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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. LINDER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 1995.

I hereby designate the Honorable JOHN LINDER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are grateful, O God, for those blessings that make life meaningful and cause us to be the people You would have us be. Especially do we offer our thanksgivings for faith and hope and love which are Your gifts to us and without which we do not reflect Your grace or Your divine image. For faith—to see more clearly Your purposes for us; for hope—to rise above the concerns of the day with trust in Your providence; for love—to be reconciled with others in respect and with the knowledge that we are all Your people blessed by Your spirit and encouraged by Your presence. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. LINDER). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. HEFLEY] come forward and lead the House in the Pledge of Allegiance.

Mr. HEFLEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will state that according to a previous agreement, there will be five 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. JONES. Mr. Speaker, our Contract With America states the following: on the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the Congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty, and Congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

POTOMAC PORK PALACE

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

Mr. BROWDER. Mr. Speaker, here is the latest beltway boondoggle. U.S. Army bosses are shortchanging the American soldier in order to build a Potomac pork palace in Washington, DC.

The Army is asking $17 million to buy private land—land assessed for taxes at only $10 million—for construction of a museum overlooking the Potomac River and Washington's monuments. Here is the kicker. The Army already has 48 museums throughout the country.

I am shocked that the Army Secretary and Chief of Staff would ask for such an expenditure when we are having to cut everything—personnel, training, bases—in our military.

This is extravagance. The taxpayers money should be spent on something more critical for the national defense.

Mr. Speaker, I am going to try to redirect this $17 million to something our fighting men and women really need.

I encourage other Members of this body to contact me if they are interested in killing ''Fort Pork-on-the-Potomac.''

RECOGNIZE FREE CHINA NOW

(Mr. FUNDERBURK asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, the State Department has launched another of its vendettas against the free people of the Republic of China. Not content to ostracize Taiwan from the world community, the Clinton administration has imposed humiliating sanctions on Free China while it curries favor with the brutal communist gerontocracy in Communist China.

Despite an outpouring of goodwill from the American people and the Congress, this administration continues its ''One China'' policy with a regime which represses its own people and floods America with cheap goods made by slave labor. Incredibly, the White House refused to permit the President of Taiwan to leave his plane while it stopped in Hawaii. President Lee was scheduled to receive the distinguished alumnus award from his alma mater, Cornell University, in June. But, the Foggy Bottom bureaucrats will not let him in the country. Yet the same bureaucrats let Castro and Arafat come to New York and they host fancy receptions for Assad and Ortega.

We have aided and abetted the Communist plan to isolate Taiwan. Once a permanent member of the U.N. Security Council, only 29 countries now recognize Taiwan.

Mr. Speaker, Taiwan has been a loyal ally for 50 years. It is the world's 19th largest economy. In the name of justice we must fully recognize Taiwan, return her to the United Nations, and turn our moral and economic force against the real villains—the mainland Communists. Mr. Clinton, recognize Taiwan now.

DEMOCRATS WILL WORK NEXT WEEK TO BRING ABOUT REAL WELFARE REFORM

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

Mr. LEVIN. Mr. Speaker, the House Republican extremist express is headed into overdrive next week. The Republican welfare reform proposal is soft on linking welfare to work, which must be the linchpin of welfare reform, and it is hard on punishing children, when the aim of welfare reform should be to help children break out of the cycle of dependency and poverty.

The Republican plan would allow States to meet participation rates if not a single person on welfare in the State were moved from welfare to work, and it would punish kids if their mother is under 18, if they are a second child in a family, or handicapped, or in foster care.

Republicans are saying ''Live by the book, by the words of the Contract,'' regardless of the consequences. Welfare reform is vitally needed, real welfare reform. Democrats will work next week to bring that about, not to recklessly ride over the cliff with the Republican proposal.

LIBERAL DEMOCRATS SHOULD EITHER PUT UP OR SHUT UP

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

Mr. HAYWORTH. Mr. Speaker, I have some graphs here to illustrate the differences in the way Republicans approach leadership and the way liberal Democrats approach leadership. The first graph I have here shows how Republicans will increase funding and grow children, not government, through WIC and school lunch programs.

The next chart shows how Republicans plan to change welfare for the better. The next chart shows how American families will benefit from meaningful tax relief we sponsor. This final graph shows the Republican plan to balance the budget by the year 2002.

Now, look closely. Here is the liberal Democrat plan to cut spending. Here is the liberal Democrat plan to provide tax relief to American families. Here is the liberal Democrat plan to change welfare. Finally, Mr. Speaker, here is their plan in detail, I might add, to balance the budget.

Mr. Speaker, liberal Democrats offer no vision. Here is our plan. Friends on the other side, it is time to put up or shut up.

TERM LIMITS

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

Mr. GUTIERREZ. Mr. Speaker, I hear plenty of Republicans talk tough about those who are living off of the taxpayers' money.

I hear Republicans say ''it was never meant to become a way of life.''

I hear them say that ''these people need to get real jobs'' and that ''we have to cut additional benefits right away.''

Instead of cracking down on mothers and children who need some help, they should apply these same tough standards to the career politicians who have spent decades on the public payroll.

Now, you will hear plenty of Republicans—including those who have spent their entire adult lives inside Washington—say that they support term limits.

But, if they really mean it, then I expect them to support an amendment to make term limits immediate.

If you really support a 12-year limit, and if you have been here 12 years, it is time to pack up.

They talk about tough love for those receiving government assistance.

Well then, I can certainly offer that same tough love to Members of this House who say that they support term limits, but are having a little trouble kicking the congressional habit.

CHEAP TALK, EXPENSIVE FISH

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

Mr. HEFLEY. Mr. Speaker, the Republican rescission package that we have been considering over the last couple of days includes emergency funding for earthquake disaster relief. To pay for this relief, the bill includes $17.2 billion in rescissions across the Federal Government.

In light of the Democratic opposition to the bill, go with me for a moment to those thrilling days of yesteryear about 2 years ago. Bill Clinton was the newly elected President. He asked Congress to pass another emergency funding package. This time, however, the package was bigger. It was $16 billion in new spending. There were no offsets. The $16 billion went directly to the deficit.

What national emergency was Bill Clinton confronting? He said we needed a national fish atlas, and to assess electronic fish habitat technology, and study the sickle fish chub populations. Mr. Speaker, Bill Clinton began his Federal diet by offering Uncle Sam $16 billion in pork. Today the new Republican majority is making real decisions and real cuts.

THE PERSONAL RESPONSIBILITY ACT

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

Mrs. CLAYTON. Mr. Speaker, next week when we consider H.R. 4, the Personal Responsibility Act of 1995, I hope we will have a fair rule. I hope we will have an open rule. I have filed two amendments that I would present if the rules allow. My first amendment would eliminate the language creating a block grant that will restore fair food assistance program.

My second amendment will provide that those who are required to work as a condition of their assistance at least be paid the minimum wage.

Mr. Speaker, both of these amendments deserve consideration. They deserve debate. They deserve a vote by the House. Converting nutritional programs to block grants is a major change. Forced labor at less than minimum wage is a significant policy decision.

It will be most unfortunate, Mr. Speaker, if Americans are denied an opportunity to or are closed out of this debate and discussion. Let us have an open rule. Let us have a vigorous debate. Let America understand where we stand on these very important issues.

REPUBLICANS' TAX RELIEF BILL WILL PROVIDE TAX RELIEF WHILE CUTTING FEDERAL GOVERNMENT WASTE AND FAT

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

Mr. HOKE. Mr. Speaker, the liberals who ran Congress for 40 years could never seem to get enough of the taxpayers' money. Every year they would come here and moan and complain that they just did not have enough money to do all those wonderful things that government does.

Since the Reagan tax cuts of 1981, there have been six major tax increases in this country: 1982, 1983, 1987, 1988, 1990, and 1993. With the passage of each of these, we were assured by the liberals that this was the tax hike that would put us on the road to fiscal recovery. Meanwhile, spending continued to spiral out of control and the debt continued to mount. No nation has ever taxed itself to prosperity.

Mr. Speaker, the American people have had enough. The Committee on Ways and Means just reported a bill that will shift the balance away from the Government and back to the people. The bill provides tax relief for families, small businesses, and Social Security recipients targeted by the Clinton tax hikes.

To pay for these cuts, we cut the waste and the fat out of a bloated Federal bureaucracy and government that has completely lost touch with the American people. we are taking the power out of Washington and putting it back where it belongs, with the people.

□ 1015

PROVIDING FOR ADJOURNMENT OF HOUSE FROM TODAY UNTIL TUESDAY NEXT

Mr. LIVINGSTON. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 41) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 41

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 16, 1995, it stand adjourned until 12:30 p.m. on Tuesday, March 21, 1995.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 244) ''An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes,'' agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. COHEN, Mr. COCHRAN, Mr. GLENN, and Mr. NUNN to be the conferees on the part of the Senate.

The message also announced that pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, the Chair, on behalf of the majority leader, announces the appointment of Mr. CHAFEE, Mr. WARNER, Mr. COCHRAN, Mr. NICKLES, Mr. SMITH, Ms. SNOWE, and Mr. KYL as members of the Senate Arms Control Observer Group.

The message also announced that pursuant to Public Law 102–138, the Chair on behalf of the President pro tempore, and upon the recommendation of the minority leader, appoints Mr. HEFLIN as vice chairman of the Senate delegation to the British-American Interparliamentary Group during the 104th Congress.

The message also announced that pursuant to Public Law 102–166, the Chair, on behalf of the majority and minority leaders, appoints Ms. SNOWE as a member of the Glass Ceiling Commission, vice Mr. COVERDELL, resigned.

The message also announced that pursuant to Public Law 95–521, the Chair, on behalf of the President pro tempore, appoints Thomas B. Griffith as Deputy Senate Legal Counsel, effective March 13, 1995.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair announces, on behalf of the majority leader, the appointment of Mr. CRAIG to the Congressional Award Board.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 115 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1158.

□ 1015

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 15, 1995, amendment No. 66, offered by the gentleman from California [Mr. ROHRABACHER], had been disposed of and the bill was open for amendment at any point.

Two hours and 3 minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill?

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized on his preferential motion. Five minutes will be allowed on each side. The gentleman from Louisiana [Mr. LIVINGSTON] will control the other 5 minutes.

Is the gentleman from Louisiana opposed to the motion?

Mr. LIVINGSTON. I am, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, let me simply say that I am moving to strike the enacting clause to give the House an opportunity to reconsider what it is about to do on this legislation today.

Everyone recognizes in this House that we need to save money. Let me stipulate again as I have throughout the process, I fully support cutting every dollar in the macro amount, in the total amount in this bill.

The only dispute that we have on the Democratic side of the aisle with those on the Republican side of the aisle is where you cut the dollars in this bill and where you do not. We think you ought to change the targets. We think you ought to cut more congressional pork, for instance. We think you ought to reconsider your decision to prevent the Coleman amendment from coming to the floor which would have allowed us to cut $400 million in Members' highway pork. We think you ought to reconsider your decision to prevent us from offering an amendment which delays for 5 years the construction and purchase of the F-22 aircraft. The F–22 aircraft is meant to replace the F-15. The F–15 is the best fighter in the world. Nobody can come close to that fighter. For us to move to replace the F–15 with the F–22 when the F–15 clearly has a military life extending out to the year 2014, for us to decide we are going to buy the replacement plane at $150 million a copy is budgetary nonsense.

We think that we ought to delay the construction of the F–15 for 5 years so that you can save $7 billion so that you do not have to cut school lunches by $7 billion. We think that is a better tradeoff.

We think you ought to cut less in the programs that you have targeted that hit kids. We think we should not cut public broadcasting to the extent that you have cut it. We are willing to take

a small cut. We think you should not cut Healthy Start. We think you should not eliminate summer jobs for 610,000 kids around the country. We think you should not do what you are doing on the school lunch program. We think you should not cut 100,000 scholarships for kids who need it.

Our concern is that this bill mirrors what you are trying to do with the tax bill.

On the tax bill, you have a capital gains provision which provides 75 percent of the benefits to people who make more than $100,000 a year. It is elitist. We think you should not in your tax bill have the provision which eliminates the requirement which we have had for years that requires Fortune 500 corporations to pay taxes. We do not think we ought to go back to the days when you had companies like AT&T, Du Pont, General Dynamics, Pepsico, Texaco, Greyhound, Panhandle East, W.R. Grace, et cetera, et cetera, who paid no taxes. We think this bill mirrors that mistake that you make in your tax package.

What I would simply say to you is this: We believe that this bill is warped and we believe there is no underlying sense of decency in the way the cuts are focused in this bill.

I would ask, in the words of Joseph Welch, the great counsel to the Army during the Army-McCarthy hearings, I would ask with respect to the targets you have selected in this bill, ''Have you no sense of decency?''

Why on earth attack children? Why on earth say to 2 million senior citizens, ''We are going to make you choose between paying your prescription drug bills and paying your home heating bills''? Why on earth do you do that?

Some of you say, well, seniors will still get their heating paid because the ulilities will be required to provide that heat. The fact is an awful lot of seniors get their heat from fuels that are not publicly regulated. So there is no guarantee that they do not get shut off in 30-below-zero weather.

Why on earth would you say to 2 million seniors who make less than $10,000 a year that you are not going to help them meet the cost of their heating bills so that they have to choose between food, prescription drugs, and heat. This is a merciless bill and you ought to go back to the committee and start over.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would just like to commend the gentleman both for the motion and for his statement, and I would like to point out to the gentleman and the Members of this body that on the home heating issue, I live in northeast Missouri. We have a lot of senior citizens all over northeast Missouri that are going to be impacted by this bill.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON] for 5 minutes.

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

Mr. LIVINGSTON. Mr. Chairman, I oppose the gentleman's motion, and I urge this House to adopt this bill. Postponing the will of Congress, delaying this effort for another 10 minutes, half an hour or whatever is not going to have any effect. The American people have waited long and hard for some common sense and wisdom in congressional handling of their hard-earned money. For far too long, we have reached deeply into their pockets, and we have seized the cash they have worked so hard for, and we have consistently told them how it should be spent and why they should be happy that we are spending it that way.

Mr. Chairman, the American people have waited too long for fiscal sanity, and while this is only the first step, only the beginning, the fact is that this bill, the largest rescission bill in the history of this country, the largest rollback in previously appropriated funds by a liberal spendthrift Congress, is the first step toward fiscal sanity and a balanced budget and it must be taken. I urge that this motion be rejected, that we go forward, and that we adopt this bill.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 228, not voting 19, as follows:

[Roll No. 247]

AYES—187

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—228

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shays
Shuster
Skeen

Smith (MI)	Tauzin	Wamp
Smith (NJ)	Taylor (MS)	Watts (OK)
Smith (TX)	Taylor (NC)	Weldon (FL)
Smith (WA)	Thomas	Weldon (PA)
Solomon	Thornberry	Weller
Souder	Tiahrt	White
Spence	Torkildsen	Whitfield
Stearns	Upton	Wicker
Stockman	Vucanovich	Wolf
Stump	Waldholtz	Young (AK)
Talent	Walker	Young (FL)
Tate	Walsh	Zimmer

NOT VOTING—19

Baker (CA)	DeFazio	Murtha
Baldacci	Dooley	Nadler
Becerra	Dornan	Seastrand
Clinger	Johnson, E.B.	Shaw
Collins (IL)	Lewis (GA)	Zeliff
Collins (MI)	Mfume	
Cubin	Moran	

□ 1044

Messrs. KENNEDY of Massachusetts, EDWARDS, FOGLIETTA, and MEEHAN changed their vote from ''no'' to ''aye.''

Mr. CRAPO changed his vote from ''aye'' to ''no.''

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BALDACCI. Mr. Chairman, I was at a meeting with a delegation and missed rollcall No. 247. Had I been here, I would have voted in the negative.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Chairman, I was unavoidably detained this morning and was not on the floor when rollcall vote 247 was taken. This was the motion offered by Mr. OBEY to strike the enacting clause. Had I been here, I would have voted ''aye.''

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment listed in the March 13 CONGRESSIONAL RECORD as amendment No. 70.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS: Page 50, beginning on line 6, strike ''$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;''.

Conform the aggregate amount set forth on page 49, line 14, accordingly.

Page 54, line 18, strike ''$38,000,000'' and insert ''$224,000,000''.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] reserves a point of order.

Is the gentleman opposed to the amendment as well?

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment, Mr. Chairman, and I claim the time in opposition.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] will be recognized for 15 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. DELAY. Mr. Chairman, I also reserve a point of order on this amendment.

The CHAIRMAN. The distinguished majority whip, the gentleman from Texas [Mr. DELAY] reserves a point of order on the amendment.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume to speak in support of an amendment to restore $186 million for people with AIDS, housing for people with AIDS.

Mr. Chairman, the purpose of this amendment is to restore a cut that was made in the Committee on Appropriations that basically eliminated all 1995 appropriations for HOPWA. This is the funding that enables people throughout the country who are providing those with AIDS with housing.

We have Ryan White funds, and that provides services for people with AIDS, but HOPWA provides the housing for people with AIDS, Mr. Chairman.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in support of the Shays amendment and commend my colleague, Congressman CHRISTOPHER SHAYS, for his leadership on this issue.

Mr. Chairman, I have volunteered as a counselor for PWA's at the Howard Brown Memorial Center in Chicago. I have seen those suffering from this devastating disease die. I have seen those unfortunate enough to have contracted AIDS ostracized and abandoned by family and friends alike. I know the cruelty of AIDS and how that cruelty extends beyond the horrific parameters of the disease itself.

For many PWA's there is no place to turn, no place to go, no place to think of as home during their precious waning moments of time on Earth. Like victims of the Black Death in the 14th century, and those sent to leper colonies in the 19th and early 20th centuries, PWA's often are brutally ostracized by family and community alike.

