the taxi because she had nausea. She got home and then got hold of her physician. And it turned out she had food poisoning. But she had all the symptoms of a heart attack. She was not willing to go to a hospital because she did not have any insurance.

How many Americans die because of that? Or the woman today at O'Hare Airport who came up to me with a heavy Hispanic accent, and said she has a son seriously ill and she has to spend \$1,400 a month for health care insurance. She said, "We just can't keep it up." And there was agony in her voice.

The U.S. Congress today has said to her tough luck, tough luck, lady. We are not going to help you.

If that woman was working part time, if that woman that you and I know, if that woman at O'Hare Airport lived in Canada, Italy, France, Germany, Great Britain, or Japan they would be covered. But the richest nation in the world cannot do it.

And why did we lose this battle to protect people? Newsweek magazine last week said \$400 million was spent to defeat it—that totals more than the amount spent by the Republican and Democratic candidates for President in the last two elections combined—to confuse people, to stop something. People who are profiting from the present system in collusion with those marvelous benefactors of humanity, the cigarette manufacturers, got together and prevented 38 million Americans from having health insurance. And the number is growing by 2 million more a year.

I heard Senator PAUL WELLSTONE on the floor earlier say this is a powerful argument for campaign finance reform, real reform. He is right. Something is wrong.

And let me tell you if I lived in California I would be voting on that ballot for a single payer system. I think one of the messages today is do not count on the Federal Government to help you. The powerful special interests have too much power and you may have to go the way of the States to get something like the single payer system.

I hear all these tales spread about what is happening in Canada. It is very interesting. The last poll that I saw showed 3 percent of the people in Canada would like to have the United States health care system. And yesterday's or the day before—I think it was yesterday's—New York Times had this—these U.N. statistics in there: Canada's longevity is seventh among the nations of the world; the United States 18th. Canada spends far less for health care than we do. We spend more than any other nation and yet 38 million Americans are without health care.

I would like to pay tributes. Some reporter just a little bit ago said this is not going to hurt the President. I do not know why it should hurt President Clinton. To his great credit, and to the great credit of Hillary Clinton, they surfaced this issue. To the credit of Senator JAY ROCKEFELLER, to the credit of GEORGE MITCHELL, to the credit of Senator KENNEDY, you have led on this issue, and I am proud of you for leading on this issue.

This is not a defeat for Bill Clinton or Hillary Clinton or JAY ROCKEFELLER or GEORGE MITCHELL or TED KENNEDY. This is a defeat for the American people. The people who profit from the present system have prevailed, and it is a sad day for this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

#### ORDER OF PROCEDURE

Mr. FORD. Mr. President, I understand that the distinguished Senator from Pennsylvania wishes to speak. I would like to go ahead and order the recess and let him speak as long as he wants to and then we go out after his remarks.

Would that be all right if I do that?

Mr. SPECTER. It certainly will be.

Mr. FORD. Fine.

We are just about ready.

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

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

#### APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader and in consultation with the ranking minority member of the Finance Committee, pursuant to Public Law 103-296, appoints Carolyn L. Weaver of Virginia for a 3-year term to the Social Security Advisory Board.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 103-36

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from a treaty transmitted to the Senate on September 23, 1994, by the President of the United States:

Treaty Between the United States of America and the Republic of Belarus Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, Protocol, and related exchange of letters, signed at Minsk on January 15, 1994. (Treaty Document 103-36);

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

#### To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Belarus Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, Protocol, and related exchange of letters, signed at Minsk on January 15,



1994. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

This bilateral investment Treaty with Belarus is the sixth such Treaty between the United States and a newly independent state of the former Soviet Union. This Treaty will protect U.S. investors and assist the Republic of Belarus in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthening the development of the private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation and compensation for expropriation; free transfer of funds associated with investments; freedom of investments from performance requirements; fair, equitable and most-favored-nation treatment; and the investor or investment's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex, Protocol, and related exchange of letters, at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, September 23, 1994.

#### ORDERS FOR TOMORROW

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m., Tuesday, September 27; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators DORGAN and KERREY recognized for up to 15 minutes each, and the time from 10:30 to 11 under the control of Senator DASCHLE; and that on Tuesday, the Senate stand in recess from 12:30 to 2:15 p.m. in order to accommodate the respective party conferences.

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

#### ORDER OF PROCEDURE

Mr. FORD. Mr. President, I ask unanimous consent that, at the conclusion of Senator SPECTER's remarks, the Senate stand in recess, as previously ordered.

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

Mr. FORD. Mr. President, I want to thank the distinguished Senator from Pennsylvania for allowing us to interrupt his time. I appreciate it very much.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

#### HEALTH CARE

Mr. SPECTER. Mr. President, earlier this afternoon, Senator MITCHELL, the majority leader, made a statement about health care, concluding with the sentence: "It is clear that health insurance reform cannot be enacted this year."

That is a very sad day for the American people on the substantive subject of health care, and it is a very sad day for the legislative process in the U.S. Congress.

I believe that no Republican has taken the floor to comment on this statement by the majority leader, but a number of Democrats have spoken and have blamed the Republicans and the special interest groups.

I would suggest, Mr. President, that the American people are going to blame all of us in Washington, DC, for this conclusion. The American people are really fed up with fingerpointing in the Congress, with everyone blaming everyone else, when the reality is that there is enough blame to go around for everyone, and that it is not, as Senator MITCHELL has said in this statement, the responsibility of the Republicans.

I do not seek at this time to blame the Democrats. But I think that it is important to review the bidding on what has happened here, because I think that it is a failure of our system which we have an obligation, as elected Senators and elected Members of Congress, to correct. That responsibility rests largely on the Congress and rests in part on the executive branch for what has occurred here, so that we are concluding the 103d session of the Congress without health care legislation having been enacted.

Permit me to start first with what Senator MITCHELL said in his statement today, on page 2:

Under the rules of the Senate, a minority can obstruct the majority. This is what happened to comprehensive health insurance reform.

And on page 3:

Even though Republicans are a minority in Congress, in the Senate, they are a minority with a veto. They have the ability to block legislation and they have chosen to do so on health care reform.

I suggest this is not in accordance with the facts. When health care legislation was finally brought to the floor a few weeks ago by the majority leader, there was no objection to proceed-

ing to the consideration of Senator MITCHELL's bill. There was never a vote to stop debate because debate did not proceed to any extent before the majority leader took the bill down. The majority leader withdrew the bill because, after he introduced it on the first occasion, he changed it to a second bill, and then he changed it to a third bill. It was obvious that there was not support for the bill either on the Democratic side of the aisle or on the Republican side of the aisle because of the enormous bureaucratic substance of the bill.

Like the bill introduced at the request of President Clinton on October 27, 1993, the bill introduced by Senator MITCHELL had more than 100 new agencies, boards, and commissions and had assigned new jobs to about 50 existing agencies. So that it was a massive bureaucracy making revolutionary changes in the health care system which were unpalatable to the American people and unpalatable to the Congress. There was never a cloture vote taken where the Republicans amassed the necessary votes to defeat cloture.

So that I believe it is factually incorrect for the statement to be made that the Republicans obstructed the bill.

Senator MITCHELL went on to say:

I had hoped that agreement with the mainstream group would produce the 60 votes needed to defeat a filibuster.

I do not know about the 60 votes. There was never a cloture vote taken. The majority leader goes on to say, "Regrettably, very few Senate Republicans took this view. The overwhelming majority opposed any health care legislation, even a modest bill to extend health care insurance to children and reform some industry practices."

Mr. President, a reform bill was offered by the Republican leader, sponsored by 40 Republican Senators, in an effort to have some reform this year. There were bills introduced by other Senators, including myself. There were sincere efforts, and I will speak about the efforts that I personally made on this subject. So I think it is just not in accordance with the facts for the Democrats to point the finger at the Republicans and to say the Republicans killed this legislation.

I am not going to reciprocate in kind by saying the Democrats are at fault because I think the American people are fed up, sick and tired of hearing blame assessed, always on the other side; finger pointing, always at the other side. But I think if we review the history of what has happened on health care reform, we can find a way to handle this job next year.

The issue of health care and the need for reform has long been evident, at least for 4 years, going back to 1990 when Senator CHAFEE led a task force to consider legislation. It was apparent in 1992 that this was a pressing issue on the minds of the American people. And

in the 102d Congress, in 1992, there were some 1,500 health care bills pending in the U.S. Congress.