The AIDS patients I have known and counseled did not want to be a burden to society. That was never their intent. But, many have been economically destroyed, and have seen the last of their financial resources, because of this crippling disease. AIDS patients are ravaged not just physically and economically, but mentally, socially, and politically as well. These are people truly in need.

When all else fails, and personal resources are exhausted, the Government has a proper role to play in assisting those in need, those who can no longer help themselves. It is for this reason that I truly believe it necessary to restore the $186 million in funding for housing opportunities for PWA's. These are people who desperately need our help. They have nowhere else to turn.

A decade and a half ago AIDS was unknown. Now, we have just recently seen the latest statistics that show that today, AIDS is the No. 1 killer for all Americans aged 25 to 44. Among our younger population, it ranks as the sixth leading killer for those between ages 15 to 24. Among women, AIDS is the fourth leading killer, but it is expected to rise some time in the next few years to the No. 2 position. Overall, AIDS has leapt up to become the eighth leading cause of death in America.

At the end of last year, the death toll from AIDS for the United States was 270,870. Although there is nothing that can be done for those who have already passed on, there is something that can be done for those who are still with us. We can help provide them with housing opportunities. We can support the Shays amendment.

PWA's suffer a lonely existence. Their inability to be institutionalized assures it. While it is difficult to know exactly what the total cost of institutionalization would be on a yearly basis, I am certain that moneys spent for housing opportunities for PWA's would be far less.

In fact, the statistics I have seen show that the average daily cost of an AIDS acute care bed is $1,085. Providing housing and services to AIDS patients in a residential setting, however, costs between one-tenth to one-twentieth less than acute care. According to the Human Rights Campaign Fund, by using a residential setting, the use of emergency health care services is thereby cut by $47,000 per person per year.

It is tragic to me that there are studies that show that about 30 percent of the people with HIV disease are in acute-care hospitals due to the fact that no community based housing alternative is available for them. Without restoration of the $186 million for housing opportunities for people with AIDS, 50,000 more people could either wind up on the streets or also in costly acute care beds.

Homelessness and costly beds are not acceptable solutions to the housing problem for PWA's. The Shays amendment is.

To those who say there is not public support for helping people with AIDS, I suggest they look at the latest bipartisan poll, taken in late February 1995, by the highly respected Republican polling firm the Tarrance Group and the well regarded Democrat polling firm Lake Research. The results of their polling shows that an overwhelming 77 percent of the people want to maintain or increase Federal funding for the care of PWA's.

As a Republican, I was intrigued to find out that of the people polled, 66 percent of Republican men and over 70 percent of Republican women support Federal AIDS funding at the current levels or above. Rest assured, however, my interest in helping PWA's does not come as a consequence of any poll. My long record on this issue surely speaks for itself. By citing the Terrance-Lake poll I only wish to make the point that there is support for Federal assistance for PWA's among members of my party.

Based on my own experience in counseling AIDS patients, I firmly believe

that restoring the $168 million for housing opportunities for PWA's is a necessity. It saves money for the American taxpayer. Equally as important, it saves dignity for those suffering from the cruel consequences of AIDS by giving them a home during their dwindling moments with us.

Mr. Chairman, I support the Shays amendment without hesitation or reservation. I urge my colleagues to do the same.

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment. The cuts in this bill to the HOPWA Program, which this amendment restores, will be devastating to thousands of individuals with AIDS and their families.

In New York City alone, almost 1,000 people living with AIDS would be in danger of being put out onto the streets if these funds are rescinded. And make no mistake, Mr. Chairman, the costs to society of throwing 1,000 persons with AIDS out onto the streets are far greater than the cost of providing them with housing. Hospitals are, by law, prohibited from denying emergency medical care, and it should come as no surprise that these individuals without housing will turn to hospitals. The average cost of hospital care for people with AIDS is 10 times the cost of home care.

AIDS is a public health emergency, and we should treat it as such. The HOPWA Program is cost-effective and humane, and its elimination will result in greater costs to our entire social network. It will tax our already overcrowded hospital system, and will leave members of one or our Nation's most vulnerable populations homeless.

It is estimated that while someone can live for 10 years with AIDS, the life expectancy for a person with AIDS who is homeless is 6 months. Mr. Chairman, eliminating this program would be cruel and unusual punishment to AIDS patients and their families who are already suffering immensely. The HOPWA Program will save money and keep families together. Support the Shays amendment.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Shays amendment to restore vital assistance to one of our Nation's most vulnerable groups—people living with AIDS. In the absence of a cure or an effective treatment, the HOPWA Program provides what AIDS patients need most—a home, a place to restore their strength and hope.

In my own State of Connecticut, perhaps 25,000 people are HIV-positive; of these, close to 5,000 have AIDS. Yet decent affordable housing is in drastically short supply. In 1993, for example, there were 309 requests for housing in Hartford; yet only 21 individuals and 4 families with children were accommodated. Statewide, in the same year, only 141 of 1,000 requests for housing could be filled.

Mr. Chairman, I could argue against cutting HOPWA because the amount of money involved in vanishingly small in the vast sea of the budget deficit. I could argue against it on the grounds that it actually saves money, making it possible for people to leave hospitals and go to much less expensive housing. But the most telling argument, I believe, is that penalizing the most vulnerable in our society is simply wrong. We are a better country than that. We can do better than that. And I urge my colleagues to do so. Support this amendment.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. OBEY] wish to press or withdraw his reservation of a point of order?

Mr. OBEY. Mr. Chairman, I withdraw my reservation. I would also withdraw my request to manage time against the amendment. I thought the gentleman was offering a different amendment, and I do not have an objection to this amendment.

The CHAIRMAN. Does any other Member insist on a point of order at this time?

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized on his point of order.

Mr. LIVINGSTON. Mr. Chairman, I will not make a point of order, but I would like to address a colloquy to the gentleman from Connecticut.

The CHAIRMAN. Is the gentleman from Louisiana requesting time in opposition to the amendment?

Mr. LIVINGSTON. I am asking for the time, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall not use the 15 minutes. I would just like to extend my congratulations to the gentleman from Connecticut. I know he cares deeply about this subject, and he has struggled long and hard in an attempt to get this matter heard.

I know he has great reservations about the mark in subcommittee and full committee on this particular program. I have spoken with the subcommittee chair, and I know that he likewise feels strongly about his position.

I have to tell the gentleman that, in terms of research, aside from housing, but in terms of research, I looked at the figures recently on AIDS. I found that this country spends $1,000 per afflicted patient on AIDS recipients, about $500 per afflicted patient on cancer recipients, as little as $25 per afflicted patient for those with Parkinson's disease, and a little bit more than that for those afflicted with Alzheimer's. So there is an imbalance on research.

I dare say that on housing and the like, AIDS patients get more than their share of money when compared to other afflicted patients.

Now, that does not intend to minimize the suffering that people undergo if they are afflicted with AIDS. It does not diminish the intensity of the concern that the gentleman from Connecticut and all those who support his bill feel for people who are truly in suffering.

I would suggest or I would ask the gentleman, if I might have the gentleman's attention, I would ask the gentleman to consider withdrawing this amendment at this time and I will assure the gentleman that he will get full representation and a full opportunity to discuss the matter with those of us in conference. While I cannot concede any position to the gentleman on the part of the conferees, I would just like to ask the gentleman to withdraw his amendment, and I would simply assure the gentleman that I would be happy to discuss with the gentleman his points in favor of this provision, and I personally would be happy to bring it up at the conference.

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

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

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding.

I want the Members to understand very clearly that this rescission did not reflect in any way, shape, or form a lack of concern for this problem. This Member takes no back seat to any Member regarding this issue.

I introduced the first resolution regarding evaluating strategies to deal with this problem in 1980 before most people knew what the problem was. I supported the first funding regarding research in this subject area years ago. The reality is that between 1992, in this program, and 1994, we accumulated $306 million in this program. As of this moment, 86 percent of that money has not been spent.

It is a program in disarray because of a lack of effective management. Even with the rescission, money to meet fiscal year 1995 needs will remain available.

Mr. LIVINGSTON. Reclaiming my time, and I think I control the time, I would like to yield to the gentleman, could the gentleman elaborate on that? Has the gentleman inquired why they have not adequately spent the money? Is the program not being administered properly?

Mr. LEWIS of California. If the gentleman will yield further, it is suggested that HOPWA has complexities that cause time delays in the effective delivery of the money. The reality is that a whole array of programs for the disabled are mismanaged. There is duplication of management and an abundance of bureaucratic maneuvering.

We are simply in this amendment moving forward the President's proposal to eventually consolidate those efforts, and in turn recognizing that there is $267 million in the pipeline that will not be spent in 1995. So it is a very appropriate time for us to force reexamination, and that truly is what this amendment is about.

Mr. LIVINGSTON. Reclaiming my time, I would only want to congratulate the gentleman from California for his statement. I know he has the utmost sensitivity. I know all of the members of the subcommittee and the

full committee have tremendous sensitivity for the subject at hand.

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But we are in difficult times, and we have to understand that lots of people are suffering. There is much suffering in the world. We are doing the best we can to spread the resources that we have around to those who are afflicted. We would like to do it with an even hand.

Mr. Chairman, I would like to reserve the balance of my time and tender back the opportunity to the gentleman from Connecticut [Mr. SHAYS] to control his time.

The CHAIRMAN. Does any Member insist on a point of order?

Mr. DELAY. Mr. Chairman, I would like to reserve my point of order.

The CHAIRMAN. The Chair would ask the gentlemen to insist upon or withdraw their points of order at this time in order to conserve debate time.

Mr. LIVINGSTON. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] withdraws his point of order.

Mr. SHAYS. Mr. Chairman, I have a question to ask of the Chair, a parliamentary inquiry.

The CHAIRMAN. The Chair would recognize the gentleman from Connecticut [Mr. SHAYS]. Does the gentleman ask unanimous consent to withdraw his amendment?

Mr. SHAYS. No, I do not ask that. I have a parliamentary inquiry before I make that decision.

PARLIAMENTARY INQUIRY

Mr. SHAYS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SHAYS. Mr. Chairman, I want to be up front with every Member on both sides, even if I do not happen to agree with them.

I want the opportunity to use my 15 minutes to state the case on this issue. If the gentleman withdraws his point of order, is he allowed to bring it up in the future?

The CHAIRMAN. The Chair will not insist upon the gentleman from Texas [Mr. DELAY] insisting upon or withdrawing his point of order at this time. He may continue his reservation if he wishes.

With that ruling, the Chair recognizes the gentleman from Connecticut [Mr. SHAYS] on the remainder of his 15 minutes.

Mr. SHAYS. I thank the Chair.

My understanding is that I have 9 minutes remaining. Is that correct?

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 9 minutes remaining on his time.

Mr. SHAYS. Mr. Chairman, before yielding to my colleague, the gentleman from Wisconsin [Mr. GUNDERSON], and then to the gentleman from New York [Mr. SCHUMER], I would like to just point out that we are really talking about three issues. We are talking about AIDS research. My colleague is right in saying that we have spent a great deal of money on AIDS research, without the kind of payback we would like. We then talk about AIDS services and the Ryan White funds, to respond to that in a very sincere and serious way. Where we have a deficiency is housing for people with AIDS. We are housing people in hospitals at $1,000 a day instead of $100 or less for people with AIDS in housing for people with AIDS. This is what this amendment is attempting to address. I want to say to my colleague, the gentleman from California [Mr. LEWIS], I do not know of any greater champion on this issue. He has taken a hit he does not deserve.

The purpose of this amendment brought forth by many people is in no way to embarrass Mr. LEWIS, because, frankly, he is not deserving of some of the criticism he has received.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to make three or four quick points that people need to understand. The difference between AIDS and every other disease that has been mentioned is AIDS is the only infectious disease of all of these that was mentioned by the distinguished chairman of the committee.

But, second, I think we need to understand what HOPWA is all about.

Ladies and gentlemen, this is emergency housing for people, in most cases, in the final stages of AIDS who finally have been disowned by their parents, they have no place to go because of their sexual orientation. If you want to put these kinds of individuals on the street or in hospitals under Medicaid, it costs much greater. You need to understand what you are doing.

What we are pleading with the committee for is a commitment that we will not zero out fiscal year 1995 HOPWA funds. We can deal with the issue of emergency housing and Ryan White reauthorization for 1996 later on this year, but you cannot in good conscience zero out the fiscal year 1995 funds.

The gentleman from California said, ''Well, there is some money in the pipeline.'' This is just exactly like the money that is in the pipeline in the Pentagon because this housing requires that the money be there, you then make the grant application, do the permits, you get the approval, you do the construction. So if we are going to say if you do not spend it all in 1 year you are not going to get it, we are going to have to—we have to totally revise the Pentagon budget. There is no difference systematically.

I plead with our colleagues, we have got to get a commitment we will not zero out the fiscal year 1995 HOPWA funds.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

I thank the gentleman not only for yielding the time but for his leadership on this issue.

HOPWA is an extremely important program, offered by the gentlewoman from California [Ms. PELOSI] and myself several years ago. It has been remarkably successful.

As the gentleman from Wisconsin pointed out, not only is it humane, these are people who are dying and who will be on the streets, but it is also cheaper. It is a lot cheaper to have someone in one of these HOPWA facilities than in a hospital where it costs far more, $500, $600, $700, $800 a day, to keep them. They are not treated in a way that is as humane, and it is more expensive.

As for the gentleman from California [Mr. LEWIS]—and I greatly respect his leadership on this issue—I would say to him that the reason the moneys are not expended is that 97 percent of the 1994 dollars have been authorized and appropriated. The reason they are not spent is because the groups have 3 years to do it, to build the housing and get the facility ready. It is like defense, any program with a long buildout. The money will be spent over the next few years. The 1995 moneys have not been allocated, because the Department of housing just put together a State-by-State analysis.

So I would appeal to him and others on his side to allow this amendment to go forward. It is a compassionate amendment. It saves dollars. This is not an issue of politics. This is a simple issue of compassion and decency, and I hope we could allow the vote to go forward.

Mr. Chairman, I yield to my colleague, the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] controls the time.

Mr. SCHUMER. Mr. Chairman, I was yielding the remainder of my 2 minutes to the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The gentleman must remain standing.

Mr. NADLER. I thank the gentleman for yielding to me.

Mr. Chairman, this is a vital amendment. The HOPWA Program providing funds for housing for people with AIDS, for people who are dying, not only will save money, does save money, as my colleague from New York says, it provides money for housing for people who are dying who would otherwise be on the streets.

In my district, which is probably the epicenter of the AIDS epidemic, it is absolutely vital, and I urge its adoption.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to thank the gentleman, my friend, the gentleman from Connecticut, and I rise in support of this amendment. I understand the difficult job that my colleagues on the Committee on Appropriations are laboring under in their effort to move toward a balanced budget, one that I share.

But I have to say this is one area we should not be cutting. In terms of HUD, there are 204 programs in HUD. And with the zeroing out of this program, there will be no other place for these people to receive funding. As my colleagues have said, there is a long spendout between authorization and construction to get these projects on line; they are completely correct.

At the same time, we are making dramatic reductions in the tenant-based section 8 program. So those people do not go on the waiting list and get a section 8 portable voucher to try to relieve their housing problem.

So my friends are right. Some of these people—families—are going to end up on the streets, they are going to die on the streets, and the other alternative is to have them in far more expensive institutional settings such as hospitals.

So I rise in strong support of this amendment.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the gentleman for yielding this time to me. I thank the gentleman from Connecticut [Mr. SHAYS] also for his leadership on this issue.

I would like to address my remarks to the Chair, noting that I am pleased the chairman of the full committee is here, because what the purpose of what we are doing in the rescission bill is to reduce the deficit. I contend and maintain that to cut these funds will increase the deficit.

Our colleagues have pointed out that the reason we found this situation, Mr. SCHUMER, Mr. MCDERMOTT, and I, in the authorization was a number of years ago was to enable the private sector, the nonprofit sector, to minister to the needs of those with HIV and AIDS to prevent them from becoming homeless. Stress on the immune system is the worst possible thing you can do. Homelessness increases stress.

So this enables the continuum of services to be provided to people with HIV and AIDS; it keeps them out of hospitals, it eliminates the necessity for them to have other kinds of assistance, including income support.

I think if our goal is to reduce the deficit, we can do so by restoring these funds.

Mr. Chairman, it is also a compassionate thing to do.

The CHAIRMAN. The gentleman from Connecticut [Mr. SHAYS] has 2½ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 10 minutes remaining.

Mr. SHAYS. I thank the Chair. I appreciate the graciousness of the chairman of the Committee on Appropriations for letting us proceed, and also the majority whip.

Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Kentucky [Mr. WARD], a former Peace Corps volunteer.

Mr. WARD. I thank the gentleman for yielding this time to me.

Mr. Chairman, we need to support this. We need always to remember that we are not talking about some people whom we will never meet. These are our sons, our daughters, our uncles, our aunts, our uncles, sisters, our brothers.

It will cost more to do it without making the changes this amendment purposes.

I rise in support of the amendment.

Mr. SHAYS. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I want to conclude by making a few very basic points.

I arrived in this House in 1987 at the death of Stewart McKinney. Stewart McKinney died of AIDS. There is a real hero in this country named Lucie McKinney.

Lucie McKinney has devoted her life to people with AIDS.

She was not a public person while her husband was a congressman. She became a very public person. She works tirelessly night and day on this issue of, not AIDS research, not AIDS services, but providing homes for people with AIDS.

This has not been an easy task for her, because we have so many people who are on our streets, without homes, dying of AIDS. Occasionally and quite often they find themselves spending their last days in a hospital, at $1,000 a day.

Lucie McKinney provides this housing for them for one-tenth of that cost, with the help of the State, with the help of the Federal Government, and with the help of so many volunteers and people who contribute.

Mr. Chairman, this cause matters to me. It matters to many people in this Chamber. I sincerely believe cutting out the 1995 funds is a mistake, and it is a misunderstanding that this issue is continually being reviewed.

It is also my understanding that I could have had a Member, any Member here, raise a point of order at any time, and they had the graciousness to allow us to continue.

At this time I would just like to ask the Chairman of the Committee on Appropriations to clarify with me his request that I withdraw this amendment.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. SHAYS] has expired.

The gentleman from Louisiana [Mr. LIVINGSTON] maintains time.

The Chair recognizes the gentleman from Louisiana. [Mr. LIVINGSTON].

Mr. LIVINGSTON. I thank the chairman.

I would say to the gentleman from Connecticut [Mr. SHAYS] that if it is his intention to withdraw this amendment and if in fact he withdraws his amendment, that I would be happy to work with the gentleman and all of the people who have risen today to address this matter in conference.

Obviously, we cannot go forward today because I am confident that a point of order will be raised if in fact the gentleman persists in his motion. But should he withdraw it, I will work with him and work with the other body, and we will attempt to resolve the issue at least partially, if not in whole, to his satisfaction.

Mr. SCHUMER. Mr. Chairman, will the gentleman from Louisiana [Mr. LIVINGSTON] yield?

Mr. LIVINGSTON. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding to me.

Mr. Chairman, I understand that the gentleman from Louisiana had said before that he would not object, and I understand there may be other objectors on his side. But this is such an important issue, it is a program that has worked with so little waste. I would ask others on the other side not to object and to allow this amendment to go forward. It seems to me there was a real mistake here made when they zeroed out the entire program. I would hope that we could moves this amendment forward in a bipartisan air of compassion and understanding as to what this is all about.

Mr. LIVINGSTON. Reclaiming my time, I have to tell the gentleman I have made my position clear. I cannot speak for all of the Members in the House. Any single Member has the right to make a point of order.

Therefore, I must again relay my offer to the gentleman. If he will withdraw, I will work with him. If he does not withdraw, then I cannot make the same offer.

Mr. Chairman, I would be delighted to yield, but think we have to move this because we have two or three other amendments that we must address before time runs out.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Texas [Mr. DELAY] desire to press or withdraw his point of order?

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Mr. SHAYS. Mr. Chairman, based on the dialog that has taken place in this instance with the chairman, and based on the courtesy of this House for allowing me to proceed on an amendment that could have been declared out of order, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. STUDDS. Mr. Chairman, reserving the right to object, I rise for two reasons: First of all, to commend the gentleman from Connecticut [Mr.

SHAYS] who is carrying a very heavy burden in a very difficult place, and simply to remind Members that this is not a request for a proportionate share of bearing the burden of reductions amongst all our programs, that this is not a 2-percent, or a 5-percent, or a 10-percent cut. We are talking about people who are fatally ill and who have no home, and we are not asking them to share 2 percent or 5 percent of the pain we all have to share; we are asking them to go away and to die in the streets, and we are asking for zero funding.

Mr. Chairman, in Boston this means 244 people sick and homeless. That is unacceptable, and I object.

The CHAIRMAN. Objection is heard.

POINT OF ORDER

Mr. DELAY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DELAY. Mr. Chairman, the gentleman's amendment seeks to amend a paragraph previously amended, and the procedures in the U.S. House of Representatives, chapter 27, section 27.1, states the following:

> It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended, and is, therefore, not in order. I respectfully ask the Chair to sustain my point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. SCHUMER. Mr. Chairman, I would submit that this is not out of order.

Mr. Chairman, what we have done here is in submission with the rule. We have taken money from an existing program. It is a program that was cut before. It is within the same walls, the VA–HUD appropriation. This is a narrowly restricted rule.

Mr. Chairman, the gentleman from Connecticut [Mr. SHAYS] and I worked long and hard, and we checked over and over again with the Parliamentarian to make this amendment, even within the confines of that terribly restrictive rule, to be in order because of the urgency of this program, and I would say that if an amendment like this which, A, cuts the same amount of money as it adds; B, cuts it from a program within the VA–HUD authorization/appropriation; and, C, cuts it from a program that has already been cut, is not in order, then in God's name what is, in this body, on this bill?

Ms. PELOSI. Mr. Chairman, I wish to be heard on the point of order. I wish to state that if the point of order of the gentleman from Texas [Mr. DELAY] is in order, that just points to the ultra-restrictiveness of the rule under which this bill was brought to the floor because we did abide by——

Mr. DELAY. Regular order, Mr. Chairman.

The CHAIRMAN. The gentlewoman from California will state her objection.

Ms. PELOSI. My objection is, as the gentleman from New York [Mr. SCHUMER] pointed out, that the amendment is in keeping with those criteria that were set out by the Committee on Rules that funds come from the same title and the same subcommittee allocation. The amendment does do that, and it would seem to me that it would be out of order to call a point of order against it on that score. If, in fact, it is so, it just again points to the restrictiveness of the rule when we are used to open rules on appropriations bills.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. LOWEY. Mr. Chairman, I wish to be heard on the gentleman's point of order.

The CHAIRMAN. The gentlewoman will state her point.

Mrs. LOWEY. This to me just seems so unreasonable. This was taken out of the budget, it was taken out of the appropriate account. Not to be allowed to take a vote on this issue, considering the devastating impact of this on cities, on people——

Mr. DELAY. Regular order, Mr. Chairman.

The CHAIRMAN (Mr. BEREUTER). The Chair is prepared to rule.

Under the precedents recorded in section 31 in chapter 27 of Deschler's procedure, the point of order of the gentleman from Texas [Mr. DELAY] is sustained. It is consistent with the Chair's ruling yesterday on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I would ask the Chair:

If I am not mistaken, the last three amendments that have been offered to this bill have come from the majority side of the aisle. Would it be possible for me to call up an amendment at this time?

The CHAIRMAN. Yes, the members of the committee have precedence, and it would be the minority's turn for recognition.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY] to offer an amendment.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. OBEY: Page 25, line 12, strike ''$82,775,000'' and insert ''$72,775,000''.
>
> Page 26, line 4, strike ''$50,000,000'' and insert ''$60,000,000''.

Mr. LIVINGSTON. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] reserves a point of order on the amendment.

Mr. OBEY. Mr. Chairman, let me indicate that I am offering this amendment on behalf of the gentleman from Pennsylvania [Mr. FOGLIETTA] who is the real author of the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. LIVINGSTON. Mr. Chairman, I ask at the appropriate time to be recognized.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 15 minutes.

Does the gentleman from Louisiana insist on his point of order at this time?

Mr. LIVINGSTON. Not at this time. I reserve my point of order, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise today to offer an amendment to restore funding for the Healthy Start Program. This small, Federal program is a proven success story in saving the lives of our Nation's infants. Healthy Start provides critical funds to cut down on high infant death rates in urban and rural communities across the country, from Philadelphia to Pee Dee, SC, from Milwaukee to the Mississippi Delta. Healthy Start provides education, prenatal care, clinical services and home health visits to pregnant mothers and their new babies.

My colleagues, the important part about this program is that it works. In my district, infant mortality rates are as high as Mexico or Panama. Before Healthy Start began, 14.2 Philadelphia babies died for every 1,000. After just 1 year, the rate has fallen to 11.7, when the national average is 8.9.

The rescissions package takes away $10 million of fiscal year 1995 funds for this life-saving program. Yet, every dollar makes the difference between life and death for babies in these communities. Not one baby's life should be scarified for the sake of paying for a tax cut package. We cannot let this happen.

I am proposing to restore funds for Healthy Start by taking an additional $10 million from the Buildings and Facilities account of the National Institutes of Health. I am told that the funds in this account will not be used as intended. The rescissions package takes back $50 million from this account. I am simply proposing to take an additional $10 million to fully fund this Health Start Program. I emphasize that none of the lifesaving activities of the NIH will be hindered by this additional rescission.

In cities like New Orleans and Oakland, in places like Northern Plains, SD and the Mississippi Delta, Healthy

Start has just started to do the job. Let us finish the job of saving infants' lives by restoring this program of full funding.

I urge my colleagues to accept this amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, the gentleman is telling the Members of the House that this program, which to me in a very mean-spirited way is being cut by the majority, is actually to the benefit of infants and children.

Mr. FOGLIETTA. The gentleman is correct.

Mr. VOLKMER. And, no question, by cutting it they are saying that it is all right to do this to the infants and children of people here in the United States; is that correct?

Mr. FOGLIETTA. I would not speak for the majority, but I assume that is what the bottom line is.

Mr. VOLKMER. That is what happens; is it not?

Mr. FOGLIETTA. The gentleman is correct.

Mr. VOLKMER. And there is no question in the gentleman's mind and my mind that somewhere along the line this very same committee is going to fund programs that are going to take care of infants and children in other parts of the world?

Mr. FOGLIETTA. The gentleman is correct.

Mr. VOLKMER. So it is all right to take care of them someplace else, but we cannot do it for our own people. We have got to cut them out. Our people have to make all these sacrifices, and no one else does. We are going to take care of the rest of them, but we are not going to take care of our own.

Is that correct?

Mr. FOGLIETTA. Mr. Chairman, I believe we should be taking care of our own; that is correct.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. FOGLIETTA] has expired.

The Chair would inquire of the gentleman from Louisiana [Mr. LIVINGSTON] if he intends to press or withdraw his point of order.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman has completed his time, I do intend to insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Wisconsin [Mr. OBEY] because it seeks to amend the paragraphs previously amended. In the procedures in the U.S. House of Representatives, chapter 27, section 27.1, states——

Mr. VOLKMER. Mr. Chairman, would the gentleman yield for just a second?

Mr. FOGLIETTA. Mr. Chairman, will the gentleman suspend his point of order so I can yield to the gentleman from Missouri?

Mr. LIVINGSTON. Mr. Chairman, with the Chair's consent I suspend my point of order.

Mr. Chairman, I continue to reserve my point of order.

The CHAIRMAN. The gentleman may yield then for an inquiry.

PARLIAMENTARY INQUIRIES

Mr. LIVINGSTON. Mr. Chairman, as I understand it, the time of the gentleman from Pennsylvania had expired.

The CHAIRMAN. The gentleman from Louisiana controls the time.

Mr. LIVINGSTON. I have a further parliamentary inquiry, Mr. Chairman.

Are there any other allocations of time asked for on the floor at the moment?

The CHAIRMAN. Only the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] control time.

Mr. LIVINGSTON. Then at this point, Mr. Chairman, I reserve my point of order.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. FOGLIETTA. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I rise to support the amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA]. The program, the Healthy Start Program, has literally saved lives. There are children who are alive today who otherwise would not be alive. It is something that people on both sides of the choice question support. It is an effort to intervene in meaningful ways to provide care and information and education to would-be parents, particularly women who are about to conceive children. It is a program that has worked in Philadelphia.

Mr. Chairman, I know that the point of this exercise is to show how much we can cut out of this budget. It is interesting that we could not find any dollars from the military to cut even though we spend more than the rest of the world combined on our Armed Forces. We could not find in any of the billions in corporate welfare any room to cut, but somehow we have zeroed in on children, we have zeroed in on Healthy Start, on college scholarships, on summer job programs. Somehow we have made an aggressive effort to retard much of the progress being made in terms of intervening in the lives of young people, to make their lives more meaningful and more purposeful.

□ 1130

Yes, it costs to care, and education is indeed expensive. I would argue that lack of caring and ignorance is more expensive, and that we should, in this case, support the Foglietta amendment and hopefully restore this cut to Healthy Start. Failing to do that, as I have indicated yesterday, we should vote against the entire rescissions package.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I thank the distinguished ranking member of the Committee on Appropriations for yielding.

Mr. Chairman, this is a program that we really ought to support and I thank the gentleman from Pennsylvania [Mr. FOGLIETTA] who has offered this amendment. Under this rescission funding for Healthy Start has been cut $10 million. This program provides resources and assistance to rural and urban communities with high infant mortality rates.

A few days ago over on that same subcommittee we had six Nobel laureates who sat before us and talked about the state of health in America today. One of the things that they talked about to us was the high infant mortality rates in this country today. While infant mortality rates is a matter of being able to rate a nation in terms of its total health care, our Nation ranks about 17th in the world. Here we are, the top country in the world, yet we rank about 17th in the world in terms of infant mortality rates.

Under these cuts, what is going to happen is that about 2,200 pregnant women would not receive primary care, 33,000 prenatal visits would be eliminated, 3,000 pediatric appointments would be eliminated, 5,800 clients would not receive child care, 3,267 clients would not receive skill in job training.

This is an area in which many of our local and rural communities have been able to deal with one of the most pressing problems confronting their communities. I would hope that we would restore these funds and support the gentleman from Pennsylvania in this very important amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I just want to emphasize, in the city of Philadelphia, before this program started, the infant mortality rate was 14.2 per thousand. After 1 year, 1 year of this program, it dropped from 14.2 per thousand to 11.7 per thousand.

On behalf of the children whose lives will be saved in the future with this program, I implore you to withdraw your point of order and let us pass this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise to support the restoration of Healthy Start funding. The fact that the Republicans cut this program is cruel and shortsighted. This is, by far, the lowest, mean-spirited assault on the most vulnerable of our citizens—newborn babies and infants.

It is absolutely intolerable that the United States has one of the highest infant mortality rates in the entire world.

In fact, the United States ranks 21st out of 23 industrialized countries or infant mortality. The mortality rate for minority children in our inner cities ranks behind many third-world nations.

To combat this alarming rate of death among newborns, we developed the Healthy Start Program. The Healthy Start Program provides the only link to the health care system for countless pregnant women.

The severity of the Nation's infant mortality problem is evident in the city of Boston. African-American women experience infant mortality rates more than twice that of white women.

Fortunately, these Healthy Start programs work. We have already begun to see the results. In Boston, this program helped deliver over a 12 percent decrease in infant mortality from 1992 to 1993.

Boston's goal is to build on this progress and reduce the infant deaths by 50 percent by 1996.

We should not take away vital funds from cities that are saving lives.

Just last week, I visited a Healthy Start Program in my hometown of Boston. At Boston Children's Hospital, the Advocacy for Women and Kids in Emergencies—or the AWAKE Program—responds to the need for services for battered women who come to Children's Hospital to get care for their abused kids.

It is the only program of its kind nationwide providing a full range of advocacy and outreach services to battered women and their kids in a hospital setting.

Mr. Chairman, to see family violence through the eyes of a child is heartbreaking.

Every day, at least three children die because of abuse or neglect, often at the hands of a family member.

In 1993, nearly 3 million child abuse and neglect cases were reported.

It makes absolutely no sense to cut 10 percent of Healthy Start funding—funding that supports so many innovative programs like AWAKE that help save the lives of newborn babies and infants.

I urge support of this amendment.

Mr. MOAKLEY. Mr. Chairman, I rise today in strong support of this amendment offered by my good friend, the gentleman from Philadelphia [Mr. FOGLIETTA], which would restore $10 million in funding for the Healthy Start Program. The Healthy Start Program is essential to combat the disturbingly high rate of infant mortality in this country. In Boston, where I represent, infant mortality is a significant health problem despite the presence of the world's best hospitals, medical schools, and academic health centers. This is a travesty that a rich, industrialized nation like the United States has an infant mortality rate that is equal or higher than some third-world countries.

If you are a young, black, pregnant woman in Boston, the odds of your baby being born prematurely or with low birth weight nearly doubles. The Boston Healthy Start initiative has been working in conjunction with community health centers throughout the city to reduce this alarming infant mortality rate. This program is crucial in that it provides pre- and post-natal care to pregnant women that are at risk. Healthy Start educates young mothers about proper nutrition for both them and their newborns. Healthy start also teaches mothers about appropriate health care. But, most important, Mr. Chairman, Healthy Start empowers women, families, and communities. This program is a modest investment from the Federal Government to building a healthier climate for all people in urban areas and the best way to build that climate is to give our children a healthy start.

I find it ironic that my good friends from the other side of the aisle claim they want to cut waste and cut programs that don't work, but they never seem to bat an eye at throwing $41 billion at some comic book weapons fantasy like star wars. I implore my Republican friends to have a little forethought, for once, and invest in our kids. I realize they don't vote or take you out for dinner or contribute to your campaigns, but children are the future of this country. Remember that, and vote in favor of the Foglietta amendment.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. LIVINGSTON] insist on his point of order?

Mr. LIVINGSTON. I do, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Chairman, the gentleman makes an eloquent case, which will be addressed in conference, but at this time I reluctantly make a point of order against the gentleman's amendment because it seeks to amend a paragraph previously amended. In the procedures in the U.S. House of Representatives, chapter 27, section 27.1, it states as follows: It is fundamental that it is not in order to amend an amendment previously agreed to. Thus the text of a bill perfected by amendment cannot thereafter be amended.

Mr. Chairman, this amendment seeks to amend text previously amended and is therefore not in order. I respectfully ask the Chair to sustain my point of order.

The CHAIRMAN (Mr. BEREUTER). The Chair is prepared to rule, because it is exactly similar to the previous ruling. The gentleman's language attempts to amend further a figure changed by the amendment offered by the gentleman from Illinois [Mr. PORTER], yesterday. Under the precedents recorded at section 31 in chapter 27 of Deschler's Procedure, the point of order of the gentleman from Louisiana [Mr. LIVINGSTON] is sustained. It is consistent with the Chair's ruling on the DeLauro and Shays amendments.

Mr. ABERCROMBIE. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. OBEY. Will I be able under these circumstances to ask the gentleman from Hawaii to withdraw his motion?

The CHAIRMAN. The Chair will allow the gentleman from Wisconsin to make an inquiry of the gentleman from Hawaii.

Mr. OBEY. Mr. Chairman, let me state I fully share the gentleman's outrage that this amendment is not in order, but I do not think that there is any useful purpose to be served by taking out on the Chair the fact that we have a stupid rule. I think all the Chair is doing is enforcing an extremely stupid, ill-advised, vicious, and cruel rule. So I will recognize the justice in what the gentleman from Hawaii is trying to do, but I think it is good if we have the right target, which is the Republican leadership, and not the Member in the Chair.