I took the floor on January 29, 1992, to offer health care reform legislation as a starting point. The core of what I offered on that day had been agreed to by all parties. No. 1: Full deductibility for the self-employed and, second, insurance market reform. The majority leader came to the floor that day and said this amendment does not belong on this bill. I responded and agreed with the majority leader that if he would give me a date certain for health care legislation to be taken up I would withdraw the amendment. The majority leader, Senator MITCHELL, declined to do that saying he could not give a date certain. I reminded the majority leader he had given a date certain, the day after Labor Day, to take up product liability, which was on the calendar and was taken up on the date certain. But the majority leader declined to give a date certain and my amendments were defeated, largely along party lines.

Then President Clinton was elected, and in the early days of his administration he announced he would have health care legislation on the floor within 100 days. Soon it became apparent that commitment could not be fulfilled because of the complexity of the subject.

I am not attaching any blame. The statement was made, the goal of 100 days; too complicated, could not be done. First Chairman ROSTENKOWSKI, then-chairman of the House Ways and Means Committee, said we were not even going to have health care legislation in 1993. Then the House majority leader, Mr. GEPHARDT, said we were not going to have health care legislation in 1993. And each time there was a slip in the days, as the CONGRESSIONAL RECORD will show; I came to the floor and said we ought to move ahead at this time. Finally, on April 27, 1993—I should not say "finally" because that was pretty early in the process—I offered health care legislation which was a combination of legislation which had been prepared by Senator COHEN, Senator KASSEBAUM, Senator BOND, Senator MCCAIN, and myself.

On the first legislative day of the 103d Congress, the day after the State of the Union speech on January 21, 1993, I introduced Senate bill 18, which I believe was a reform package leaving intact the essence of the current system, which covers 86.1 percent of the American people. It had been targeted to specific problems: targeted coverage for the 37 to 40 million people now not covered; targeted the problem of portability, when people change jobs; targeted the issue of coverage for pre-existing conditions; and dealt with the spiraling health care costs by looking at terminal health care costs and by looking at low-birthweight babies and a comprehensive reform plan.

President Clinton introduced, or submitted, his bill on October 27, 1993. We in the Senate were ripe to take up the bill at the beginning of 1994, but we awaited committee action. There were enormous problems in the House of Representatives. The distinguished chairman of a major House committee, Congressman DINGELL, could not get the report out of committee and finally abandoned an effort in that committee.

In the Senate, finally, laboriously late, a bill was produced by the Senate Committee on Labor and Human Resources. And also late, a bill was produced by the Finance Committee. And then much later, a bill was produced by the majority leader and submitted a few weeks ago.

The legislation that was submitted, Mr. President, was so cumbersome, along the lines of bureaucracy, that it simply could not gather much support and was abandoned.

There has been an effort in the last few days by a number of Senators, this Senator included—and I worked with the mainstream group where representatives were present for both the Democratic and Republican parties—trying to find a bill that would make sense, and then more limited bills were proposed by a number of Senators trying to work it out. Finally, it became apparent when Senator MITCHELL, the majority leader, made his announcement today that health care legislation was dead for this year.

There are many ways to point the finger of blame at many, many people all along the process. When I introduced the legislation in 1992, the conclusion was by those who wanted broader reform, "We are not going to take piecemeal reform now because that will defeat an effort for broader reform." Then when I introduced legislation from five Republican Senators, it was defeated again largely along party lines: "Too early, let's await the President's bill."

Finally, when the President's bill came, it was not introduced; we had to have hearings on it. The Presiding Officer, the distinguished Senator from West Virginia, has been heard to say we have had hearings until they come out our ears, maybe not those exact words—the Presiding Officer is smiling—but we have had hearings in sufficient number to know what we are going to do.

But the necessity has always been, I submit, to bring the bill to the floor and to offer amendments. Then to deal with mandates to see if it is the will of the Senate to pass them, to deal with the issue of caps on coverage, to deal with the issue of preexisting conditions, to deal with the issue of portability, and let the Senate vote and let us see where we are going.

It is my firm conviction that we are only going to achieve health care reform if we take it a step at a time, to

see what the consequences are, and that there is confidence in the current system by most people and, I think, most of the American people and, I think, most of the Members of Congress, but recognizing that there are areas which have to be corrected.

If we had passed tax reform to give full deductibility to the self-employed, we would have picked up additional coverage. How much? Well, nobody knows for sure—3, 4, 5 million people? If we had insurance market reform to allow small businesses to get together to cut the cost, we would have picked up additional coverage. How much—7, 8, 9, 10, 11, 12 million people?

We could have picked up very significant coverage taking it a step at a time. And through managed care, which is an element of my bill, Senate bill 18, there were substantial savings that could have been achieved. We have a tremendous problem of people getting health care at emergency wards. We could have taken steps to try to deal with that problem, which involves a great deal of cost shifting.

I believe that when we have a health care delivery system in America which approximates \$1 trillion there is evidence to support significant savings for managed health care without destroying choice—my wife recently enrolled us in a managed care system, with a little trepidation on my part, but there is an option to pay more if we are not satisfied—managed health care can produce savings. Substantial savings are available also if we deal with terminal health care costs and low birthweight babies and emergency care service if we take it a step at a time.

So it is my hope, Mr. President, that we do not conclude this session and this work on health care by pointing the finger of blame. I think that a long, detailed speech could be made pointing the finger of blame in every direction, but that when you take a look at the hard facts, we did not get far enough on Senator MITCHELL's bill to have a cloture vote or even to consider the legislation which was forthcoming. And in the context where the Republicans had offered legislation with 40 cosponsors and no inquiry was made about who was going to vote how—at least nobody asked me how I was going to vote—and no cloture vote was sought, it is simply not correct to point the finger of blame at Republicans on this side of the aisle when there is a pending bill with 40 Republican cosponsors. I am not saying it goes far enough. I think additions were needed to it, but if you started with that bill, you could have votes to see how far we could go.

So it is my hope, Mr. President, that next year this is the first item of business, whether we have a Senate controlled by the Democrats or Republicans. So that we can say to the American people that when you elect Senator ROCKEFELLER, from West Virginia,



who is presiding now, who has done a tremendous amount of work on health care, and when you elect Senator ARLEN SPECTER, from Pennsylvania, and 98 other Senators—they will have elected Senator ROCKEFELLER and me because we are not up this time, and so we know, God willing, considering our health this year, we will be back next year so we can sit down and work this out in the interest of the American people and essentially learn from the mistakes of the past 2 years at least; that it is not realistic to have a massive bureaucracy, illustrated by the chart which I have shown so often on the Senate floor that I will not bring back, with the Clinton plan with 105 new agencies, boards, and commissions and 47 existing agencies with new jobs, and Senator MITCHELL's plan with even more new agencies and more jobs for existing agencies.

But the lesson is we know how to take it a step at a time, and I call it trial and correction, not trial and error, because it is not error to see how we do with it but take it a step at a time to see how it will progress, and that we work in a bipartisan way and stop the finger pointing. I think we can craft health care reform which will meet the objective of health care for all Americans and will meet the objective of holding down the costs.

I thank the Chair. I thank the staff which has waited this extra few minutes for my presentation.

I yield the floor.

#### RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, stands in recess until 10 a.m. Tuesday, September 27.

Thereupon, at 6:40 p.m., the Senate recessed until Tuesday, September 27, 1994, at 10 a.m.

#### NOMINATIONS

Executive nominations omitted from the RECORD of September 22, 1994:

##### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BARBARA BLUM, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 1996. VICE WILEY T. BUCHANAN, RESIGNED.

LA DONNA HARRIS, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000. VICE GAIL BIRD, TERM EXPIRED.

LOREN KIEVE, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 1996. VICE WILLIAM STEWART JOHNSON, RESIGNED.

CATHERINE BAKER STETSON, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2000. VICE JAMES D. SANTINI, TERM EXPIRED.

##### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

WALTER R. ROBERTS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY

COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING APRIL 6, 1997. (REAPPOINTMENT.)

##### IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF STATE

THEODORE ALLEGRA, OF COLORADO  
JESSE I. CORONADA, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF STATE

MARJORIE A. AMES, OF OHIO  
DEBORAH J. BARRASS, OF VIRGINIA  
VALERIE LOUISE BELON, OF ALASKA  
CHARLES ODEEN BLAHA, OF VIRGINIA  
LAURA G. BYERGO, OF MISSOURI  
LISA MARIE CARLE, OF CALIFORNIA  
SHAWN P. CROWLEY, OF FLORIDA  
JEFFREY F. DELAURENTIS, OF NEW YORK  
JILL DERDERIAN, OF FLORIDA  
JEFF AUGUST ELZINGA, OF WISCONSIN  
LAURA A. FARNSWORTH, OF TEXAS  
JULIA KATHLEEN FULLER, OF MARYLAND  
SUSAN PATRICIA GARRO, OF THE DISTRICT OF COLUMBIA

ERIC V. GAUDIOSI, OF PENNSYLVANIA  
LAURA ANN GRIESMER, OF OHIO  
MARILYNN GURIAN, OF CALIFORNIA  
JAN ERIK HALL, OF NEW YORK  
PETER MARK HAYMOND, OF VIRGINIA  
GREGORY NATHAN HICKS, OF OREGON  
COLLEEN ANNE HOEY, OF CALIFORNIA  
JASON H. HOROWITZ, OF CALIFORNIA  
CHARLES J. JESS, OF COLORADO  
DEBRA A. JUNKER, OF INDIANA  
EDGARD DANIEL KAGAN, OF ILLINOIS  
HENRY KAMINSKI, OF CONNECTICUT  
JULIE LYNN KAVANAGH, OF OHIO  
CYNTHIA A. KIERSCHT, OF NORTH DAKOTA  
JAMES ALCORN KNIGHT, OF ALABAMA  
ALEXANDER MARK LASKARIS, OF THE DISTRICT OF COLUMBIA

JAMES WERNER LEAF, OF WASHINGTON  
ALFRED REED MAGLEBY, OF UTAH  
BRIAN DAVID MCFEETERS, OF NEW MEXICO  
TIMOTHY MICHAEL MONAHAN, OF WEST VIRGINIA  
LYNN ELIZABETH MUNN, OF CALIFORNIA  
VIRGINIA E. MURRAY, OF NEW JERSEY  
REGINA HART NASSEN, OF TEXAS  
JONATHAN ERIC OWEN NUSSBAUM, OF VIRGINIA  
RICHARD WILLIAM O'BRIEN, OF MARYLAND  
ELISE PATTERSON, OF TEXAS  
MARTHA E. PATTERSON, OF NEW YORK  
J. ANDREW PLOWMAN, OF TEXAS  
ALLISON PUGH, OF NEW YORK  
MICHAEL ALAN RATNEY, OF VIRGINIA  
JOSEPH M. RIPLEY, OF TEXAS  
MORRIS WILLIAM ROBERTS, OF OHIO  
DAVID CLINTON RODEARMEL, OF WASHINGTON

ANDREW I. RUDMAN, OF THE DISTRICT OF COLUMBIA  
ELAINE MARIE SAMSON, OF CALIFORNIA  
DOROTHY KREBS SARRO, OF NEW YORK  
JULIE LYN SCHECHTER, OF MASSACHUSETTS  
ANDREW J. SCHOFER, OF PENNSYLVANIA  
JAMES PATRICK SEEVERS, OF NEW YORK  
MARK WAYNE SEIBEL, OF KANSAS  
JONATHAN SHAKES, OF CALIFORNIA  
LYNN M. SICADE, OF CALIFORNIA  
THOMAS D. SMITHAM, OF CALIFORNIA  
ANDREW SNOW, OF NEW YORK  
CLIFFORD TEUNIS GERTRIT SORENSEN, OF CALIFORNIA  
EDWARD GEORGE STAFFORD, OF TENNESSEE  
HARRY ROBERT SULLIVAN, OF FLORIDA  
REBECCA L. TAGGART, OF FLORIDA  
MARY JANE TEIRLYNCK, OF CALIFORNIA  
SEAN TERRY, OF CALIFORNIA  
OTTO HANS VAN MAERSEN, OF ARIZONA  
PETER HENDRICK VROOMAN, OF NEW YORK  
JOHN ANDREW WEAVER, OF CALIFORNIA  
SIMONE WHITTEMORE, OF WASHINGTON  
WHITNEY JOHN WITTEMAN, OF CALIFORNIA  
ANDREW ROBERT YOUNG, OF CALIFORNIA  
STAURT A. ZIMMER, JR., OF WASHINGTON

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

NANCY CHARLES-PARKER, OF VIRGINIA  
TIMOTHY G. GILMAN, OF NEW HAMPSHIRE  
REBECCA L. MANN, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOAN ELLEN CORBETT, OF VIRGINIA  
JUDITH RODES JOHNSON, OF TEXAS  
SYLVIA G. STANFIELD, OF TEXAS  
MARY ELIZABETH SWOPE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JEAN ANNE LOUIS, OF VIRGINIA  
CHRISTINE DEBORAH SHELLEY, OF FLORIDA  
RUTH H. VAN HEUVEN, OF CONNECTICUT  
ROBIN LANE WHITE, OF MASSACHUSETTS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON NOVEMBER 24, 1993, NOW TO BE EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SHARON K. MERCURIO, OF CALIFORNIA  
MARY C. PENDLETON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 20, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOAN E. GARNER, OF RHODE ISLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED ON OCTOBER 8, 1992, NOW TO BE EFFECTIVE OCTOBER 20, 1991:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

AMELIA ELLEN SHIPPY, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 6, 1988:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ELIZABETH B. BOLLMANN, OF MISSOURI  
THERESE ANN KLEINKAUF, OF NEW YORK  
MARSHA D. VON DUERCKHEIM, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE, PREVIOUSLY PROMOTED INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED RESPECTIVELY ON NOVEMBER 6, 1988, MARCH 25, 1991, OCTOBER 8, 1992 AND OCTOBER 3, 1991, NOW TO BE EFFECTIVE NOVEMBER 6, 1988:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JOAN ELLEN CORBETT, OF VIRGINIA  
JUDITH RODES JOHNSON, OF TEXAS  
SYLVIA G. STANFIELD, OF TEXAS  
MARY ELIZABETH SWOPE, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

GEORGE E. MOOSE, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOHN W. ALDIS, M.D., OF FLORIDA  
JOSEPH F. BECELIA, OF NEW YORK  
GARY D. BOBBITT, OF KENTUCKY  
MICHAEL A. BOORSTEIN, OF VIRGINIA