I would urge the gentleman respectfully to withdraw the motion.

The CHAIRMAN. Does the gentleman from Hawaii [Mr. ABERCROMBIE] insist on his appeal?

Mr. ABERCROMBIE. Mr. Chairman, I do insist on my appeal. Respectfully, I am not targeting the Chair. The people of this country are being targeted.

Mr. STEARNS. Mr. Chairman, I move to table the motion.

The CHAIRMAN. A motion to table is not in order in the Committee of the Whole.

The question is ''Shall the decision of the Chair stand as the judgment of the Committee?''

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ABERCROMBIE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 248]

Abercrombie	Borski	Condit
Ackerman	Boucher	Conyers
Allard	Brewster	Cooley
Andrews	Browder	Costello
Archer	Brown (CA)	Cox
Armey	Brown (FL)	Coyne
Bachus	Brown (OH)	Cramer
Baesler	Brownback	Crane
Baker (CA)	Bryant (TN)	Crapo
Baker (LA)	Bryant (TX)	Cremeans
Baldacci	Bunn	Cunningham
Ballenger	Bunning	Danner
Barcia	Burr	Davis
Barr	Burton	de la Garza
Barrett (NE)	Buyer	Deal
Barrett (WI)	Callahan	DeFazio
Bartlett	Camp	DeLauro
Barton	Canady	DeLay
Bass	Cardin	Dellums
Bateman	Castle	Deutsch
Becerra	Chabot	Diaz-Balart
Beilenson	Chambliss	Dickey
Bentsen	Chenoweth	Dicks
Bereuter	Christensen	Dingell
Berman	Chrysler	Dixon
Bevill	Clay	Doggett
Bilbray	Clayton	Dooley
Bilirakis	Clement	Doolittle
Bishop	Clinger	Dornan
Bliley	Clyburn	Doyle
Blute	Coble	Dreier
Boehlert	Coburn	Duncan
Boehner	Coleman	Dunn
Bonilla	Collins (GA)	Durbin
Bonior	Collins (IL)	Edwards
Bono	Combest	Ehlers

Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1157

The CHAIRMAN. Four hundred twenty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

The pending business is the demand of the gentleman from Hawaii [Mr. ABERCROMBIE] for a recorded vote on his appeal from the ruling of the Chair.

Does the gentleman from Hawaii [Mr. ABERCROMBIE] insist upon his demand for a recorded vote?

Mr. ABERCROMBIE. I do not, Mr. Chairman.

The CHAIRMAN. If not, the decision of the Chair stands sustained on the prior voice vote of the Committee of the Whole.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment, amendment No. 23.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: Page 22, line 13, strike ''$5,000,000'' and insert ''$15,000,000''.

The CHAIRMAN. The Chair will announce that there will be 20 minutes of debate, 10 minutes on each side.

The gentleman from Florida [Mr. STEARNS] will be recognized for 10 minutes to control the time on his amendment.

Does any Member stand in opposition to the amendment?

Mr. OBEY. Mr. Chairman, I will indicate opposition to the amendment.

I ask unanimous consent that the 10 minutes in opposition be divided evenly between the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA].

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1200

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume. I appreciate the opportunity to have this amendment finally. We have been waiting quite some time for it. I want to recognize the gentleman from Illinois [Mr. CRANE] for all the hard work he has done on this amendment and the gentleman from Georgia [Mr. BARR] who has also been instrumental in getting this amendment on the floor. I also want to recognize the gentleman from Illinois [Mr. YATES] who is the ranking member of the Interior Subcommittee. He and I have talked about this. He and I are good friends. We approach this particular amendment from different perspectives.

Mr. Chairman, many members have heard this discussion on the NEA ad infinitum. We could talk about it for hours. I know the gentleman from Illinois [Mr. YATES] has plenty of people on his side as I do on my side who feel strongly about this subject. But I can summarize this debate very quickly for all of us, because we do not have much time.

First the NEA is about $167 million in expenditure. We have cut within the rescission bill $5 million. This amendment simply asks for an additional $10 million. That means a total of $15 million would be cut from the NEA budget, less than 10 percent, approximately only 9 percent total.

My colleagues, remember, this has to go to the conference committee. Traditionally, historically, when it goes to the conference committee, they cut it even further down. So I say to my friends here in the House, let's make at least a modicum of a cut, 9 percent total, so if it goes to conference and it comes back, we will not be left like we did last year with a 2.5 percent reduction after we labored for hours on the House floor to get just a mere 5 percent.

At this point, I say to Members, this can be summarized, this is simply a 9-percent cut on a $167 million project that under anybody's opinion we can cut that much if we intend to reduce the deficit.

I know the people on that side feel very strongly about this, and I respect that, but I am approaching this from a fiscal responsibility stand point and I urge the people on that side not to use hyperbole on this debate. We have heard this time and time again. This is simply a 9-percent cut.

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

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, here we go again. All we have to do is mention NEA and my friends, the gentleman from Illinois [Mr. CRANE] and the gentleman from Florida [Mr. STEARNS], go into orbit. They are determined to immortalize Maplethorpe and Serrano, to make them as famous as Michelangelo in order to kill the NEA, which I think essentially is what they want to do.

The gentleman from Florida [Mr. STEARNS] says his amendment is a 9-percent cut. On the contrary, for remainder of this year, with the time remaining and the amount of funds that are remaining, it amounts to a 17-percent cut, but really when they talk about Maplethorpe and Serrano, which is the fundamental stain that bases their amendments.

How many people saw the Maplethorpe and Serrano exhibit under NEA grants? Not many. Serrano was shown at one gallery, a South Carolina gallery. Maplethorpe at two galleries, three museums. How many people got to see these exhibits? And yet, because of Maplethorpe and Serrano, the sponsors of this amendment want to take NEA funds from hundreds of museums throughout the country serving millions of people from scores of symphony orchestras and theaters and

schools where children learn about art and about artists.

Let me read to the gentleman from Florida [Mr. STEARNS] and the gentleman from Illinois [Mr. CRANE] an article from The Washington Post which occurred on February 12. It is about the executive director of the Shenandoah Shakespeare Express, a Shakespeare troupe that tours two-thirds of the United States.

Last year, the NEA gave the Shenandoah Shakespeare Express $5,000 and the money helped take a fellow, ''The Taming of the Shrew,'' ''Much Ado About Nothing,'' to more than 100 high schools and colleges in more than 30 States.

It is true, most Americans do not associate the NEA with kids learning to love Shakespeare and that is because one Senator and others have created the compelling fiction that all the agency does is to fund kookie and depraved artists.

Well,

But here is the real story. Our little Shakespeare company, says the executive director, got $5,000, not much, but 33 times more than the human Etch-A-Sketch and our grant, not his, is typical of the NEA. By far the majority of NEA money goes to local theater groups to, community orchestras, to regional museums, what you might call the traditional art. Conservatives often complain about the evils of popular culture, the sex in movies, the violence in rap, the profanity in rock lyrics, but they have targeted the NEA and that is the organization that most assures the continuation of the classical theater, the classical dance and the music in this MTV world. You have to wonder.

Mr. Chairman, there is no doubt in my mind that NEA is part of the fabric of the people of this country, worn by the people of this country, and I think the people of this country are firm in the desire that NEA continue. I hope this amendment will be defeated.

Mr. Chairman, I reserve the balance of my time

Mr. STEARNS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. I thank my colleague the gentleman for yielding me the time.

Mr. Chairman, I rise is support of the amendment. We just heard the eloquent plea for the arts from my distinguished colleague from my home State of Illinois. Yet it misses the point altogether. The fact of the matter is we have an arts bureaucracy in this government entity called the National Endowment for the Arts. That government bureaucracy only awards one recipient out of every four that makes an application.

If we look at where those applications or those grantees are, I can understand why a colleague from the State of New York might be for preservation of the NEA in perpetuity. I can understand why somebody from California might take the same position, and I understand why somebody from Washington, DC, especially, would want to see it preserved.

The fact of the matter is, I say to my colleague from Illinois, Washington, DC is, you probably do not realize this, a hub of artistic talent, and they get twice the grants that our whole State of Illinois gets. Yet they have fewer people in Washington, DC, than in your congressional district or my congressional district. In fact, Washington, DC, gets more in grants than Arkansas, Idaho, Kansas, Mississippi, Nevada, North Dakota, Oklahoma, South Carolina, South Dakota, and Wyoming combined. That goes to Washington, DC.

That is what goes to Washington, DC thanks to this arts bureaucracy and how they are manipulating public moneys and misallocating public moneys.

Keep in mind another thing, too. That last year the private sector anted up $9.3 billion to fund the arts, in contrast to a $167 million input at taxpayer expense through this wheeling and dealing operation I touched upon.

A single art auction up in New York, for example, brought in $269.5 million. For all I know, some of my artistic colleagues from New York may have participated. In addition to that, a single painting alone last year managed to get $82.5 million.

I submit to Members that this is an issue that needs to be addressed. I hope it will be addressed more fully when we get to the question of total funding. That is later in the year. But right now this is a very modest cut when we are asked to reallocate scarce resources and we have heard eloquent appeals as to where money should be going other than the way the committee has determined. I compliment the gentleman on his amendment and urge everyone to support it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that under the rule, we must rise at 12:18. We have 11½ minutes of allocated time. I advise the Members there will be insufficient time to have the entire quota.

Mr. DICKS. Mr. Chairman, I ask unanimous consent that we have 3 additional minutes to make the time.

The CHAIRMAN. That request is not in order in the Committee of the Whole.

Mr. STEARNS. Mr. Chairman, could we have the allocation of the time based upon the Chair's stipulation at this point?

The CHAIRMAN. The Chair suggests and, without objection, will reduce the amount from the two sides equally, 1½ minutes from the gentleman from Florida and 1½ minutes from the two gentleman combined.

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I yield myself 1 minute and 50 seconds.

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

Mr. REGULA. I just want to advise Members of the situation. In the subcommittee, we took out $5 million from NEA, remembering last year we cut it 2 percent on the floor and sustained that in the conference. That $5 million comes out of individual grants. There will be no money left in the NEA for individual grants which have been the problem. None. Zero.

If this amendment is passed, this will have to come out of the grants all over the United States to small communities with symphonies, ballet, and museums. It will mean the concert on the mall on the Fourth of July and Memorial Day, I hope many Members have seen it on C–SPAN, it is a great thing. Basically, if you vote for this amendment, you are voting against those small amounts that reach out across the United States for educational programs, for the small groups within the communities, for the grants to the State arts commissions. You are not voting against individual grants. We have already eliminated all the money for the individual grants in the subcommittee which was ratified by the full Committee on Appropriations.

The Committee on Educational and Economic Opportunities will have to hear the question of reauthorizing the NEA, so that is the place to deal with the problem. If we do not want NEA, we do not have to reauthorize it for fiscal year 1996 and prospectively. But let us not cut out that little bit of money that is being spread across the United States to many of the things that you cherish in each of your respective communities.

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. BARR] who has worked on this amendment.

Mr. BARR. Mr. Chairman, I thank my distinguished colleague from the State of Florida for yielding me time.

With regard to an earlier amendment last evening, my distinguished colleague, the gentleman from Pennsylvania [Mr. WALKER], said really what we are about here today is making choices on priorities. In the greater scheme of things, I think there are very few, at least I would hope there are very few in this Chamber that would disagree with the proposition that in the larger scheme of things, when we are looking at food and when we are looking at national defense and when we are looking at the whole range of priorities that are reflected in this rescission bill, funds for the NEA do not rank as high as the other provisions.

That is one reason, one of many reasons why I rise in support of this amendment which I have coauthored. I would also point out to my distinguished colleague from the State of Illinois that the NEA does fund works of so-called art that have titles that cannot even be repeated on the floor of this Chamber. We do not need that. The citizens of this country and my district do not need that. They do not want that.

□ 1215

That is why I think it is very appropriate in the larger scheme of things and based on the merits of this rescission that this amendment be adopted.

I thank the gentleman for yielding time to me.

The CHAIRMAN. The Chair will announce that he is going to allocate the time based upon the time reduction, a slight deduction equally shared, one-half minute for the gentleman from Illinois [Mr. YATES], 1 minute for the gentleman from Florida [Mr. STEARNS], and three-quarters of a minute for the gentleman from Ohio [Mr. REGULA].

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Chairman, I rise in opposition to this amendment. As David McCullough said, it is like getting rid of the Navy because of the Tailhook scandal.

Mr. Chairman, I rise in strong opposition to the amendment. I find it tragically ironic that in this era of fiscal belt-tightening some are trying to slash one of the wisest and cost-effective investments the Federal Government makes in its citizens.

Eliminating funding for the NEA is a classic case of being pennywise and pound-foolish. The total budget for the NEA costs each citizen only 65 cents a year, and yet it leverages more than $1 billion every year from private donors.

The activity generated by the NEA produces a huge economic and cultural impact on our society. In fact, a study by the Port Authority of New York and New Jersey found that the total impact of the arts in the New York metropolitan region was more than $10 billion a year.

All over America, artists, musicians, orchestras, dance companies, theaters, and public schools rely on the National Endowment for the Arts for essential support. Their work has enriched our communities and our quality of life. This amendment will undermine many of these organizations and do damage to our cultural heritage. It will take funds of out of our schools and away from our children.

I urge my colleagues to heed the words of two witnesses at a recent hearing before the Interior Appropriation Subcommittee: Ken Burns, producer of the highly acclaimed ''Civil War'' and ''Baseball series'' on PBS, and David McCullough, Pulitzer Prize winning author of the biography on Harry Truman.

Ken Burns declared emphatically that his Civil War series would not have been possible without the Endowment's support. And David McCullough pointed out that abolishing the NEA just because of a few ill-conceived or offensive programs would be like abolishing the U.S. Navy because of the Tailhook scandal. I couldn't have said it better myself.

Mr. Chairman, this amendment will harm our Nation's schools and damage our cultural heritage. It must be defeated.

Mr. YATES. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, I rise in strong opposition to the Stearns amendment to slash funding for the National Endowment for the Arts.

In many ways the Contract on America is a declaration of war. A war on children, a war on consumers, a war on the environment, a war on senior citizens. In their budget-cutting zeal, the new majority has proposed $17 billion in rescissions for 1995, almost entirely from programs that make the lives of ordinary Americans a little safer, a little brighter.

The Republicans have structured this rescission bill to eliminate any chance that we could even debate cuts to the bloated Defense budget. The Pentagon, of course, has returned to its exalted status as a sacred cow.

While they have taken defense off the cutting board, they're making mincemeat out of the arts. The new leadership invests in that which destroys, but destroys that which creates. The contract may sound good on the surface, but its cost cutting rhetoric masks policies that are heartless and mean-spirited.

And the contract's war on the arts is nothing short of primitive.

The NEA budget for this year is $167 million. Cultural funding is a mere two ten-thousandths of 1 percent of the Federal Government's $1.5 trillion budget. Arts funding costs approximately 64 cents per capita, or the same amount as two postage stamps.

According to a recent Lou Harris poll, 60 percent of the American people believe that ''the Federal Government should provide financial assistance to arts organizations.'' According to the same poll, more than half the American people would support paying up to $15 a year to support Federal arts funding.

Speaker GINGRICH has attacked the NEA as providing patronage for an elite group. In fact, the NEA increases access to arts and culture for all citizens. In the 30 years since the endowments were created, the number of theater, dance, and opera companies across America has increased from 120 to 925.

NEA grants work as seed money. They make it easier for recipients to raise money from other sources.

Speaker GINGRICH and Majority Leader DICK ARMEY have both stated that the Federal Government has no business making grants to artists and artistic organizations.

They say this at a time when violence continues to increase and, in our inner cities, human lives are cheaper by the dozen. I cannot imagine a worse time to cut programs that exalt the human experience, when all around us we see it degraded. Arts advocates who visited my office this week described NEA grants they had received which were used to create arts programs for inner city children.

We should be celebrating the contributions of the arts endowments to our country today, rather than trying to destroy them. We should be congratulating the endowments for encouraging creative ideas that help poor children rise above their cruel circumstances.

As Christopher Reeve said Tuesday in his speech at the Arts Advocacy Breakfast:

There is no leading nation in the world that does not support the arts, usually two, three, ten times as much as we do. Why should we be different? Public arts funding is a concept that stands beside public education as an obligation a government has to its people and to history.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. NADLER].

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

Mr. NADLER. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida which would rescind $15 million, in addition to the $5 million rescission already in the bill, from the National Endowment for the Arts' meager but important fiscal year 1995 budget. We should increase or maintain current levels of Federal support for the arts and humanities, not pull the foundation out from under cultural projects in most communities throughout the Nation, which benefit virtually every American.

I introduced an amendment to restore the $5 million to the NEA and $5 billion to the NEH which would be rescinded by this bill. With an unreasonably restrictive rule and a mere 10 hours of debate on a bill covering every Federal expenditure, my colleagues will not have the opportunity to discuss the merits of maintaining the NEA and NEH budgets. Some may say that during a time of drastic Federal cutbacks, we should expect and accept reduced funding for the arts and humanities. Drastic reductions in fiscal year 1995 appropriations to the valuable programs funded through the NEA have already been made. It is now time to look for somewhere else to cut.

The NEA exemplifies successful public-private cooperation, impressive returns on a Federal investment, and an efficient and productive Federal agency on a skeleton budget. With a budget totaling only a fraction of 1 percent of the entire Federal budget each year since 1965, when the NEA was established, the Endowment has made a substantial contribution to promoting art and culture in America. Since the NEA was established, the number of symphony orchestras has grown from 110 to 220, dance companies have shot up from 37 to over 250, opera companies have increased from 56 to 420, and state arts agencies are up from 5 to 565.