KENNETH C. BRILL, OF CALIFORNIA  
RICHARD A. BRUNO, OF VIRGINIA  
CHARLES O. CECIL, OF CALIFORNIA

VICTOR D. COMRAS, OF FLORIDA  
RALPH FRANK, OF WASHINGTON  
MARC I. GROSSMAN, OF VIRGINIA

JAMES HENRY HALL, OF TEXAS  
JAMES H. HOLMES, OF VIRGINIA  
J. AUBREY HOOKS, OF VIRGINIA

JOANN M. JENKINS, OF VIRGINIA  
DAVID L. LYON, OF CALIFORNIA  
PHYLLIS ELLIOTT OAKLEY, OF LOUISIANA

PHILLIP M. TINNEY, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROLAND W. BULLEN, OF CALIFORNIA  
SUZANNE S. BUTCHER, OF VIRGINIA  
GEOFFREY W. CHAPMAN, OF VIRGINIA  
STEVEN JAMES COFFEY, OF VIRGINIA  
GLYN TOWNSEND DAVIES, OF WYOMING  
ALAN W. EASTHAM, JR., OF ARKANSAS  
GREGORY WILLIAM ENGLE, OF VIRGINIA  
BRIAN M. FLORA, OF FLORIDA  
THOMAS PATRICK FUREY, JR., OF OREGON  
BARBARA J. GRIFFITHS, OF VIRGINIA  
RENO LEON HARNISH III, OF VIRGINIA  
MAURA MARTY, OF FLORIDA  
JOHN E. HERBST, OF VIRGINIA  
HEATHER M. HODGES, OF VIRGINIA  
DAVID T. HOPPER, OF VIRGINIA  
VICKI J. HUDDLESTON, OF MARYLAND  
WILLIAM IMBRIE III, OF MARYLAND  
DAVID TIMOTHY JOHNSON, OF TEXAS  
CHARLES F. FELL, OF TEXAS  
KRISTIE ANNE KENNEY, OF VIRGINIA  
JAMES V. LEDESMA, OF CALIFORNIA  
MICHAEL CRAIG LEMMON, OF VIRGINIA  
STEVEN R. MANN, OF PENNSYLVANIA  
JOSEPH ROBERT MANZANARES, OF COLORADO  
KENNETH R. MCKUNE, OF MARYLAND  
BRIAN J. MOHLER, OF VIRGINIA  
JOHN J. MUTH, OF VIRGINIA  
RONALD J. NEITZKE, OF MINNESOTA  
EDWARD B. O'DONNELL, JR., OF TEXAS  
KENNETH W. PARENT, OF ILLINOIS  
MICHAEL CHRISTIAN POLT, OF TENNESSEE  
NANCY J. POWELL, OF IOWA  
WILLIAM E. PRIMOSCH, OF THE DISTRICT OF COLUMBIA  
MICHAEL E. RANNEBERGER, OF VIRGINIA  
FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE  
TIMOTHY E. RODDY, OF VIRGINIA  
RICHARD ALLAN ROTH, OF MICHIGAN  
EDWARD BRYAN SAMUEL, OF FLORIDA  
THOMAS C. TIGHE, OF FLORIDA  
LINDA E. WATT, OF VIRGINIA  
ROSS LEE WILSON, OF MARYLAND  
JOHN C. ZIMMERMAN, OF TEXAS

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

GEORGE A. BARTSIOTAS, OF MARYLAND  
JOHN E. BLANTON, JR., M.D., OF WASHINGTON  
ROY E. BUCHHOLZ, OF MISSOURI  
JOHN MICHAEL CROW, OF CALIFORNIA  
SEYMOUR C. DEWITT, OF FLORIDA  
TIMOTHY J. DIXON, OF WASHINGTON  
CEDRIC E. DUMONT, M.D., OF MARYLAND  
LWRENCE A. HARTNETT, JR., OF FLORIDA  
WAYNE E. JULIAN, M.D., OF TEXAS  
MICHAEL NESEMAN, M.D., OF VIRGINIA  
GARY DEAN PENNER, M.D., OF NEBRASKA  
ROBERT J. SURPRISE, OF VIRGINIA  
EDWARD B. WILSON, OF KENTUCKY

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

CHARLES E. COSTELLO, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

ROGER D. CARLSON, OF CONNECTICUT  
CHRISTOPHER D. CROWLEY, OF CALIFORNIA  
EDWARD J. SPRIGGS, OF MARYLAND  
ANNE E.M. WILLIAMS, OF OREGON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

TONI CHRISTIANSEN-WAGNER, OF COLORADO  
THOMAS FENELON CORNELL, OF COLORADO  
GERALDINE M. DONNELLY, OF MARYLAND  
KIMBERLY ANN FINAN, OF MARYLAND  
RICHARD W. LAYTON, OF FLORIDA  
DAWN M. LIBERI, OF FLORIDA  
WILLIAM D. MCKINNEY, OF WASHINGTON  
THOMAS J. NICASTRO, OF MISSOURI  
CARLOS E. PASCUAL, OF THE DISTRICT OF COLUMBIA  
RICHARD P. ROSENBERG, OF VIRGINIA  
CAROLE SCHERRER-PALMA, OF TEXAS  
LUCRETIA D. TAYLOR, OF VIRGINIA  
KIERTISAK TOH, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JAMES A. HRADSKY, OF THE DISTRICT OF COLUMBIA  
EUGENE MORRIS, JR., OF CALIFORNIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS J. QUINN, JR., OF CALIFORNIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

RASHMIKANT B. AMIN, OF CALIFORNIA

UNITED STATES INFORMATION AGENCY

MIRIAM E. GUICHARD, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN R. ANANIA, OF FLORIDA  
MERRITT PEDERSEN BROADY, OF VIRGINIA  
MICHAEL A. HAER, OF VIRGINIA  
CHARLES MOFFETT MOHAN, OF VIRGINIA  
NED VAN STEENWYK, OF WASHINGTON

FOR REAPPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

CHRISTOPHER J. DATTA, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

WILLIAM S. MURPHY, OF PENNSYLVANIA  
ROBERT R. RUEF, OF FLORIDA  
MARION GLENN RUTANEN-WHALEY, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SHEILA ANN BELEW, OF TENNESSEE  
BEVERLY J. BERG, OF CALIFORNIA  
NANCY F. BERRY, OF VIRGINIA  
ANDREW NORBU BOWEN, OF TEXAS  
MARGARET SHARPS CATON, OF CONNECTICUT  
TODD C. CHAPMAN, OF TEXAS  
JOHN WILLIAM CROWLEY, OF CALIFORNIA  
BRIAN P. DOHERTY, OF FLORIDA  
LISA CATHERINE ERRIEN, OF NEW YORK  
ANNETTE P. FEELEY, OF NEW YORK  
TARA FERET, OF CALIFORNIA  
JAMES VIEBROCK GEARHART, OF WASHINGTON  
NICHOLAS JOHN GREANIS, OF ILLINOIS  
MARGARET HAWLEY-YOUNG, OF CALIFORNIA  
JAMES BAXTER HUNT III, OF CONNECTICUT  
CHRIS H. JONES, OF VIRGINIA  
APRIL SAMARA KANNE, OF VIRGINIA  
PRAHBI GUPTARA KAVALER, OF FLORIDA  
SAMUEL C. LAEUCHLI, OF WEST VIRGINIA  
MARK BAXTER LAMBERT, OF OREGON  
LAURA JEANNINE LANE, OF ILLINOIS  
MARK ANTHONY LEONI, OF CALIFORNIA  
RICHARD LEE LEVISON, OF FLORIDA  
EILEEN FAITH LEWISON, OF MASSACHUSETTS  
PHILLIP LINDERMAN, OF VIRGINIA  
TERESA L. MANZI, OF VIRGINIA  
JOHN CARL MARIZ, OF CALIFORNIA  
T. KIRK MCBRIDE, OF CALIFORNIA  
MICHAEL A. MCCARTHY, OF MARYLAND  
MARGARET BERNARD MCKEAN, OF PENNSYLVANIA  
F. MIKE MILES, OF COLORADO  
VIRGINIA HUTCHINSON MILHOUS, OF FLORIDA  
JOSEPH P. MURPHY, OF SOUTH CAROLINA  
DIANA PREUTHUN PAGE, OF VIRGINIA  
EVAN G. READE, OF CALIFORNIA  
KATHERINE KENT SIMONDS, OF CALIFORNIA  
ALDO JAMES SIROTCI, OF NEW YORK  
SCOTT A. SMITH, OF VIRGINIA  
ADAM H. STERLING, OF NEW YORK  
UZRA SHAHMIN ZEYA, OF FLORIDA

UNITED STATES INFORMATION AGENCY

MARTHA ELIZABETH ESTELL, OF VIRGINIA  
JAMES HUGH GEOGHAGAN, OF NEW HAMPSHIRE  
JULIANNE JOHNSON PAUNESCU, OF MISSISSIPPI  
KATHRYN META SCHALOW, OF WISCONSIN  
JAMES WESLEY SEWARD, OF WASHINGTON  
JEAN HELEN VANDER WOUDE, OF TEXAS

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE AND THE UNITED STATES INFORMATION AGENCY TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RONALD BRADLY ALLEN, OF VIRGINIA  
THOMAS E. BARBIERI-SAUREN, OF VIRGINIA  
JENNIFER K. BERGERON, OF VIRGINIA