Congress should continue its important role of supporting arts, culture and the humanities in America. I urge my colleagues to oppose this amendment and any other attempts to undermine Federal commitment to the arts.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

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

Mr. DIXON. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to H.R. 1158, the emergency supplemental appropriations and rescissions bill. While I wholeheartedly support the emergency supplemental to provide the Federal Emergency Management Agency with additional funds necessary to fulfill its mission—much of it for rebuilding in the aftermath of the Northridge

earthquake—I cannot support the massive reductions in domestic Federal spending contained in this legislation.

A little over a year has passed since Congress recognized the dire need for the Federal Government to intervene in the wake of the Northridge earthquake. Less than a month following the quake, emergency supplemental appropriations cleared both houses and was signed by the President. Congress recognized the need to treat this funding as it had in the past—as a national emergency, off-budget, and in bipartisan fashion. What a difference a year makes.

The majority has now drastically altered the treatment of emergency appropriations, requiring offsets in funding—even when those offsets, as they do in this bill—cynically pit the general well-being of one group of Americans against the well-being of another. While the majority recognizes that further emergency expenditures are necessary to rebuild Los Angeles' public infrastructure and respond to other emergencies across the Nation, they now direct that this should be done by undercutting programs which also serve those communities.

We are establishing a system under which a national disaster will have devastating impacts on two distinct groups of Americans—the one suffering the disaster and the one asked to pay for the disaster. It is a perverse system.

Is there a need to reform the way in which we respond to natural disasters in this country? Certainly, there is. The Bipartisan Task Force on Disasters acknowledged as much in proposals to expand the availability of disaster insurance, create a reinsurance fund, and initiate a public-private partnership to finance disaster relief. Those are the issues we should be debating, not funding disaster relief on the backs of poor and low-income Americans.

The bulk of the rescissions in this bill do not go to covering the needs of FEMA. They will now go to deficit reduction. While this is preferable to their original intention to pay for tax cuts, it is unconscionable that the majority in this House has sought to ask the least able to make the greatest sacrifice.

The committee cuts $1.7 billion from the summer youth employment program over the next 2 years—eliminating the program. While the majority says that Americans should move off welfare and into the workplace, that same majority contradicts itself by decimating programs which encourage work experience.

The committee report states that ''this program is a lower-priority Federal activity that we can no longer afford.'' What we cannot afford is to defund a program which gives 600,000 kids per year their first exposure to the workplace and a work ethic. It would seem to me that the first step in achieving jobs-based welfare reform is exposing underprivileged youth to their first job.

The Republican mayor of Los Angeles recognizes the importance of this program. According to Mayor Riordan, ''the elimination of the Summer Youth Employment and Training Program would have devastating consequences for the children and youth of Los Angeles.'' Those consequences include eliminating employment opportunities for more than 30,000 low-income youth in our city. To quote from the mayor's letter to Chairman LIVINGSTON, ''the elimination of $22 million in fiscal year 1995 and fiscal year 1996 is cost ineffective, poses significant challenges to our public safety goals and will ripple through our city in a grim fashion.''

Forty-three percent of the cuts contained in this legislation fall on programs within the Department of Housing and Urban Development. Public housing funding is cut by $3 billion—nationally, 40 percent of these units are occupied by the elderly. A $2.7 billion rescission in rental assistance translates to a reduction of 70,000 rental vouchers and certificates and 12,000 of those certificates had been reserved for homeless women with children.

In its fiscal year 1996 budget submission, HUD has clearly indicated its intention to dramatically reinvent the agency. Indeed that reinvention is based on moving primarily to ''tenant-based'' rather than ''project-based'' assistance. Yet over $1 billion in public housing modernization funds are cut—funds critical to improving the condition of units to enable HUD to implement its reforms.

In their zeal to cut, the majority bypasses the opportunity to have a meaningful debate on the future of Federally assisted housing in this country, including access to affordable housing, and housing for the homeless.

Throughout this legislation there are reductions in funding and elimination of programs in education, job training, veterans benefits, and low-income fuel assistance which will cause severe hardship to great numbers of Americans. Is there duplication and overlap in Federal programs? Is there need for reform? Is there waste and inefficiency in government bureaucracy? There may well be, but millions of Americans have come to rely on those programs—some for the basic necessities of life, others for their first shot at opportunity in this society.

In a reasonable and rationale atmosphere the American people would be well-served by debating true consolidation and true reform. Reducing and defunding these programs in this haphazard manner will only serve to exacerbate the situation of low-income Americans, increase tensions in our communities, and in the end, serve nothing but a political agenda based on the devolution of the Federal Government. I urge defeat of this legislation.

Mr. YATES. Mr. Chairman, I yield the remaining 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. My colleagues, I ask you to oppose this amendment. The National Endowment for the Arts not only nurtures America's cultural inheritance, but it also expands on our Nation's cultural activities.

Let me give examples. Before the National Endowment for the Arts, there were 37 dance companies in America, now there are more than 400. Before the NEA, there were 27 opera companies, now there are 120. The list goes on. The NEA works. Resist these cuts.

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] is recognized for the final 1 minute.

Mr. STEARNS. Mr. Chairman, I yield 45 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we know what we are about today is the rescission package. A rescission package is what do we take out of the budget because it is extra. But it is beyond that today. What we really need to talk about is the fact that we cannot charge this.

You see, we spend $200 billion extra a year and we are charging this to my grandchildren. Let us take the high moral ground and say no to extra spending for the nice things, but they are not necessary.

It is time to say yes to this amendment and get about what the people told us to do, and that is get rid of the deficit.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for the final 25 seconds.

Mr. STEARNS. Mr. Chairman, a point of information: Do I have the opportunity to close the debate?

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is defending the committee position, and he will have the opportunity to close. The gentleman from Florida [Mr. STEARNS] may proceed for 25 seconds.

Mr. STEARNS. Mr. Chairman, for this amendment to pass, it is going to require conservative Democrats to help out with the Members on this side of the aisle. The question is can we cut a Federal Government program by 9 percent, realizing that within $167 million, $26 million is for Federal administration.

Surely we can cut the money within this program when it only adds up to 9 percent. So the Members on both sides of the aisle, I appeal to their fiscal responsibility and sanity, let us cut this bill.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for the final 1 minute.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield briefly to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I just want to make a correction of the gentleman's statement, and that is that the real effect of this is a 26-percent cut.

Mr. REGULA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Ohio has 45 seconds remaining.

Mr. REGULA. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I would just like to say this: that I have been in business for 40 years, and business is a cost-cutting process. I have cut and I have cut, but the one thing you do not cut is those things that are quintessential to the very essence of the community in which you live. Everything tends to drag us down to the lowest common denominator.

Please do not cut the National Endowment.

Mr. RICHARDSON. Mr. Chairman, this amendment cripples the National Endowment for the Arts.

Before my colleagues think about cutting funding for the NEA I want to remind you that

Federal arts funding benefits every district in the country. The national endowment benefits every region in the United States through State grants, arts education, and anticrime programming.

Thirty-five percent of NEA funding goes to each State's art agency in the form of a block grant. This amendment automatically reduces the size of each States grant.

Of this 35 percent each State must spend 7.5 percent of these dollars on projects that serve rural, urban, and underserved communities.

In New Mexico—for the last 7 years State grant moneys have funded the churches project. Over 100 communities have restored their historic churches because of the cultural and artistic symbolism they represent.

Voting in favor of this amendment means no arts education for our children.

Last year a $22,000 grant to the chamber music residencies pilot project which placed chamber music ensembles in rural communities for a school year. The chamber ensembles taught children in public schools in Tifton, GA; Jesup, IA, and Dodge City, KS, who would not have otherwise had any music education.

Voting in favor of this amendment means reduced funding for crime control programs. A youngster with a paint brush or learning lines for a play is a lot less dangerous than one with a gun.

NEA anticrime funds provide for programs like Arizona's APPLE Corps which uses arts programs with antidrug messages as afterschool alternatives. Other anticrime projects the endowment funds include: Voices of Youth throughout Vermont, First Step Dance Co. in Lawrence, KS, Boise Family Center project in Boise, ID, Arts in Atlanta project, Alternatives in L.A. Program, and the Family Arts Agenda in Salem, OR.

Instead of targeting programs that are wasteful and bloated, this amendment targets programs that improve the quality of life for every American.

And it cuts these dollars not to go for deficit reduction but—to a windfall for the richest 10 percent of our Nation.

What voting for this amendment ensures is that the richest 10 percent of our country will be the only ones that can ever be able to afford to see an opera, a Shakespeare play, to hear an orchestra.

Ms. SLAUGHTER. Mr. Chairman, today I rise in strong opposition to the Crane amendment. As chair of the arts caucus, I have watched in amazement year after year, as the pittance that the National Endowment for the Arts receives from the Federal budget is consistently denigrated, incorrectly characterized, and almost always cut. And all this from an agency whose entire budget is below what is allocated for military bands.

While Federal funding for the arts, and art agencies like the National Endowment for the Arts, make up a mere 0.02 percent of the national budget, for each $1 the NEA spends, $11 of activity results. The nonprofit arts industry alone contributes $36.8 billion to the U.S. economy and provides over 1.3 million jobs to Americans nationwide. Business, tourism, restaurants, and hotels strive on the arts. The annual audience for nonprofit theaters serve an audience that has grown from 5 million in 1965 to over 20 million in 1992. More Americans attend art events annually than they attend professional sports events. A 1992 poll sponsored by the American Council on the Arts showed 60 percent of the American people favored Federal support of the arts. Further reductions in funding for the NEA would have adverse implications on both constituents and the cultural agencies in our districts. The author of this amendment must be aware of the ramifications his amendment would have on his own district. The $181,000 received by the Illinois Art Council in past years to support artists residing in Mr. CRANE's district would be eliminated. This money made it possible for writing, crafts, theater, dance, and visual arts projects to exist in Palatine and Elk Grove Village, IL—both of which are represented by Congressman CRANE. In my district of Rochester, NY, the National Association of Local Arts Agencies found that nonprofit arts organizations spent approximately $124 million annually and supported more than 4,000 full-time jobs.

Discussion about our national priorities begin and end with children—they are our future, our legacy, and our greatest resource. What the arts can do in the lives of our Nations children cannot be underestimated. The arts have the power to change a child's life. Children that create do not destroy. Access to art assists in keeping kids in school and off the streets. Art has a positive impact on a child, it enriches their lives and empowers them with a strong sense of self-worth. The NEA stresses that arts education may be the only way to reach at-risk children, deter them from violence, and increase their ability in every academic area giving them a sense of identity and discipline. Children who have art in education are better students with stronger analytical skills and higher esteem. The NEA's Arts in Education Program places 14,500 artists in schools in every State to work with children. Arts education is integral to school curriculum as it affects virtually all areas of learning. Children who learn through the arts improve in every academic area, have better attendance, and have increased motivation to learn. In 1993 the college entrance examination reported that students who studied the arts more than 4 years scored 53 points higher on the verbal portion of the exam and 37 points higher on the math portion of the exam than students with no course work or experience in the arts. This makes it essential for the NEA to be able to continue to provide support to our Nations children.

The NEA provides equal access and opportunity to the people of our Nation, many of whom would otherwise be deprived from experiencing the arts in American society. The arts serve as a medium of documentation, the essence of the American experience is recorded through art. Art remains a living record of civilization and society. Every civilization judges the civilization before it by the art it has left behind. Are we going to leave anything behind?

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 260, not voting 6, as follows:

[Roll No. 249]

AYES—168

Allard	Frisa	Packard
Archer	Funderburk	Parker
Armey	Gallegly	Paxon
Bachus	Gekas	Petri
Baker (CA)	Geren	Pombo
Barr	Gillmor	Portman
Barrett (NE)	Goodlatte	Pryce
Bartlett	Goss	Quillen
Barton	Graham	Radanovich
Bass	Hall (TX)	Riggs
Bateman	Hancock	Roberts
Bilirakis	Hansen	Rohrabacher
Bliley	Hastert	Ros-Lehtinen
Boehner	Hastings (WA)	Roth
Bono	Hayworth	Royce
Browder	Hefley	Salmon
Brownback	Heineman	Sanford
Bryant (TN)	Herger	Scarborough
Bunning	Hilleary	Schaefer
Burton	Hoekstra	Seastrand
Buyer	Hostettler	Sensenbrenner
Callahan	Hunter	Shadegg
Calvert	Hutchinson	Shays
Canady	Hyde	Shuster
Chabot	Inglis	Skelton
Chambliss	Istook	Smith (MI)
Chapman	Johnson, Sam	Smith (NJ)
Chenoweth	Jones	Smith (TX)
Christensen	Kasich	Smith (WA)
Coble	Kim	Solomon
Coburn	King	Souder
Collins (GA)	Kingston	Spence
Combest	Largent	Stearns
Condit	Latham	Stenholm
Cooley	Laughlin	Stockman
Cox	Lewis (KY)	Stump
Cramer	Lightfoot	Talent
Crane	Linder	Tanner
Crapo	Manzullo	Tate
Cremeans	McCollum	Tauzin
Cunningham	McHugh	Taylor (MS)
Deal	McIntosh	Thornberry
DeLay	McKeon	Tiahrt
Diaz-Balart	Metcalf	Vucanovich
Dickey	Mica	Waldholtz
Doolittle	Miller (FL)	Walker
Dornan	Molinari	Wamp
Dreier	Montgomery	Watts (OK)
Duncan	Moorhead	Weldon (FL)
Dunn	Myers	Weller
Emerson	Myrick	White
Everett	Nethercutt	Whitfield
Fields (TX)	Neumann	Wicker
Foley	Ney	Young (FL)
Forbes	Norwood	Zeliff
Fowler	Orton	Zimmer

NOES—260

Abercrombie	Clay	Ewing
Ackerman	Clayton	Farr
Andrews	Clement	Fattah
Baesler	Clinger	Fawell
Baker (LA)	Clyburn	Fazio
Baldacci	Coleman	Fields (LA)
Ballenger	Collins (IL)	Filner
Barcia	Collins (MI)	Flake
Barrett (WI)	Conyers	Flanagan
Becerra	Costello	Foglietta
Beilenson	Coyne	Fox
Bentsen	Danner	Frank (MA)
Bereuter	Davis	Franks (CT)
Berman	de la Garza	Franks (NJ)
Bevill	DeFazio	Frelinghuysen
Bilbray	DeLauro	Furse
Bishop	Dellums	Ganske
Blute	Deutsch	Gejdenson
Boehlert	Dicks	Gephardt
Bonilla	Dingell	Gibbons
Bonior	Dixon	Gilchrest
Borski	Doggett	Gilman
Boucher	Dooley	Gonzalez
Brewster	Doyle	Goodling
Brown (CA)	Durbin	Gordon
Brown (FL)	Edwards	Green
Brown (OH)	Ehlers	Greenwood
Bryant (TX)	Ehrlich	Gunderson
Bunn	Engel	Gutierrez
Camp	English	Gutknecht
Cardin	Ensign	Hall (OH)
Castle	Eshoo	Hamilton
Chrysler	Evans	Harman

Hastings (FL)	McCrery	Roybal-Allard
Hayes	McDade	Rush
Hefner	McDermott	Sabo
Hilliard	McHale	Sanders
Hinchey	McInnis	Sawyer
Hobson	McKinney	Saxton
Hoke	McNulty	Schiff
Holden	Meehan	Schroeder
Horn	Meek	Schumer
Houghton	Menendez	Scott
Hoyer	Meyers	Serrano
Jackson-Lee	Mfume	Shaw
Jacobs	Miller (CA)	Sisisky
Jefferson	Mineta	Skaggs
Johnson (CT)	Minge	Skeen
Johnson (SD)	Mink	Slaughter
Johnston	Moakley	Spratt
Kanjorski	Mollohan	Stark
Kaptur	Moran	Stokes
Kelly	Morella	Studds
Kennedy (MA)	Murtha	Stupak
Kennedy (RI)	Nadler	Taylor (NC)
Kennelly	Neal	Tejeda
Kildee	Nussle	Thomas
Kleczka	Oberstar	Thompson
Klink	Obey	Thornton
Klug	Olver	Thurman
Knollenberg	Ortiz	Torkildsen
Kolbe	Owens	Torres
LaFalce	Oxley	Torricelli
LaHood	Pallone	Towns
Lantos	Pastor	Traficant
LaTourette	Payne (NJ)	Tucker
Lazio	Payne (VA)	Upton
Leach	Pelosi	Velazquez
Levin	Peterson (FL)	Vento
Lewis (CA)	Peterson (MN)	Visclosky
Lincoln	Pickett	Volkmer
Lipinski	Pomeroy	Walsh
Livingston	Porter	Ward
LoBiondo	Poshard	Waters
Lofgren	Quinn	Watt (NC)
Longley	Rahall	Waxman
Lowey	Ramstad	Weldon (PA)
Lucas	Rangel	Williams
Luther	Reed	Wilson
Maloney	Regula	Wise
Manton	Reynolds	Wolf
Markey	Richardson	Woolsey
Martinez	Rivers	Wyden
Martini	Roemer	Wynn
Mascara	Rogers	Yates
Matsui	Rose	Young (AK)
McCarthy	Roukema	

NOT VOTING—6

Burr	Ford	Johnson, E. B.
Cubin	Frost	Lewis (GA)

☐ 1237

The Clerk announced the following pair:

On this vote:

Mrs. Cabin for, with Mr. Frost against.

Mr. MARTINEZ changed his vote from ''aye'' to ''no.''

Messrs. SMITH of Michigan, SMITH of Texas, BASS, WHITFIELD, CRAMER, POMBO, and KINGSTON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

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

Ms. ESHOO. Mr. Chairman, I rise in support of the Corporation for Public Broadcasting [CPB] and urge Members to oppose rescissions which would pull the plug on this valuable service.

Millions of Americans—including countless members of the bay area community in California—have come to rely on public broadcasting for quality programming on a wide range of issues.

Yet some have argued that Federal funds for public broadcasting must be eliminated in order to help balance the budget, and others claim that CPB should be abolished because it is a bastion of liberal propaganda.

While I certainly favor serious steps to reduce the deficit, and have voted accordingly in Congress, the truth is each dollar of Federal support for public broadcasting attracts $5 in support from private sector sources. CPB is a good investment.

Furthermore, the assertion that CPB propagates liberal political ideals is unfounded. The last time I checked, ''Sesame Street,'' ''Mr. Roger's Neighborhood,'' and ''Barney'' were not overtly political shows. And when did William Buckley's ''Firing Line'' become a hotbed for liberalism?

Mr. Chairman, as a mother who raised two children, I relied on public broadcasting and learned the value of noncommercial television. I never worried about leaving the room while my kids were watching Ernie and Bert or Fred Rogers because I knew they were in safe hands.

These are shows which emphasize the values of respect, honesty, and good citizenship. I'm certain my children, who have gone on to achieve superb educations, got a head start in their academic careers from the lessons they learned on public broadcasting. And as young adults, they still tune in.

I strongly urge Members to consider the economic and educational benefits of CPB when casting their votes today. This is not a political vote. It's a vote for our children. It's a commonsense investment in our future.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to the bill, H.R. 1158, emergency supplemental appropriations and rescissions.

I am extremely disappointed with the rule under which H.R. 1158 has been brought to the floor. It is unfortunate that my colleagues and I have been denied the opportunity to offer alternative cuts to restore funding for programs we support.

Cutting programs like the Low Income Home Energy Program [LIHEAP] is not the way to get our fiscal house in order. We should not totally eliminate the funding for a critical program which targets the very poor and helps them stay off other forms of welfare. In a time when we were trying to get individuals off welfare, we are eliminating a program which really goes to the heart of the problem and offers preventive measures.

In North Dakota, one-third of all LIHEAP recipients receive no other government assistance. LIHEAP makes the difference between families becoming homeless or dependent on more costly welfare programs.

For many senior citizens, the winter months force the heartbreaking decision of eat or heat. The high cost of heating their home forces some seniors to enter a nursing home, spend down their resources, and then become dependent on Medicaid.

In the view of these concerns and the fact that eliminating Federal funding for heating assistance places yet another financial burden on the States, I cannot support this rescission measure.

Ms. KAPTUR. Mr. Chairman, I rise today in opposition to this bill, and in support of Citizens like Annie Coleman of my district who will turn 73 on April 30. This bill pulls the rug out from under her. Let me tell you her story.

Annie lives on Oakwood Avenue in Toledo, OH, and worked all her life for Superior Laundry. She saved to own her own home and raised four children. She took care of a dying mother and husband after her retirement.

She now survives by picking up odd jobs, at age 72, because her Social Security checks of $640 a month are simply not enough to make ends meet. She pays nearly $200 a month for health insurance and prescriptions. Her heating bills are $180 a month and she receives $117 a month in winter heating assistance and emergency heating assistance in the winter. Even with this helping hand, she is left with $90 a week on which to live. Without it, she must make a choice between food and heat. No one who has lived through below zero Midwestern winters should be forced to make that choice.

The bill before us will eliminate the winter heating assistance [LIHEAP] Program. It will hurt Annie and 25,000 other citizens in northwest Ohio; it will hurt over 2 million elderly citizens across America. I cannot support a bill which puts the most vulnerable people in our society at risk.

Over the past 2 days we have engaged in a major debate on the worthy goal of balancing our budget by cutting $17.3 billion. Reducing the deficit and balancing the budget is a must and I have worked hard and continue to work hard to achieve that. But this is not the way to do it.

As we try to plug the red ink dike, the holes in the dike of our increasing debt, this $17.3 billion exercise is fruitless because at the same time there are billions of dollars flowing out the other side of the dike that are not under consideration and we are told are completely off the table.

Why not get rid of tax breaks for corporate welfare? We hear a lot about welfare for ordinary citizens. What about corporate welfare? Why not eliminate the tax breaks that give $5 billion for pharmaceutical companies to leave the United States and manufacture offshore; why not eliminate $30 billion worth of transfer pricing that rewards all these foreign corporations operating in the United States that do not pay a dime of taxes; why not auction off the rights to manufacture the space station and exact continuing royalties that will result in $40 billion in savings?

This rescission bill before us today makes none of these cuts. The bill before us today is irresponsible fiscal policy. No one should swallow the line that this bill will really result in deficit reduction. While it hurts our seniors and cuts out the summer jobs for our teenage sons and daughters, it also bankrolls the money for a future tax cut for America's wealthiest citizens. Thus, not only is the money being cut from our children and seniors, but it then is shifted to pay for capital gains and other tax cuts for the wealthiest among us as well as disaster relief largely for one State, California, which has the resources to pay for its own costs. In fact, the Governor of California has announced he wants to cut taxes in his State by $7 billion while asking the Federal Government to pick up $5 billion in disaster assistance.

The cuts in this bill will severely impact my community. I am especially worried about the impact of these cuts on the elderly and children.

SUMMER YOUTH JOBS

Over my strong objections, the summer jobs for teenagers will be eliminated by this bill, which will eliminate nearly 2,000 jobs over 2 years in my district. In fact, 20 percent of the entire savings in this bill—$33 billion in all—comes from cuts in the various programs to move teenagers into the world of work. The rescission package completely eliminates summer jobs which employs about 600,000 young people nationwide. Youth, job training, Job Corps, and school-to-work accounted for $500 million in cuts.

In my district, 1,683 youth enrolled in the program and participated in jobs that were not make work jobs last summer. They worked at community centers and nonprofits throughout the community. The cut jeopardizes several innovative programs. The city of Toledo used summer youths to remove graffiti. The Arts Commission of Greater Toledo provided them with the opportunity to prepare public artwork, and learn skills at the same time. The Community Development Center—Spencer Township—uses summer youth to run a nutrition program to make up for school lunches that disadvantaged children do not get in the summer. The Red Cross and Catholic Club run recreation/day camp programs so that younger children have some place constructive to go during the summer months.

In addition, hundreds of other youth work at area nonprofit communities performing vital maintenance, upkeep and support functions that would go undone if not for summer youth workers.

WINTER HEATING ASSISTANCE [LIHEAP]

This bill will eliminate heating assistance to help pay for gas and utility bills for over 13,700 seniors and a total of 25,000 low income families in my district. This includes 12,531 seniors in Lucas County, 521 seniors in Wood County, 383 seniors in Ottawa County, and 266 seniors in Fulton County. Nationwide, 2 million elderly households are helped each year through LIHEAP. The rescission package would completely eliminate the program. This cut will force low-income elderly to choose between heat and medicine or heat and food. No one in our Nation should be forced to make this choice.

PUBLIC BROADCASTING

Quality educational programming at our public television stations WBGU and WGTE will also be affected by cuts of over 30 percent in funding that will accelerate over the next 3 years. With the increase of violence and degrading television programs, CPB continues to fund marvelous children's educational and entertaining programs such as ''Sesame Street,'' ''Reading Rainbow,'' and ''Square One TV.'' Educating children, especially preschoolers is one of the most important goals of public television and where public television performs best.

MEDIGAP INSURANCE SCAMS

The rescission package cuts in half Federal assistance to help senior citizens in all income groups being victimized by so-called Medigap insurance scams. Literally billions are spent by seniors each year on health insurance and while much of it is needed, it is estimated that a major portion of the total is either duplicative or coverage that seniors already have or is written in a way as to provide most seniors with very little added coverage.

During committee consideration, we attempted to meet deficit targets using cuts in programs that did not adversely affect children and the elderly. We tried to convert disaster assistance to California from grants to loan guarantees in order to minimize the budget impact and reprogram dollars to people's needs.

We must not put the most vulnerable people in our society at risk, to provide disaster assistance to States who can afford to pay for their own problems or to provide a tax cut for the wealthiest in our Nation. This bill is wrongheaded and deserves rejection.

Mr. FAZIO of California. Mr. Chairman, the GOP rescissions bill we are debating today is wrong headed. Worse, it sets a dangerous precedent, by laying waste to education and nutrition programs in order to finance a taxbailout for America's wealthiest individuals and corporations.

Although the bill we are debating would extend necessary aid to communities in California damaged in the Northridge earthquake, the bill targets programs that help many of our most vulnerable citizens—schoolchildren, the elderly, and working Americans trying to adapt to a changing economy.

The American people have begun to express their profound unease with elements of the Contract With America. Recent polls in the Wall Street Journal and the New York Times indicate a growing sense of discontent and ambivalence toward many of the major proposals put forth by the Republican leadership.

The American people are not misinformed. They don't need another lecture from a talk-radio host. They don't need to read a campaign manifesto that bills itself as ''A Job Creation and Wage Enhancement Act.'' They don't need to pay for a series of lecture tapes.

Sadly, they are all too familiar with a governing philosophy that puts the wealthiest few ahead of the working family.

The American people want their representatives to speak honestly. The GOP promised much of the same just a few years ago. Tax breaks for the wealthy. Savings down the road. The result was deficit spending at a record rate and a trillion dollar debt for our children.

The Republican's have, so far, failed to present a budget to the American people that spells out their commitment to hard-working families, children, the elderly, and the disadvantaged. What they have presented, in detailed fashion, is a bill to slash care for expectant mothers and newborn children; a bill to strip schools of the resources they need to provide a safe, drug-free environment for learning; a bill to deny young people the opportunity to work this summer and next summer.

Instead, they had the temerity to announce a new round of tax relief that does little for middle-class working Americans.

By eliminating the alternative minimum tax, the Republicans have given large corporations the opportunity to shirk their tax obligation.

50 percent of the total benefits of the GOP tax plan would benefit those earning $100,000 or more. The capital gains provision would also disproportionately benefit upper-income taxpayers—76 percent of the benefits would go to the same group of upper-income Americans.

Ninety-two dollars. That's what the capital gains tax cut would mean for families that take home less than $30,000 a year.

A $92 break—at the expense of a safe, drug-free classroom, or a balanced diet for a newborn infant, or a summer job for a young father. That sounds more like a con-job than a contract.

The Republicans offer little relief to the vast segment of our work force that has seen real incomes decline. Between 1979 and 1993, 60 percent of Americans experienced no real income growth.

Despite the explosive growth of overall household income in the same period, most benefits were concentrated among upper-income families.

Restoring opportunity and providing the foundation for income growth for every working American—that is my commitment.

It is with regret that I cannot support final passage of the disaster assistance. However, as immediate needs can be met through existing funds in FEMA, Congress still has the opportunity to make responsible choices in offsetting this spending. It is unfortunate that the Republicans have chosen to go forward with vital disaster aid as part of a controversial package of spending cuts.

Not only have the Republicans suddenly decided to set a precedent and offset disaster assistance retroactively, they make three times as many cuts as necessary. In order to solve a disaster, they create another disaster for many of the very people in need.

They target those cuts to people who have paid the price in the past and who are the most vulnerable, seniors and children, while exempting other programs that should be considered and cannot be touched under the rule. If the Republicans wanted to deal seriously with the budget, they would not have jeopardized disaster assistance or resisted initial efforts to link the offset to deficit reduction.

This bill is dishonest and should not be supported. Disaster assistance should be considered on its own merits and not as part of some back-room deal to provide a tax cut to upper-income people and America's largest corporations, the very folks who really don't need it. Even if these cuts are put toward deficit reduction, the pending tax cuts will still have to be paid for in the future. It is evident what the Republican Members are saying—no matter what it is we are paying for, it is those at the lower end of the income scale who will pay for it.

Mr. QUINN. Mr. Chairman, I rise today in opposition to the proposed elimination of the Summer Youth Program. I fully support the program and will fight to restore its funding when the rescissions bill is sent to the conference committee later this year.

At the same time, I encourage private sector businesses to contribute to the Summer Youth Program so they may make a contribution to the communities in which they do business. In these times of tight budgetary constraints, it is my hope that local businesses can assist in ways that the Government can no longer afford.

Although I support the Summer Youth Program, I also saw the need for reducing the deficit. If we continue to spend money we don't have, we will be passing the financial burden on to our children.

Mr. Chairman, I urge all of my colleagues, especially the members of the Appropriations

Committee, to work to restore the funds necessary to continue the Summer Youth Program.

Mr. BORSKI. Mr. Chairman, I rise today in opposition to the rescissions of appropriations for public broadcasting included in H.R. 1158. These shortsighted cuts will have a serious impact on the broadcasting of high-quality educational and cultural broadcasting.

As you know, Mr. Chairman, H.R. 1158 would rescind a total of $141 million from advance appropriations for the Corporation for Public Broadcasting. These rescissions amount to a 15-percent cut in the fiscal year 1996 appropriation, and a 30-percent cut in the fiscal year 1997 appropriation.

Like many of the rescissions included in this bill, the CPB rescission would unfairly hurt middle-income working Americans the most—all to pay for the coming Republican tax-cut bill that will mostly benefit wealthy Americans.

Opponents of public broadcasting have often commented that Federal funding for the CPB benefits primarily the cultural elite. A close study of those who view or listen to public broadcasting shatter this myth. Of the more than 15 million people who listen to public radio, 41 percent earn less than $30,000 annually. More than half the over-18 million regular viewers of PBS stations are from household incomes of less than $40,000.

Mr. Chairman, 99 percent of the country receives at least one public broadcast signal—for free. This broad reach is especially important for our cities. Public broadcasting is more than a broadcast service for these areas. Public TV provides instructional services to 30 million students and 2 million teachers in three-quarters of the Nation's schools. It provides approximately 1,600 hours of free, noncommercial programming each year for off-air taping and classroom use.

Public broadcasting also offers Americans flexible opportunities for lifelong learning. About 88,000 adults, each year, use public television to study for the high school equivalency examination.

In short, Mr. Chairman, public broadcasting serves every segment of our society. We should not cut its Federal funds to provide tax breaks for wealthy Americans. I will oppose these short-sighted cuts and urge my colleagues to do the same.

Mr. LAZIO of New York. Mr. Chairman, I rise today to speak about a portion of the rescission package currently before the House, one that has more to do with policy than with cutting funds.

Included in the rescission package is wording that concerns one of public housing's greatest difficulties—one-for-one replacement requirements. These requirements make it almost impossible for a public housing authority to tear down old, expensive, often totally abandoned buildings because of misguided laws and regulations.

The distinguished member from California and chairman of the HUD/VA Appropriations Subcommittee, Mr. LEWIS, correctly focuses on this issue as one of many impediments to rebuilding our Nation's neighborhoods.

Clearly, as chairman of the authorizing subcommittee on this matter, it is my responsibility to set the course on important policy matters. Mr. LEWIS' repeal of section 18(b)(3) of the Housing Act is a temporary measure for fiscal year 1995 aimed at alleviating immediate pressures on local PHA's who want to get rid of these boarded-up eyesores. It falls on the authorizing subcommittee to enact the serious policy changes that can make this happen.

Even before this rescission bill came up, the distinguished Member from Louisiana, RICHARD BAKER, and I were working to draft legislation that will address the full range of issues surrounding this requirement. Mr. BAKER championed this issue in last year's housing bill.

I am glad to see this issue addressed and I assure this body that the permanent authorizing language addressing the entire range of problems relating to the demolition of vacant public housing is forthcoming.

Mr. Chairman, I have the greatest respect and admiration for the Appropriations VA/HUD Subcommittee chairman and his actions to send a message to HUD—this is not business as usual. I look forward to continuing this process in the months ahead.

Mr. MARKEY. Mr. Chairman, I rise today in strong opposition to the bill before us, which attacks many of the programs that assist our Nation's neediest citizens. I am particularly disturbed by the fact that this bill deals a devastating blow to the millions of American households that depend upon fuel assistance provided by the Low Income Home Energy Assistance Program to get through each winter by eliminating all funding for this program.

LIHEAP recipients are some of the poorest among us—in fact, 70 percent of those people who receive LIHEAP funds have annual incomes of less than $8,000. They include working families with young children, the disabled, and the many senior citizens who live on limited, fixed incomes.

This program is especially critical for people in New England, who must wage a battle on two fronts, for survival during winters that can be bitterly cold, and for economic stability in a recovering, but by no means robust, economy.

Many of my colleagues on the other side of the aisle spent considerable time and energy earlier this year professing their commitment to protecting our Nation's elderly from financial insecurity. When we debated the balanced budget amendment, the Republicans told us that they would not raid the Social Security Program to bring down the deficit. They were unwilling to write this guarantee into their amendment, to enshrine this protection in the Constitution, and yet they asked us to take their word for it that they would protect Social Security.

And now, a few short weeks later, the Republican leadership of this House has brought before us a bill that completely eliminates funding for LIHEAP. Of the 144,000 people from Massachusetts who receive assistance from LIHEAP, 40,000 of them are over the age of 60. What kind of financial security is the House GOP providing to those 40,000 low-income seniors by taking their heating assistance away? A study conducted by the University of Massachusetts has shown that our senior citizens must sometimes sacrifice food in order to pay for fuel to heat their homes in winter. Making it even harder for these people to afford home heating energy will only make our seniors less financially secure in what is meant to be their golden years.

Mr. QUINN. Mr. Chairman, I rise today to speak to an issue of utmost importance to my district in western New York.

Mr. Speaker, I applaud congressional efforts to trim Federal spending and reduce our deficit. We are making some bold and difficult decisions. The rescissions bill before this body makes many steps in the right direction.

It is an injustice, however, to eliminate programs—which unlike the Small Business Administration's tree planting program—people depend upon to meet their basic needs.

I am referring to the Low Income Home Energy Assistance Program or LIHEAP. I know this might not be a big concern to citizens in Florida or Arizona—but to those who live in areas like Buffalo, NY, it can be a matter of life or death.

LIHEAP provides fuel assistance to disabled, working poor, and low-income senior citizens who can not meet their own total energy needs. Fifty-five percent of households receiving assistance have at least one child under age 18 and 43 percent include senior citizens.