JENNIFER E. BLAND, OF VIRGINIA  
JUDITH M. BUCKLEY, OF VIRGINIA  
WILLIAM A. BURCK, OF MASSACHUSETTS  
KEVIN JOHN CALLINAN, OF VIRGINIA  
WILLIAM W. CHOI, OF MARYLAND  
MARGERY ANN GILLUM, OF VIRGINIA  
MALVIN MAGNUS HELGESSEN, OF VIRGINIA  
KATHRYN HOFFMAN, OF VIRGINIA  
ERIK HUNT, OF CALIFORNIA  
JEFFREY FORREST JACOBS, OF VIRGINIA  
LAURA L. JORDAN, OF MICHIGAN  
NICHOLAS SPYRIDON KASS, OF VIRGINIA  
TYE M. LAGEMAN, OF VIRGINIA  
EDWIN J. LAMPITT, OF VIRGINIA  
KENNETH E. LEAHMAN, OF VIRGINIA  
JOEL E. LUNDI, OF MARYLAND  
COLIN C. MCDUFFIE, OF VIRGINIA  
KATHLEEN E. NAEHER, OF MARYLAND  
FREDERICK ROBERT NAGAI, OF VIRGINIA  
JOHN MICHAEL OTT, OF VIRGINIA  
MARC A. OWENS, OF VIRGINIA  
SANFORD N. OWENS, OF WASHINGTON  
ROGER L. QUALHEIM, OF NORTH CAROLINA  
MARTIN W. ROEBER, OF VIRGINIA  
EDGAR L. ROJAS, OF SOUTH CAROLINA  
BARBARA SHIH, OF VIRGINIA  
GREGORY P. SIMS, OF VIRGINIA  
JOHN H. STEUBER, JR., OF MISSOURI  
ROBERT H. STROTSMAN, OF OHIO  
PAUL STEPHEN TRIOLLO, OF MARYLAND  
DONALD N. VAN DUYN, OF MARYLAND  
HENRY JOHN VERGILIO, OF VIRGINIA  
TIMOTHY STUART WADE, OF VIRGINIA  
DONNELL L. WILLIAMS, OF MARYLAND  
ERIC ALLAN ZEBOLD, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, AND A CONSULAR OFFICER AND A SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE OCTOBER 6, 1991:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

PAUL W. BROADBENT, OF WASHINGTON.

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 18, 1992:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROBERT STEVEN BUCKLER, OF NEW HAMPSHIRE

THOMAS L. RANDALL, OF CALIFORNIA

THE JUDICIARY

SVEN E. HOLMES, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA, VICE JAMES OLIVER ELLISON.

VICKI MILES-LAGRANGE, OF OKLAHOMA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE LEE R. WEST.

JOHN D. SNODGRASS, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

MARY ELLEN R. FISE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1996, VICE VIRGINIA STANLEY DOUGLAS, TERM EXPIRED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

GEORGE J. OFFER, OF VIRGINIA, TO BE INSPECTOR GENERAL, FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE RUSSELL FLYNN MILLER.

DEPARTMENT OF DEFENSE

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE FREDERICK F.Y. PANG.

Executive nominations received by the Secretary of the Senate September 23, 1994, under authority of the order of the Senate of January 5, 1993:

THE JUDICIARY

PATRICK J. TOOLE, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE RICHARD P. CONABOY, RETIRED.

Executive nominations received by the Senate September 26, 1994:

DEPARTMENT OF STATE

MADELEINE KORBEL ALBRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

DAVID ELIAS BIERENBAUM, OF THE DISTRICT OF COLUMBIA, TO BE AN ALTERNATIVE REPRESENTATIVE OF



THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FORTY-NINTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

Victor Marrero, of New York, to be an Alternate Representative of the United States of America to the Forty-ninth Session of the General Assembly of the United Nations.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Forty-ninth Session of the General Assembly of the United Nations.

Frank H. Murkowski, of Alaska, to be a Representative of the United States of America to the Forty-ninth Session of the General Assembly of the United Nations.

#### UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Lori Esposito Murray, of Connecticut, to be an Assistant Director of the United States Arms Control and Disarmament Agency, vice Michael Lorne Moodie, resigned.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. Timothy O'Neill, of Virginia, to be a Director of the Federal Housing Finance Board for the remainder of the term expiring February 27, 1997, vice Marilyn R. Seymann, resigned.

#### NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of 2 years, vice Carl W. Vogt, term expired.

#### DEPARTMENT OF JUSTICE

Steven Scott Alm of Hawaii, to be U.S. Attorney for the District of Hawaii for the term of 4 years, vice Daniel A. Bent, resigned.

CALTON WINDLEY BLAND, OF NORTH CAROLINA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF 4 YEARS, VICE WILLIAM I. BERRYHILL, JR.

MICHAEL D. CARRINGTON, OF INDIANA, TO BE U.S. MARSHAL FOR THE NORTHERN DISTRICT OF INDIANA FOR THE TERM OF 4 YEARS, VICE J. JEROME PERKINS.

ROBERT BRADFORD ENGLISH, OF MISSOURI, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF 4 YEARS, VICE LARRY J. JOINER.

JOHN R. MURPHY, OF ALASKA, TO BE U.S. MARSHAL FOR THE DISTRICT OF ALASKA FOR THE TERM OF 4 YEARS, VICE JOHN A. MCKAY.

JOHN EDWARD ROUILLE, OF VERMONT, TO BE U.S. MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF 4 YEARS, VICE CHRISTIAN J. HANSEN.

HERBERT M. RUTHERFORD III, OF THE DISTRICT OF COLUMBIA, TO BE U.S. MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF 4 YEARS. (REAPPOINTMENT.)

#### IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER IN THE COAST GUARD:

#### To be lieutenant commander

MICHAEL S. SWEGLES	ROBERT D. RAYHILL
MARGARET E. JONES	JOHN T. HARDIN
JOHN ZANTEK, JR.	JOHN J. SANTUCCI
BRIAN D. PERKINS	ROBERT C. BAXTER
HARRY P. LEEFER III	DONALD G. BRUZZDZINSKI
LEROY P. SMART	RICHARD A. BUTTON
DAVID M. HAWES	MICHAEL D. DRIEU
DAVID C. RESSEL	PETER M. SKILLINGS
STEVEN G. WOOD	BURTON L. DESHAYES
KEVIN M. LYON	DAVID A. CINALLI
MICHAEL D. TOSATTO	EDWARD W. PARSONS
DAVID A. COOLIDGE	KEITH A. MACKENZIE
GARY W. MERRICK	RICHARD KERMOND
RAYMOND W. MARTIN	GAIL P. KULISCH
MICHAEL B. CERNE	DAVID C. STALFORT
RICHARD M. KENIN	BROOKS A. MINNICK
WILLIAM J. COFFEY	JAMES P. SOMMER
DOUGLAS R. MENDERS	CRAIG B. LLOYD
LUANN BARDNT	DAVID R. ALT
JAMES C. LARKIN	LYNN M. HENDERSON
DAVID A. MCBRIDE	BRIAN G. BUBAR
JOSEPH W. BILLY	GEORGE H. BURNS III
WILLIAM T. DOUGLAS	JAMES S. ARMSTRONG
DAVID A. HOOVER	SCOTT C. SMID
MATTHEW P. REID	WILLIAM C. DEAL III
CRAIG A. CORL	MARCUS E. WOODRING
ANDREW P. WHITE	DREW W. PEARSON
BRAD W. FABLING	HERBERT M. HAMILTON III

ELISABETH A. PEPPER  
MICHAEL S. GARDINER  
NORMAN S. SCHWEIZER  
JAMES F. MCKELL  
KENNETH B. HERTZLER, JR.  
DOUGLAS E. KAUF  
MICHAEL R. BURNS  
BRADLEY W. BEAN  
JOHN E. PADUKIEWICZ  
ROBERT W. FOSTER  
JOAN E. DEWITT  
MICHAEL ZACK  
PETER N. TROEDSSON  
FRANK E. PILE, JR.  
DON G. ROBISON  
TIMOTHY M. O'LEARY  
JAMES A. WIERZBICKI  
EUGENE A. LORENZO  
OBERT M. BRADY  
EDUARDO PINO  
KEVIN P. MCCARTHY  
BRIAN L. KRENZIN  
PATRICK L. CAYLOR  
JOSEPH S. PARADIS  
JUNE E. RYAN  
SMITH W. KALITA  
PATRICK R. DOWDEN  
SHARON D. DONALD  
ARA YANIKIAN  
JOSEPH T. BAKER  
LOUIS J. CYGANER  
ROBERT W. STEINER  
CRIS A. MEAD  
BERTRAM BRASZ  
RAY R. ERNE  
NATHAN J. DERR  
ANGELO ANTIGNANO III  
LARRY D. MCBEE  
JOHN D. FREDELLA  
DALE W. GARVIN  
MICHAEL M. BRADLEY  
MARK V. KASPER  
LUKE B. ZHARDEN  
SCOTT E. WILLIAMS  
DENISE L. MATTHEWS  
TIMOTHY J. ATKIN  
DEAN C. BRUCKNER  
PAUL E. DEVEAU  
EDGAR B. WENDLANDT  
PAUL F. THOMAS  
CHARLES D. MICHEL  
MICHAEL J. LODGE  
JOHN A. FURMAN  
SAVID S. KLIPP  
PETER J. BROWN  
FREDERICK J. SOMMER  
ROBERT P. WAGNER  
DOUGLAS J. HENKE