Some argue that LIHEAP was conceived in a time of energy crisis and that is no longer needed. We must remember, however, that energy is still not affordable to everyone.

LIHEAP recipients have an average income of $8,257 per year—without some assistance their heat could be cut off. Eighteen percent of their incomes are spent on energy needs.

LIHEAP is a vital program which is certainly not pork or luxurious Federal spending.

I am very worried about the families and seniors from my district and districts across the Nation who may be unable to properly heat their homes next winter. I hope that the good and bad aspects of eliminating the LIHEAP program will be more properly addressed during the appropriations process.

Mr. LUTHER. Mr. Chairman, I believe deficit reduction is critical to our Nation's future. I supported the balanced budget amendment and the line-item veto. I will support efforts across the board to cut unnecessary spending.

But I am particularly troubled by the provision in the pending rescissions bill that completely eliminates the summer youth jobs program for both 1995 and 1996. Mr. Chairman, this is not just a cut, it's not just holding the line at current levels, it kills the initiative entirely.

I agree that we must reform and consolidate job training programs, but this is the worst means to achieve that end.

The Summer Youth Jobs Program is not pork or welfare. It's work and common sense.

When told of these cuts, Janet Ames, Summer Youth Jobs Program coordinator in Washington County in my congressional district said:

> Elimination of the Summer Youth Jobs Program is a terrible mistake. By denying opportunity to our young people, we will send a signal that work doesn't matter. That is the worst message we can send them. These funds must be restored.

The people I represent are deeply concerned about rising crime in our suburban areas.

As Ron Nicholas, the chief of police of Blaine, MI, stated when told of these cuts: ''The Summer Youth Jobs Program is the best tool local law enforcement has seen that reduces youth-related crime. It doesn't make any sense to eliminate it.''

If the proposed cuts go into effect, 1,200 young people in my congressional district in

Anoka, Washington, and Dakota Counties of Minnesota will have less hope, less opportunity, and less chance for a positive work experience to shape their lives this summer.

Let's be honest with ourselves—many at-risk young people simply don't have what most of us had in our own lives—a requirement to get up in the morning, a person to show them how to work, or someone to appreciate their accomplishments and build their self-confidence and self-esteem.

Let's rise above politics today and give our young people an alternative to despair and hopelessness—because there is no denying that as predictable as the sun rises every morning, despair and hopelessness will result in young lives with unlimited potential being forever lost to the tragedy of criminal behavior. We cannot afford to let that happen.

Mr. SAWYER. Mr. Chairman, I rise in strong opposition to H.R. 1158, the omnibus rescissions and disaster supplemental appropriations bill.

I don't argue with the need to make the tough choices that will lead to a balanced Federal budget. That's why I'm sponsoring a balanced budget bill with Congressman BOB WISE.

But I am deeply troubled by what this bill says about our priorities as a nation.

We aren't making tough choices here. We're taking shots at the most vulnerable among us: our children and senior citizens.

We're cutting deeply into the greatest investments we can make in our country's future prosperity: education and job training.

Where is our commitment to investing in the future potential of our young people and American workers?

Let me point out one example.

This bill eliminates 5 programs that help 60 million American adults who are functionally illiterate become productive and self-sufficient citizens.

Literacy programs aren't a drain on Federal and State treasuries. Illiteracy is.

According to the Ohio Literacy Resource Center, low literacy levels cost $224 billion a year in lost productivity, welfare payments, and crime-related costs.

The proponents of this bill have said that we are eliminating programs that don't work. I submit unequivocally that these literacy programs do work.

This bill eliminates all funding for State Literacy Resource Centers.

These centers provide ''one-stop shopping'' for State and Federal literacy services needing assistance with research and curriculum development. They eliminate the need for overlapping functions at the State level. They promote public/private partnerships by linking educational institutions with information about improved literacy techniques developed by private organizations and researchers.

This bill eliminates all funding for the National Institute for Literacy.

The Institute coordinates efforts to reach the sixth national education goal: that all Americans will be literate by the year 2000. It also provides technical assistance to literacy providers.

The Institute is in its 2nd year of operation. It has launched important new initiatives to promote adult literacy across the country. This is a service that works. It's not broke. It doesn't need to be fixed. So for goodness' sake, let's not break it!

I had hoped to offer an amendment to restore the funding for literacy programs.

But under the current rule, the only way to do that would be to take more money from: educationally disadvantaged children; or from programs that help teachers improve their skills; or from job training programs for young people.

That's not a rational choice at all.

That's not just robbing Peter to pay Paul. It's robbing our Nation of its future.

Perhaps we should heed the words of a prominent and much-admired American: ''Parents with literacy problems are more likely to raise children who will have problems themselves.''

Ladies and gentlemen, Barbara Bush is right. The greatest predictor of a child's future academic success is the literacy level of the child's mother.

Mr. Chairman, I want to conclude with a disturbing observation.

The Republican leadership is trying to amend the Constitution of the United States for the 2nd time in 100 days.

Experts say that it takes an 11th grade education to read and understand the Constitution. Yet, 60 million American adults can't read or write beyond the eighth grade level.

I am appalled that we would try to amend the fundamental document of our system of governance, yet deny all funding to programs that help millions of Americans fulfill the promise of that democracy.

I urge my colleagues to defeat this bill.

Mr. WISE. Mr. Chairman, the action proposed by the House Appropriations Committee would completely eliminate funding for: library literacy grants—$8 million; the National Institute for Literacy—$4.9 million; State literacy resource centers—$7.8 million; workplace literacy partnership grants—$18.7 million; literacy training for homeless adults)—$9.5 million; and literacy programs for prisoners—$5.1 million. A total of $54 million in cuts. Of that amount, $35 million is direct services to students.

Current funding levels—prerescission fiscal year 1995—provide $4 per eligible person per year. The proposed cuts would mean 600,000 individuals will be cut from individual instruction and classes.

While it is true the President's fiscal year 1996 budget also proposes to eliminate all these programs as line items in the budget, his plan shifts current spending for them to basic State grants and to National Programs in the case of the National Institute for Literacy.

Savings from this rescission may help pay for a middle class tax cut. Estimates suggest that the tax cut being considered would add approximately $4 a week to the paycheck of an individual earning $40,000. Is such a tax cut really cost effective when compared against corresponding cuts in adult education which helps those who are most educationally disadvantaged to get jobs, pay taxes and get off public assistance.

The Republican Contract With America claims to be about personal responsibility. These programs are the very vehicles by which many Americans are attempting to take personal responsibility for their lives and for their families.

An individual attempting to improve their life and increase the opportunities for their family who doesn't have basic reading skills is up against insurmountable odds. He/she can't read the want ads. They can't fill out a job application. They can't pass a basic skills test required by potential employers. They can't, for that matter, help their children with their homework, read them a bedtime story, or even interpret the instructions on a bottle of medicine. How does cutting off educational opportunities to these people increase their ability to assume personal responsibility?

Mr. EVANS. Mr. Chairman, this rescissions package is more of the same old story. Let's steal from the poor to give to the rich.

These cuts will hit some of the most vulnerable people in our society—our children, seniors, veterans, and the poor—to pay for their contract on America which is nothing more than a contract for big business and the wealthy in this country.

We are all in agreement that we must cut wasteful and unnecessary spending. However, this bill takes a meat ax to some of this country's most successful programs including the Low-Income Home Energy Assistance Program, veterans assistance, summer jobs, WIC, and a host of others that benefit the needy.

The total elimination of LIHEAP is a particularly unfair hit on Illinois and entire Northeast/Midwest regions of our country where winters are particularly severe. Just last year, President Clinton was faced with declaring a natural disaster in these regions due to the dangerously low temperatures. LIHEAP was able to rescue millions of families from last year's unbearable harsh weather.

This rescission package also says to our country's veterans that we don't appreciate their years of dedicated service. This package rescinds $206 million from the already beleaguered veterans budget. It axes out funds intended for much-needed medical equipment, and ambulatory care facilities.

Finally, the majority continues with its unjust assault on our children by slashing moneys for Women, Infants, and Children Program, education programs for disadvantaged youth, drug-free school zones, and children and family services programs.

Mr. Chairman, we have a responsibility to assist the helpless and the needy in our society. Let's not abandon them to provide unjustifiable tax cuts for wealthy individuals and corporations in this country.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas [Mr. DELAY].

This House has been filed with misstatements, insupportable allegations, and outright fabrications about OSHA and the worker safety laws which have saved millions of workers lives and billions of dollars for employers throughout the United States.

Now we find proposals that are designed to defeat rules and regulations that major industry groups, including the poultry, health care, and auto industries, among others, are looking forward to.

It is said that OSHA does not know how much this new rule will cost industry, or whether those costs will outweigh the benefits that might accrue from this rule.

One thing that we all know is that muscle and skeletal injuries resulting in loss work, workmen's compensation, increased health care costs, and so forth. Are the most significant and fastest growing work-related problems industry and commerce currently face,

totaling perhaps 60 percent of the new occupational illness reported.

Studies also show that, very frequently, the specific causes of those injuries, once isolated, can be cured by very inexpensive changes in the work site.

For instance, in some food processing plants, merely increasing the height of the table on which the product was prepared resulted in a dramatic lessening of incidence of worker complaint, and savings—direct savings—to the employer of more than enough money to refit the entire processing line.

As the saying goes: You can pay me now or pay me later.

Employers can continue to ignore the pleas of their workers, continue to see their workmen's compensation and health care costs rise, continue to see their taxes rise to pay unemployment and disability benefits or they can work within the OSHA ergonomic rules and make the adjustments to the work station or other changes, make the investment and reap the rewards of a more productive and healthier work force.

To deny the businesses in the United States the guidance that these regulations will provide may make the Republicans feel good, but, in the long run they will simply continue the increasing costs our businesses are now faced with.

Do the right thing for American business.

Do the right thing for American workers.

Defeat the DeLay amendment.

Mr. PACKARD. Mr. Chairman, I rise in opposition to the bill.

Over the last 7 weeks, in fact over the last 7 years, I have traveled thousands of miles across my district explaining, as best I can, why we need to stop deficit spending and why we need to balance the budget. Let me state again for the record; deficit spending is the biggest threat to our veterans' health care, education loans, child care, transportation improvements, or any other public need which we must attempt to meet.

If we do not slow the growth in spending and operate on a pay-as-you-go basis, we will soon have no money for anything but paying interest on the debt and perhaps some basic entitlement programs.

I have a strong record on voting to control spending. I have twice made the Concorn Coalition Honor Roll, and have been cited by groups such as the Citizens Against Government Waste and National Taxpayers Union for my willingness to make the tough choices on spending. I have voted for the Penny-Kasich amendment to cut over $90 billion in Federal spending, and have supported the balanced budget amendment to the Constitution.

Having said all of that, I will vote against this bill. It is seriously flawed in a number of specific instances.

This rescission bill is attempting to cut Federal spending in a very unfair, unbalanced way. These cuts are in fiscal year 1995 appropriations. These are moneys that have already been guaranteed to veterans, children, the elderly, and other people who are the most vulnerable in our society. Not one big ticket item in the budget, including defense, is cut at all. I will vote at any time to restrict the growth of Federal spending as long as all programs are subject to the same considerations, not just subjecting some programs to deep cuts and leaving others entirely alone or even increasing them, because the opposition party doesn't agree philosophically with the program.

Only at the 11th hour have we been told the cuts contained within this package will go to deficit reduction. That is something which I have supported and which I encouraged the committee to adopt. But I am not convinced that the $12 billion or so in this package will in fact be put against the deficit.

There are major tax cut proposals being advanced in this Congress which may do more harm than good to our efforts to balance the budget. Proponents of tax cuts will have to find a way to pay for those cuts, and even as we debate this bill, we are told that the really big cuts are still to come.

Supporters of the bill we consider today were originally considering using these savings as a downpayment on those tax cuts. Now we are told it will be put in a deficit-reduction lock box. Even if they siphon off $12 billion in spending and supposedly put it toward deficit reduction, it will still be necessary to find nearly $200 billion to finance those tax cuts.

What we should be doing is making the tough choices on spending and putting all of it toward deficit reduction. Anything less, and I will be obligated to vote ''no.''

Deficit reduction is not going to be easy. I am prepared to make the tough choices. But I am not going to cut today simply to make it easier for others to borrow tomorrow.

Let me also indicate another strong objection to this bill. I represent Decatur, IL, the Pride of the Prairie, a good town with good people. Right now, Decatur is weathering a tremendous storm of labor-management conflict. At three major industries we have disputes which have thousands of people off the production lines. More to the point of this debate, at the Bridgestone-Firestone plant, members of the United Rubber Workers union are being permanently replaced.

This bill includes a ban on the President's executive order to deny Federal contracts to companies hiring permanent replacements for striking employees. I support the President and oppose the ban. I do not take sides in any of the three labor situations. I urge everyone to use the collective-bargaining process to reach agreements which put people back to work. But I do support the right of workers to strike without being permanently replaced.

For these reasons I cannot support the bill and urge a ''no'' vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I stand before the American people and this body in absolute shock at this bill. The attack on the poor, the old, our children, our cities, and working families continues and intensifies today.

It is hard to exaggerate just how serious this is.

Let us start with housing. This bill is an attack on homeless children; 12,000 children living on America's streets or in its shelters would have gotten real housing this year. They are being cut.

In Massachusetts, funding for the homeless is so tight that the State is going to start sheltering the homeless in mental hospitals. Yet, the Republicans stand ready to add to the homeless population.

Five thousand drug addicted or mentally disturbed residents of supposedly senior-only public housing could have been moved out so that our seniors could once again feel safe in their elevators and hallways, and secure in their apartments.

This bill kills that funding.

Fourteen thousand elderly households would have been able to stay in the apartments they have lived in for years through the Affordable Housing Preservation Program.

This bill will put them on the streets because their landlords will turn these buildings into luxury condos, and the Republicans are cutting every new dollar for assistance to help them find affordable alternatives.

Two thousand young people would have been able to earn their high school degrees while apprenticing in the building trades—these are innercity kids who could have straightened out their lives and become working, productive members of our society through an innovative program called Youthbuild.

This bill closes the door to the economic mainstream for these young men and women.

Six hundred thirty thousand children and 530,000 seniors will be forced to live in public housing that is substandard, unsafe, and falling apart because of this bill.

The Republicans roll out Nancy Reagan to complain about the fight the Democrats are waging against drugs. But it is the Republicans that are cutting $32 million from drug elimination grants that could prevent innocent children from being gunned down in their homes or on their playgrounds.

Republicans talk about economic opportunity, yet they decimate the summer jobs program.

They want to cut Healthy Start, a successful program that reduces infant mortality in our innercities, where a higher percentage of babies die than in many Third World nations.

The Republicans are eliminating the entire Energy Assistance Program. This will force our senior citizens to choose between buying the prescription drugs they need and heating their homes. It will mean tens of thousands of children around the country will suffer from malnutrition because their parents cannot both buy enough food and keep their homes warm.

Finally, Mr. Chairman, the Republicans are sentencing 3,000 homeless people with AIDS to an early death by denying them the housing aid they would have otherwise qualified for. With stable homes, many AIDS victims could expect to live 10 more years. But on the streets, they are more likely to die within 6 months. Another 50,000 people with AIDS will never be assured of housing because this bill completely eliminates the housing for people with AIDS funding.

By any measure of good policy, by any measure of decency, this bill is a bad bill. We must balance our budget, and we can balance our budget, but we must not and need not balance it on the backs of children and old people.

Mr. KNOLLENBERG. Mr. Chairman, I rise to express my strong support for the rescissions bill before us today.

There is nothing like a rescission bill to get the Washington special interest lobbying machine cranking.

I have a stack of letters and faxes in my office from people who are opposed to this bill. They all say something like this: ''I know we have to cut spending, but please save this or that program because it costs so little and helps so many people.''

I also have a pile of very serious-looking analyses from the Clinton administration which say that children will starve—senior citizens will be thrown out on the streets—and businesses will cease to be competitive if we cut this or that program.

But you know what? I have yet to receive a letter from someone who says, ''I don't have any ties to these programs. I do not receive my salary from them. I do not receive other monetary benefit from them, but I think you should continue to fund them anyway.''—not a single one.

Folks, the American people are not buying into the ratings of Washington's spendoholics.

They know that a nation's compassion is not measured by the amount of money it spends.

They know that the effectiveness of government programs cannot be judged solely by the goodness of their names or their intentions.

Above all, they know that the most compassionate thing this Congress can do is lift the heavy burden of government debt off the back of their kids and grandkids.

So Mr. Chairman, I would say to my colleagues: Listen closely to the arguments against this bill. You will find the pleadings for compassion have the hollow ring of self-interest.

Then, remember the silent majority. Remember the Americans who pay the bills and their children and grandchildren who will pay them for decades to come.

And cast your votes for them.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LINDER] having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, pursuant to House Resolution 115, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

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

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill, H.R. 1158, to the Committee on Appropriations with instructions to report back the same to the House forthwith with the following amendments:

1. Disaster Assistance: On page 2 line 15, strike ''$5,360,000,000'' and insert ''$536,000,000''.

2. WIC, Women, Infants and Children: On page 6, strike lines 17 through 22.

3. Training & Employment Services: On page 23 line 10, strike ''$1,601,850,000'' and insert ''$939,350,000''. On page 23 lines 13 & 14, strike ''$12,500,000 for the School-to-Work Opportunities Act,''. On page 23, strike lines 23 through 25.

4. Community Services Employment for Older Americans: On page 24 strike lines 1 through 9.

5. Health Resources and Services: On page 25 line 12, strike ''$53,925,000'' and insert ''$43,925,000''.

6. Low Income Energy Assistance: On page 27, strike lines 2 through 6.

7. Education Reform: On page 28 line 14, strike ''$186,030,000'' and insert ''$103,530,000''. On page 28 line 15, strike ''$142,000,000'' and insert ''$83,000,000''. On page 28 line 16, strike ''$21,530,000'' and insert ''$10,530,000''. On page 28 line 19 after the word ''Act'' strike all through the word ''partnerships'' on line 23.