JOSEPH M. VOJVODICH  
CHRIS P. REILLY  
JAMES L. MCCAULEY  
TODD A. SOKALZUK  
CHRISTOPHER J. LUTAT  
CARL B. FRANK  
PAUL J. BRABHAM  
PETER G. BASIL  
MICHAEL J. HAYCOCK  
DANIEL C. BURBANK  
DONALD P. COFFELT, JR.  
DAVID G. THROOP  
JOHN F. PRINCE  
BRADLEY D. NELSON  
GERALD W. WILSON  
MICHAEL J. SCULLY  
THOMAS P. WYMAN  
TIMOTHY J. QUIRAM  
STEVEN J. ANDERSEN  
MICHAEL P. MCKENNA  
DAVID W. NEWTON  
JOHN M. KNOX  
MICHELLE L. LANE  
JOHN J. HICKEY  
LISA M. FESTA  
CHARLES W. MELLO  
MICHAEL W. STANLEY  
JAMES M. MONTGOMERY  
ROBERT S. SCHUDA  
MARK E. MOONEY  
WILLIAM D. GITTTLER  
MICHAEL J. ROER  
EDWARD N. ENG  
WAYNE A. MULLENBURG  
WILLIAM S. KREWSKY  
VINCENT D. DELAURENTIS  
MARK J. HUEBSCHMAN  
TODD P. SEAMAN  
ROBERT J. PAULISON  
JERRY C. TOROK  
GARY S. SPENIK  
JOHN P. SIFLING  
KELLY L. HATFIELD  
JOHN R. PASCH  
JEFFREY C. ROBERTSON  
CHRISTOPHER D. ALEXANDER  
JOHN D. SWEENEY IV  
CHRISTOPHER A. MARTINO  
CRAIG A. MEYER  
GREGORY T. NELSON  
JOSEPH M. RE  
JEFFREY R. BRANDT  
LINDA L. FAGAN  
JEFFREY D. LOFTUS  
TIMOTHY AGUIRRE  
RICHARD T. LEITNER  
JAMES B. DONOVAN

#### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

#### To be lieutenant general

LT. GEN. JAMES E. CHAMBERS, XXX-XX-XX.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 831(A), TITLE 10, UNITED STATES CODE WITH DATES OF RANK AS INDICATED. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

#### To be lieutenant colonel

THOMAS O. WILDES, XXX-XX-X, 4/10/94  
JUDITH E. MCGHEE, XXX-XX-X, 1/5/29/93  
THOMAS E. SAWNER II, XXX-XX-X, 1/7/91

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

#### LINE OF THE AIR FORCE

#### To be lieutenant colonel

MAJ. TOMMIE S. ALSABROOK, XXX-XX-X, 6/4/94  
MAJ. THOMAS V. BANKSTAHL, XXX-XX-X, 5/20/94  
MAJ. ERIC F. BONDSHU, XXX-XX-X, 5/19/94  
MAJ. MARK L. BOOTS, XXX-XX-X, 6/12/94  
MAJ. ARMAND GABRIELE, XXX-XX-X, 5/14/94  
MAJ. DAVID E. HOLMAN, XXX-XX-X, 6/4/94  
MAJ. THOMAS F. HULSEY, XXX-XX-X, 6/8/94  
MAJ. SAMUEL KEYES, JR., XXX-XX-X, 6/4/94  
MAJ. STEPHEN KRICKORIAN, XXX-XX-X, 6/12/94  
MAJ. JAMES J. KRZYZANOWSKI, XXX-XX-X, 6/29/94  
MAJ. GEORGE T. MCCLAIN, XXX-XX-X, 8/8/94  
MAJ. RICHARD J. MOEN, XXX-XX-X, 6/7/94  
MAJ. ROBERT W. RANSON, 135, 44-6806, 5/5/94  
MAJ. RICHARD L. REHMEIER, XXX-XX-X, 11/17/93  
MAJ. WILLIAM F. RILEY, XXX-XX-X, 6/4/94  
MAJ. JEFFREY A. SOLDNER, XXX-XX-X, 5/26/94  
MAJ. THOMAS A. TAKAI, XXX-XX-X, 6/4/94

#### JUDGE ADVOCATE GENERAL DEPARTMENT

#### To be lieutenant colonel

MAJ. MIRIAM O. VICTORIAN, XXX-XX-X, 6/16/94

#### CHAPLAIN CORPS

#### To be lieutenant colonel

MAJ. BILLY L. VANGERPEN, XXX-XX-X, 5/13/94

#### BIOMEDICAL SERVICES CORPS

#### To be lieutenant colonel

MAJ. CLAIR R. PALMER, XXX-XX-X, 5/14/94

#### MEDICAL CORPS

#### To be lieutenant colonel

MAJ. DAVID M. HALLBERT, XXX-XX-X, 5/15/94

#### DENTAL CORPS

#### To be lieutenant colonel

MAJ. GARY D. DAVIS, XXX-XX-X, 6/14/94  
MAJ. RONALD K. GIRLINGHOUSE, XXX-XX-X, 6/4/94  
MAJ. WILLIAM E. MARCHANT, XXX-XX-X, 6/5/94  
MAJ. DONALD W. TIPPLE, XXX-XX-X, 6/11/94

THE FOLLOWING OFFICERS, U.S. AIR FORCE OFFICER TRAINING SCHOOL, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

#### LINE OF THE AIR FORCE

BRET D. ANDERSON, XXX-XX-X,  
MICHAEL L. BARNETT, XXX-XX-X,  
XAVIER F. BOZA, XXX-XX-X,  
ROBERT R. CADWALLADER II, XXX-XX-X,  
PAUL S. CAFES, XXX-XX-X,  
MARK D. CINNAMON, XXX-XX-X,  
CURTIS G. DAVIS, XXX-XX-X,  
ANTHONY FISICHELLA, JR., XXX-XX-X,  
CHRISTOPHER J. FOGLE, XXX-XX-X,  
ERIC W. FRISCO, XXX-XX-X,  
BRYAN M. GILLESPIE, XXX-XX-X,  
GREGORY M. GILLINGER, XXX-XX-X,  
BRIAN A. HINSVARK, XXX-XX-X,  
GEORGE A. HUTCHINSON, XXX-XX-X,  
TIMOTHY G. IMDIEKE, XXX-XX-X,  
MICHAEL E. KENSICK, XXX-XX-X,  
PAUL E. NEIDHARDT, XXX-XX-X,  
BRIAN R. NOLA, XXX-XX-X,  
STEVEN C. OIMOEN, XXX-XX-X,  
WILLIAM T. PATRICK, XXX-XX-X,  
ANTHONY W. PAYAUYS, XXX-XX-X,  
VINCENT M. RYDER, XXX-XX-X,  
DONALD A. SCHMIDT, XXX-XX-X,  
ROGER A. SCOTT, XXX-XX-X,  
MICHAEL P. TERNUS, XXX-XX-X,  
GEOFFREY F. WEISS, XXX-XX-X,  
SARAH H. YANG, XXX-XX-X.

#### IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY AND PROMOTION TO THE GRADES OF MAJOR AND LIEUTENANT COLONEL IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 1552, TITLE 10, UNITED STATES CODE. THE SECRETARY OF THE ARMY WILL DETERMINE THE DATES OF RANK.

BRIAN M. MC WILLIAMS, XXX-XX-X.

#### IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 593, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE OF 16 JUNE 1994 AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND 21 YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

#### LINE OF THE AIR FORCE

#### To be lieutenant colonel

ABAD, FRANCIS L., JR., XXX-XX-XXXX  
ACQUARO, PETER F., XXX-XX-XXXX  
ACREE, RICHARD A., XXX-XX-X,  
ADAMCIK, JAMES P., XXX-XX-X,  
ADAMS, DONALD H., XXX-XX-X,  
ADAMS, JOHN W., XXX-XX-X,  
ADAMS, KENT R., XXX-XX-X,  
ADAMS, MICHAEL W., XXX-XX-X,  
AMAN, RICHARD R., XXX-XX-XXXX  
ANDERSON BERNARD, XXX-XX-X,  
ANDERSON, ELIZABETH, XXX-XX-X,  
ANDERSON, KENNETH V., XXX-XX-X,  
ANDERSON, MARVIN D., XXX-XX-X,  
ANDERSON, MATTHEW T., XXX-XX-X,  
ANDERT, MICHAEL J., XXX-XX-X,  
ANDREWS, CALVIN A., XXX-XX-X,  
ANSLEY, GREGORY W., XXX-XX-X,  
AOKI, MILES H., XXX-XX-X.

ARCHIE, JAMES R. xxx-xx-xx  
 ARGENTI, JOHN J. xxx-xx-xx  
 ARNETT, ROBERT G. xxx-xx-xx  
 ATTARIAN, HOWARD W. xxx-xx-xx  
 AUGUSTYN, MICHAEL J. xxx-xx-xx  
 BACA, PATRICK, JR. xxx-xx-xx  
 BACON, CATHERINE T. xxx-xx-xx  
 BACON, ROBERT R. xxx-xx-xx  
 BAESLACK, WILLIAM A. III xxx-xx-xx  
 BAHLER, GEORGE M. xxx-xx-xx  
 BAILEY, PAUL L. xxx-xx-xx  
 BAKER, GREGORY M. xxx-xx-xx  
 BAKER, THOMAS F. xxx-xx-xx  
 BALDWIN, DICK B. xxx-xx-xx  
 BALDY, THOMAS F. xxx-xx-xx  
 BANKS, SANDRA J. xxx-xx-xx  
 BARKER, ALAN G. xxx-xx-xx  
 BARNES, THOMAS L. xxx-xx-xx  
 BATEMAN, WILLIAM W. xxx-xx-xx  
 BATH, WILLIAM A. xxx-xx-xx  
 BATTAGLIOLA, JOHN W. xxx-xx-xx  
 BAUER, SPENCER J. xxx-xx-xx  
 BEAL, WILLIAM D. xxx-xx-xx  
 BEBEE, RICHARD C. xxx-xx-xx  
 BECKLES, BENITA H. xxx-xx-xx  
 BEEBE, GARY E. xxx-xx-xx  
 BEERS, ROBERT A. xxx-xx-xx  
 BELKEN, RICHARD J. xxx-xx-xx  
 BELLINGER, JOHN N., JR. xxx-xx-xx  
 BENDER, GEORGE A. xxx-xx-xx  
 BERGSTROM, OMA S. xxx-xx-xx  
 BERNSTEIN, LEWIS A. xxx-xx-xx  
 BIANCA, FRANK P. xxx-xx-xx  
 BIDDLE, ALAN P. xxx-xx-xx  
 BITELY TANIA R. xxx-xx-xx  
 BLACK, MICHAEL B. xxx-xx-xx  
 BLAKELY, RONALD E. xxx-xx-xx  
 BLAKENY, CHARLES W. xxx-xx-xx  
 BLEEKER, RAYMOND H. xxx-xx-xx  
 BOCK, GREGORY F. xxx-xx-xx  
 BOGGS, ROBERT L. xxx-xx-xx  
 BOGOWITZ, ROBERT A. xxx-xx-xx  
 BOHN, GARY P. xxx-xx-xx  
 BOVIN, CHARLES F. III xxx-xx-xx  
 BOLINGER, CLAYTON D. xxx-xx-xx  
 BOLTON, RICHARD B. xxx-xx-xx  
 BONA, JERRY xxx-xx-xx  
 BOONE, LLOYD D. xxx-xx-xx  
 BORDEN, SCOTT A. xxx-xx-xx  
 BORRENPOHL, CHARLES W. xxx-xx-xx  
 BOSSERMAN, DAVID N. xxx-xx-xx  
 BOTTENFIELD, MARK T. xxx-xx-xx  
 BOUNDS, FREDERICK W. xxx-xx-xx  
 BOYD, JAMES A. xxx-xx-xx  
 BRADFORD, WILLIAM B. xxx-xx-xx  
 BRADLEY, GORDON L., JR. xxx-xx-xx  
 BRANDT, LEE E. xxx-xx-xx  
 BRATLIEN, MICHAEL D. xxx-xx-xx  
 BRAUN, CONRAD R. xxx-xx-xx  
 BREMMER, ROBERT B. xxx-xx-xx  
 BRESHER, PAUL S. xxx-xx-xx  
 BREZOVIC, JOSEPH L., JR. xxx-xx-xx  
 BRIDGERS, LUTHER B., III xxx-xx-xx  
 BRIDGES, LARRY J. xxx-xx-xx  
 BRIONES, CARLOS C. xxx-xx-xx  
 BROADNAX, EANESE G. xxx-xx-xx  
 BROCK, ROBERT D. xxx-xx-xx  
 BROOKS, CHARLES D. xxx-xx-xx  
 BROOKS, ROBERT M. xxx-xx-xx  
 BROWN, GREGORY R. xxx-xx-xx  
 BROWN, LARRY xxx-xx-xx  
 BROWN, MERRITT J. xxx-xx-xx  
 BROWN, PAUL D., JR. xxx-xx-xx  
 BROWN, RONALD J. xxx-xx-xx  
 BROWNING, ROBERT H. xxx-xx-xx  
 BROWNING, ROBERT W. xxx-xx-xx  
 BUDDENHAGEN, WILLIAM W. xxx-xx-xx  
 BUGGAGE, LAMART J. xxx-xx-xx  
 BULLOCK, MARTIN xxx-xx-xx  
 BURCHBY, DALE D. xxx-xx-xx  
 BURKE, KAREN L. xxx-xx-xx  
 BURKLEY, RODGER xxx-xx-xx  
 BURN, WILLIAM A., III xxx-xx-xx  
 BURRISS, LARRY L. xxx-xx-xx  
 BURSON, NORMAN L. xxx-xx-xx  
 BURTON, JERRY L. xxx-xx-xx  
 BUSAM, KENNETH F. xxx-xx-xx  
 BUSLER, SUSAN T. xxx-xx-xx  
 CADDELL, JOSEPH W. xxx-xx-xx  
 CAISSIE, PAUL A. xxx-xx-xx  
 CALLE, ELLEN J. xxx-xx-xx  
 CALORIO, JAMES J. xxx-xx-xx  
 CALVINO, HARRY S. xxx-xx-xx  
 CAMPBELL, CRAIG E. xxx-xx-xx  
 CANDELARIO, BUDDY W. xxx-xx-xx  
 CANNON, JAMES A. xxx-xx-xx  
 CARTER, HORLIN SR. xxx-xx-xx  
 CARTER, OLIVER C. xxx-xx-xx  
 CATT, JAMES L., JR. xxx-xx-xx  
 CHADDERDON, MICHAEL N. xxx-xx-xx  
 CHAG, GARY S. xxx-xx-xx  
 CHAMPION, JEFFREY M. xxx-xx-xx  
 CHAPMAN, GARY H. xxx-xx-xx  
 CHRISTIAN, TERRY E. xxx-xx-xx  
 CHRISTIANSEN, SCOTT M. xxx-xx-xx  
 CIESZKOWSKI, CHESTER E. xxx-xx-xx  
 CLAGGETT, ELLWOOD T., JR. xxx-xx-xx  
 CLARK, JOHN C. xxx-xx-xx  
 CLARK, RITA F. xxx-xx-xx  
 CLARK, WALTER J. xxx-xx-xx  
 CLARY, ALBERT T. xxx-xx-xx  
 CLEMENT, JAMES L., JR. xxx-xx-xx

CLEMENT, PAUL P. xxx-xx-xx  
 CLEMONS, LEONA M. xxx-xx-xx  
 CLENDENING, THOMAS L. xxx-xx-xx  
 CLOUSE, MARJORIE E. xxx-xx-xx  
 COFFMAN, ROBERT D., JR. xxx-xx-xx  
 COLELLO, DEAN A. xxx-xx-xx  
 COLN, BARRY K. xxx-xx-xx  
 COMPTON, MARTIN B. xxx-xx-xx  
 CONARRO, MICHAEL L. xxx-xx-xx  
 CONAWAY, RICHARD LEAN xxx-xx-xx  
 CONARD, JAMES D. xxx-xx-xx  
 CONREY, WILLIAM M., JR. xxx-xx-xx  
 COOK, GARY L. xxx-xx-xx  
 COOK, GEORGE G. xxx-xx-xx  
 COPE, JANICE B. xxx-xx-xx  
 COPE, WILLIAM H., JR. xxx-xx-xx  
 CORDIO, STEPHEN M. xxx-xx-xx  
 CORNETT, JOHN P. xxx-xx-xx  
 CORONADO, ALEXANDER H. xxx-xx-xx  
 CORRIGAN, PATRICK J. xxx-xx-xx  
 COUDEN, TOMMY J. xxx-xx-xx  
 COUTINHO, ALAN D. xxx-xx-xx  
 COWELL, ROBERT A. xxx-xx-xx  
 CRABTREE, ERIC W. xxx-xx-xx  
 CRABTREE, ROGER D. xxx-xx-xx  
 CREMO, LAWRENCE xxx-xx-xx  
 CRISLIP, SCOTT A. xxx-xx-xx  
 CROIN, CHRISTOPHER J. xxx-xx-xx  
 CROSBY, DENNIS P. xxx-xx-xx  
 CROW, ROBERT P., JR. xxx-xx-xx  
 CUMMINGS, JAMES R. xxx-xx-xx  
 CUNNINGHAM, HOWARD S. xxx-xx-xx  
 CURTIS, JIMMY C. xxx-xx-xx  
 DABNEY, JAMES B. xxx-xx-xx  
 DAHLE, DAVID S. xxx-xx-xx  
 DAMICO, THOMAS X. xxx-xx-xx  
 DANGELO, JUSTIN E. xxx-xx-xx  
 DANIELSON, RONALD D. xxx-xx-xx  
 DAVENPORT, MICHAEL A. xxx-xx-xx  
 DAVENPORT, RICHARD H. xxx-xx-xx  
 DAVILA, HENRY JR. xxx-xx-xx  
 DAVIS, MICHAEL E. xxx-xx-xx  
 DAVIS, WILFRED xxx-xx-xx  
 DAYTON, EDWIN M. xxx-xx-xx  
 DEENER, LARRY C. xxx-xx-xx  
 DEKLE, BRENT C. xxx-xx-xx  
 DELUCA, VICTOR C. xxx-xx-xx  
 DENARD, LELAND D. xxx-xx-xx  
 DENESIA, THOMAS E. xxx-xx-xx  
 DENNIS, MICHAEL F. xxx-xx-xx  
 DESMOND, CHRISTINE xxx-xx-xx  
 DEVRIES, JAMES M. xxx-xx-xx  
 DICKINSON, JAMES C. xxx-xx-xx  
 DOERR, ROBERT L. xxx-xx-xx  
 DOUGHERTY, DONNA K. xxx-xx-xx  
 DOUGHERTY, KEVIN R. xxx-xx-xx  
 DOUVILLE, WILLIAM J. xxx-xx-xx  
 DOWNEY, WILLIAM R. xxx-xx-xx  
 DOYLE, PADDY D. xxx-xx-xx  
 DUBNICK, JOHN F. xxx-xx-xx  
 DUBOIS, STEVEN R. xxx-xx-xx  
 DUDZIK, MICHAEL C. xxx-xx-xx  
 DUNBAR, WILLIAM L., III xxx-xx-xx  
 DUNN, JAMES J. xxx-xx-xx  
 DURYEA, EDWARD E. xxx-xx-xx  
 EADLINE, SHIRLEY L. xxx-xx-xx  
 EFFINGER, JOSEPH T. xxx-xx-xx  
 EISENHART, JOHN A. xxx-xx-xx  
 ELLENBERGER, MICHAEL L. xxx-xx-xx  
 ELLERBEE, EMORY E., JR. xxx-xx-xx  
 ELLINGSON, GERALD R. xxx-xx-xx  
 ELLIOTT, RICHARD G. xxx-xx-xx  
 ELLIS, MARK F. xxx-xx-xx  
 ENGBLOM, ROBERT J. xxx-xx-xx  
 ENGLEMAN, HERBERT B. xxx-xx-xx  
 ERWIN, JAMES R. xxx-xx-xx  
 ESCAMILLA, ROJELIO C. xxx-xx-xx  
 ESHIMA, NEAL H. xxx-xx-xx  
 ESHLEMAN, JOSEPH H., JR. xxx-xx-xx  
 ESTEY, WILLIAM H. xxx-xx-xx  
 EVORS, RICHARD A. xxx-xx-xx  
 EWART, JOHN C. xxx-xx-xx  
 EZZY, PETER J. xxx-xx-xx  
 FABLINGER, JOHN D. xxx-xx-xx  
 FALCON, RANDALL G. xxx-xx-xx  
 FARRIS WALLACE W., JR. xxx-xx-xx  
 FASS, ANDREW C. xxx-xx-xx  
 FEDORS, RICHARD G. xxx-xx-xx  
 FEHRENBACH, ROBERT J. xxx-xx-xx  
 FERRELL, THOMAS G. xxx-xx-xx  
 FICKLER, JOHN M. xxx-xx-xx  
 FINKE, RICHARD A. xxx-xx-xx  
 FINNEGAN, LAWRENCE J., JR. xxx-xx-xx  
 FINNEGAN, TERENCE J. xxx-xx-xx  
 FIRESTONE, KENNETH T. xxx-xx-xx  
 FISCHER, JOHN M. xxx-xx-xx  
 FITZGERALD, HENRY L. xxx-xx-xx  
 FLETCHER, DONALD E., JR. xxx-xx-xx  
 FLINN, DONALD P. xxx-xx-xx  
 FLINN, LYNDA T. xxx-xx-xx  
 FLINT, ROBERT B. xxx-xx-xx  
 FLOCK, CHARLES V. xxx-xx-xx  
 FLOWERS, LEWIS D. xxx-xx-xx  
 FLOYD, WILLIAM M. xxx-xx-xx  
 FOBIAN, JOHN C. xxx-xx-xx  
 FOGLE, STEPHEN H. xxx-xx-xx  
 FONG, MATTHEW K. xxx-xx-xx  
 FOSTER, DOUGLAS G. xxx-xx-xx  
 FOX, PETER E. xxx-xx-xx  
 FOY, LESLIE E. xxx-xx-xx  
 FRANKENBERRY, ROBERT H. xxx-xx-xx  
 FREEMAN, DALE E. xxx-xx-xx

FRERICHS, JOHN R. xxx-xx-xx  
 FRESE, NORMAN A. xxx-xx-xx  
 FRIESENHAHN, CHUCK E. xxx-xx-xx  
 FUDALA, JOAN C. xxx-xx-xx  
 FULLER, ROGER P. xxx-xx-xx  
 FULLER, STANLEY G. xxx-xx-xx  
 FURBUSH, ROBERT M. xxx-xx-xx  
 GALLAWAY, CHARLES E. xxx-xx-xx  
 GALLEGOS, WILLIAM C. xxx-xx-xx  
 GANDER, WILLIAM F., JR. xxx-xx-xx  
 GANO, RICHARD A. xxx-xx-xx  
 GARLAND, FRANK S. xxx-xx-xx  
 GARLAND, THOMAS E. xxx-xx-xx  
 GARNER, DENNIS W. xxx-xx-xx  
 GEISER, ROBERT E. xxx-xx-xx  
 GERIMONTE, JAMES A. xxx-xx-xx  
 GERING, VIRGIL E. xxx-xx-xx  
 GETLEY, EDWARD xxx-xx-xx  
 GIEFER, EUGENE B. xxx-xx-xx  
 GILBERT, JIMMIE xxx-xx-xx  
 GILBERT, MALLORY N. xxx-xx-xx  
 GILBRIDE, RICHARD L. xxx-xx-xx  
 GILL, CHARLES S. xxx-xx-xx  
 GILREATH, CALVIN E., JR. xxx-xx-xx  
 GOLTZ, GARY R. xxx-xx-xx  
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