8. Education for the Disadvantaged: On page 29 line 4 strike all after ''103–333,'' through line 7 and insert ''$8,270,000 from part E, section 1501 are rescinded.''

9. School Improvement: On page 29 line 16, strike ''$747,021,000'' and insert ''$327,021,000''. On page 29 line 18, strike ''$100,000,000'' and insert ''$80,000,000''. On page 29 line 18, strike ''$471,962,000'' and insert ''$71,962,000''.

10. Student Financial Assistance: On page 31 line 6, strike ''$187,475,000'' and insert ''$124,100,000''. On page 31 line 7 & 8, strike ''part A–4 and''.

11. Corporation for Public Broadcasting: On page 33 line 20, strike ''$47,000,000'' and insert ''$31,000,000''. On page 33 line 22, strike ''$94,000,000'' and insert ''$34,000,000''.

12. Assisted Housing: On page 49 line 14, strike ''$5,733,400,000'' and insert ''$5,018,400,000''. On page 49 line 17, strike ''$1,157,000,000'' and insert ''$467,000,000''. On page 50 line 4, strike ''$90,000,000'' and insert ''$65,000,000''. On page 50, strike lines 22 through 26.

Mr. OBEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, this bill unfairly and without precedent ties disaster assistance for California's flood and earthquake victims to cuts in programs for low-income seniors and children. Because of that—in spite of how the Northridge Earthquake pounded my congressional district—I must oppose this bill.

But I also oppose the motion to recommit.

FEMA needs this money to repair earthquake damage to over 200 public schools, to libraries and hospitals, to police stations, museums, and homeless shelters.

More victims applied for Federal assistance from the Northridge Earthquake than from Hurricanes Hugo and Andrew, and the floods in the Midwest, Georgia, and Texas combined.

After the fact, it is wrong to shift funding from grants to loan guarantees, and shift the entire responsibility onto California's back without regard to its ability to pay. This is the mother of all unfunded mandates.

Do not take out—on my constituents and those of Representatives MCKEON, BEILENSON, FARR, WOOLSEY, RIGGS, and others—your anger at Pete Wilson's failure to do what he should have done for disaster victims—and your anger at watching the Governor try to launch his Presidential campaign by blasting Washington while shirking his own responsibility to the victims of earthquakes and floods. Being victimized by Mother Nature is bad enough. We should not be victimized anew by Congress.

That is why I oppose the motion to recommit.

Mr. OBEY. Mr. Speaker, this motion to recommit is simple. This House can choose to provide 100 percent of the aid to disaster victims contained in this bill and still at the same time reduce by about one-third the hit that most State and local governments will take as a result of the rescissions proposed in this bill. We can do that and at the same time increase the total savings contained in the bill.

You ask how. You simply ask California and other States receiving disaster aid to assume the paper in the transaction instead of the Federal Government. Somebody has to borrow money to pay the victims of disasters. The committee is proposing that the Federal Government do it. We are proposing that the State governments do it.

As those on the other side of the aisle are fond of saying, we are in a new era. The old system of disaster aid is no longer viable. We cannot provide the aid outside of the budget targets, and we cannot have Uncle Sam picking up 98 percent of the tab.

What this motion would mean is that a lot of victims of other things in this society, namely, a lot of children and old people who live at the margins throughout the United States, will not have to pay for the California disaster.

This recommittal motion means big bucks for kids and seniors. It means big bucks for your Governor, your mayor, your local schools. We can restore Healthy Start and WIC, PBS for preschoolers, half a billion to help protect quality in elementary and secondary schools, we can restore drug-free schools, we can restore job training and school-to-work and the summer jobs programs. For the elderly we can restore fuel assistance, housing programs, and older-worker programs.

This motion will mean $400 million to the State of New York, $80 million for

Wisconsin, $85 million for North Carolina, it means $200 million for Ohio, $240 million for Pennsylvania, $87 million for Tennessee, $130 million for Texas, $180 million for Illinois, about $80 million for Indiana, et cetera, et cetera. This can happen. You can make it happen. You can take this money and put it back in your home States.

It is up to you. All it takes is a decision on your part to put your State ahead of national politics, a decision to put your standing with your constituents ahead of your standing with the Republican caucus, I would say to my friends on this side of the aisle. In fact, this amendment saves $200 million more than the committee bill.

You can take that money and totally eliminate the cut made in the next fiscal year by the Human Resources Committee in the school lunch program and still have the same amount of money left to pay down the deficit. It is up to you.

□ 1245

It is up to you. I would ask you to make war on the status quo rather than making war on kids and old folks. This simply sets up a loan guarantee system under which States will finance disaster programs. It fully assures that every victim of disasters will get the full amount due to them, but it shares that burden much more equitably. It is an idea whose time has come.

The gentleman from Georgia [Mr. GINGRICH] himself, as the Speaker, indicates there will have to be offsets in the future. This creates a way to provide those offsets in a much more humane way than the bill. It helps you to help your own States.

I understand some Members from California may be opposed to it. But if you are from any other State, you are cutting off your own State's interest if you vote against the motion to recommit.

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

Mr. LIVINGSTON. Mr. Speaker, I rise to respond to the gentleman.

The SPEAKER pro tempore (Mr. LINDER). Is the gentleman opposed to the motion to recommit?

Mr. LIVINGSTON. I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LIVINGSTON. Mr. Speaker, I yield to the gentleman from California [Mr. LEWIS], the distinguished chairman of the Subcommittee on VA, HUD, and Independent Agencies Appropriations.

Mr. LEWIS of California. I thank the gentleman from Louisiana for yielding to me.

Mr. Speaker, I rise simply to say that FEMA comes under our responsibility in my subcommittee. We look closely at all of those agencies in the committee process. Halfway through the process, there came forward a request from FEMA for a supplemental to meet the disasters across the country in which some 40 States are effected, California indeed being among them.

The request was originally for $6.7 billion. We examined it and trimmed it back 20 percent. Indeed, having done that, I now see my State, essentially, under water one more time and I wonder about the rescission we made.

The fact is, however, that this country, for years, has reflected the best of the work of the House by standing together in support of the regions of the country which have faced disaster. This is such a time, and we urge the House to stand together one more time.

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

Mr. Speaker, I rise in opposition to the motion to recommit. It is similar to, but different from, that offered by the gentleman from Illinois [Mr. DURBIN] in committee, which lost 20 to 35 in the committee. It eliminates $4.8 billion of emergency funding which we have paid for in this bill, the first time an emergency supplemental has ever been paid for in history.

This amendment redistributes $4.6 billion back into programs which we decided were low priority, duplicative, unnecessary from excessive growth in 1995 and 1994, and which were flushed in the pipeline from unobligated balances. It is based on the assumption that the authorizing committees will create a loan guarantee trust fund for disasters.

What happens if they do not? The fact is we will have redistributed $4.6 billion in emergency funds, the money will be gone, the FEMA money will not get to California and the other 40 States that need money now. This is a gutting amendment. It upsets the balance that is carefully crafted in this whole bill. It denies money promised to those people most in distress, as exemplified by the floods in California this year. And finally, I would only say to my friends that this shortens the first major step toward our reformation and reliance on common sense.

I urge all of the body, for the future of America's children and their prosperity, vote ''no'' to the motion to recommit. Vote ''aye'' on this first significant step to a balanced budget on the largest rescission in history. Vote ''aye'' on the bill and final passage.

We have heard a lot of wailing and gnashing of teeth and seen much beating of breasts by drug store liberals who never saw a program they did not like, or a victim they did not wish to champion.

For 63 years, since the inception of the New Deal, they have bombasted their way through history, bleating for the poor, the hungry, the infirm, the elderly, the afflicted, the impaired, and the disadvantaged, as well as the obnoxious, the loud, the boisterous, the most obtrusive, and the most squaking of wheels.

In the beginning, they had a strong case that life had overwhelmed the ability of the truly deserving to help themselves, but as time passed their case became weaker, less convincing, and more disingenuous.

Government became larger, more encompassing, more costly, less efficient, more demanding and intrusive, and yes, even less compassionate.

Redundancy of programs, waste, inefficiency, abusiveness, and even symptoms of totalitarian intolerance became the order of the day as we woke to the news of an energy shortage which was fabricated, endangered species which were not really endangered, environmental and tax cases which bankrupted good hard-working families for failure of technical fulfillment, and atrocities like the Weaver case and Waco.

Under the so called liberal Democrat domination of the House of Representatives, we saw Government move from the role of servant of the people, to become a master, which often dictates without recourse or recompense.

Those liberal Members of Congress, who so badly ran their own affairs, witnessed by the restaurant, post office and bank scandals, became arrogant and insensitive in 63 years of almost unfettered domination of the political scene, and they lost sight of the real victims of today's society.

The poor, average, working stiff, the 9 to 5'er who often has to moonlight to supplement his or her income; whose spouse so often has to work one or two jobs as well to help raise their kids, to pay tuition, and medical bills; who support their parents, or their church, their Scout troop, or their favorite charity.

Where is the liberal bleating for the honest, hard working, law abiding, uncomplaining, struggling average person, in whose pockets, wallets, and purses dig the liberal who wears his compassion on his sleeve as long as he can take someone else's money to buy a few extra votes to remain in power? Where is the compassion for that most deserving of people who asks for nothing but to be left to raise his family without a Government handout, subsidy, or enticement?

When will we in Congress have the guts to admit to the American citizens that ''We have 'helped' you enough and now it is time for us to help you help yourselves?''

We should stop increasing Governments' role, raising taxes, increasing regulations, and reducing freedom and liberty, and start doing that which at the very least we should have done in all common sense long ago. We should rein in our uncontrolled spending, reduce our deficit, balance our budget, stop borrowing against the future of our children and grandchildren, and bring an end to the modern tyranny of the do-gooders.

We can indeed help those who are truly in need by maintaining a slimmer, more efficient, less redundant, more effective safety net. We can have a Government which is leaner, not meaner, but we must do so in a smarter, more thoughtful fashion than merely throwing taxpayers dollars at every cause.

Compassion has become a weapon in the hands of the obtuse and uninformed, and its victims are the people whom we should most wish to help—the average American working citizen and his or her family.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

This is a 15-minute vote on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 185, nays 242, not voting 7, as follows:

[Roll No. 250]

YEAS—185

Abercrombie	Gutierrez	Parker
Ackerman	Hall (OH)	Pastor
Andrews	Hall (TX)	Payne (NJ)
Baesler	Hamilton	Payne (VA)
Baldacci	Hastings (FL)	Pelosi
Barcia	Hayes	Peterson (FL)
Barrett (WI)	Hefner	Peterson (MN)
Becerra	Hilliard	Pickett
Bentsen	Hinchey	Pomeroy
Bevill	Holden	Poshard
Bishop	Hoyer	Rahall
Bonior	Jackson-Lee	Rangel
Borski	Jacobs	Reed
Boucher	Jefferson	Reynolds
Browder	Johnson (SD)	Richardson
Brown (FL)	Johnston	Rivers
Brown (OH)	Kanjorski	Roemer
Bryant (TX)	Kaptur	Rose
Cardin	Kennedy (MA)	Roybal-Allard
Chapman	Kennedy (RI)	Rush
Clay	Kennelly	Sabo
Clayton	Kildee	Sanders
Clement	Kleczka	Sawyer
Clyburn	Klink	Schroeder
Coleman	LaFalce	Schumer
Collins (MI)	Laughlin	Scott
Conyers	Levin	Serrano
Costello	Lincoln	Sisisky
Coyne	Lipinski	Skaggs
Cramer	Lowey	Skelton
Danner	Luther	Slaughter
de la Garza	Maloney	Spratt
Deal	Manton	Stark
DeFazio	Markey	Stenholm
DeLauro	Martinez	Stokes
Dellums	Mascara	Studds
Deutsch	McCarthy	Stupak
Dicks	McDermott	Tanner
Dingell	McHale	Tauzin
Doggett	McKinney	Taylor (MS)
Doyle	McNulty	Tejeda
Durbin	Meehan	Thompson
Edwards	Meek	Thornton
Engel	Menendez	Thurman
Eshoo	Mfume	Torres
Evans	Miller (CA)	Torricelli
Fattah	Minge	Towns
Fields (LA)	Mink	Traficant
Filner	Moakley	Velazquez
Flake	Mollohan	Vento
Foglietta	Montgomery	Visclosky
Ford	Moran	Volkmer
Frank (MA)	Murtha	Ward
Frost	Nadler	Waters
Furse	Neal	Watt (NC)
Gejdenson	Oberstar	Williams
Gephardt	Obey	Wilson
Geren	Olver	Wise
Gibbons	Ortiz	Wyden
Gonzalez	Orton	Wynn
Gordon	Owens	Yates
Green	Pallone	

NAYS—242

Allard	Fox	Moorhead
Archer	Franks (NJ)	Morella
Armey	Frelinghuysen	Myers
Bachus	Frisa	Myrick
Baker (CA)	Funderburk	Nethercutt
Baker (LA)	Gallegly	Neumann
Ballenger	Ganske	Ney
Barr	Gekas	Norwood
Barrett (NE)	Gilchrest	Nussle
Bartlett	Gillmor	Oxley
Barton	Gilman	Packard
Bass	Goodlatte	Paxon
Bateman	Goodling	Petri
Beilenson	Goss	Pombo
Bereuter	Graham	Porter
Berman	Greenwood	Portman
Bilbray	Gunderson	Pryce
Bilirakis	Gutknecht	Quillen
Bliley	Hancock	Quinn
Blute	Hansen	Radanovich
Boehlert	Harman	Ramstad
Boehner	Hastert	Regula
Bonilla	Hastings (WA)	Riggs
Bono	Hayworth	Roberts
Brewster	Hefley	Rogers
Brown (CA)	Heineman	Rohrabacher
Brownback	Herger	Ros-Lehtinen
Bryant (TN)	Hilleary	Roth
Bunn	Hobson	Roukema
Bunning	Hoekstra	Royce
Burr	Hoke	Salmon
Burton	Horn	Sanford
Buyer	Hostettler	Saxton
Callahan	Houghton	Scarborough
Calvert	Hunter	Schaefer
Camp	Hutchinson	Schiff
Canady	Hyde	Seastrand
Castle	Inglis	Sensenbrenner
Chabot	Istook	Shadegg
Chambliss	Johnson, Sam	Shaw
Chenoweth	Jones	Shays
Christensen	Kasich	Shuster
Chrysler	Kelly	Skeen
Clinger	Kim	Smith (MI)
Coble	King	Smith (NJ)
Coburn	Kingston	Smith (TX)
Collins (GA)	Klug	Smith (WA)
Combest	Knollenberg	Solomon
Condit	Kolbe	Souder
Cooley	LaHood	Spence
Cox	Lantos	Stearns
Crane	Largent	Stockman
Crapo	Latham	Stump
Cremeans	LaTourette	Talent
Cunningham	Lazio	Tate
Davis	Leach	Taylor (NC)
DeLay	Lewis (CA)	Thomas
Diaz-Balart	Lewis (KY)	Thornberry
Dickey	Lightfoot	Tiahrt
Dixon	Linder	Torkildsen
Dooley	Livingston	Upton
Doolittle	LoBiondo	Vucanovich
Dornan	Lofgren	Waldholtz
Dreier	Longley	Walker
Duncan	Lucas	Walsh
Dunn	Manzullo	Wamp
Ehlers	Martini	Watts (OK)
Ehrlich	Matsui	Waxman
Emerson	McCollum	Weldon (FL)
English	McCrery	Weldon (PA)
Ensign	McDade	Weller
Everett	McHugh	White
Ewing	McInnis	Whitfield
Farr	McIntosh	Wicker
Fawell	McKeon	Wolf
Fazio	Metcalf	Woolsey
Fields (TX)	Meyers	Young (AK)
Flanagan	Mica	Young (FL)
Foley	Miller (FL)	Zeliff
Forbes	Mineta	Zimmer
Fowler	Molinari	

NOT VOTING—7

Collins (IL)	Johnson (CT)	Tucker
Cubin	Johnson, E.B.	
Franks (CT)	Lewis (GA)	

□ 1312

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mrs. Cubin against.

Mr. ENGLISH of Pennsylvania, Mr. MINETA, Ms. WOOLSEY, and Mr. LANTOS changed their vote from ''yea'' to ''nay.''

Mr. TORRICELLI and Mr. WILSON changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to speak out of order for 1 minute.

The SPEAKER pro tempore. Without objection, the chair recognizes the gentleman from Wisconsin [Mr. OBEY] for 1 minute.

There was no objection.

Mr. OBEY. Mr. Speaker, I think the Members of the House ought to know before the vote that we have just been informed that the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, has indicated that, despite the passage of the Brewster amendment yesterday, that he intends to use the savings in this bill in his assumptions for the tax cut that he has presented to the Committee on the Budget. It seems to me Members ought to know that before they vote.

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

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The Chair reminds Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 200, not voting 7, as follows:

[Roll No. 251]

YEAS—227

Allard	Crane	Hansen
Archer	Crapo	Hastert
Armey	Cremeans	Hastings (WA)
Bachus	Cunningham	Hayworth
Baker (CA)	Davis	Hefley
Baker (LA)	DeLay	Heineman
Ballenger	Diaz-Balart	Herger
Barr	Dickey	Hilleary
Barrett (NE)	Dooley	Hobson
Bartlett	Doolittle	Hoekstra
Barton	Dornan	Hoke
Bass	Dreier	Horn
Bateman	Duncan	Hostettler
Bereuter	Dunn	Houghton
Bilbray	Ehlers	Hunter
Bilirakis	Ehrlich	Hutchinson
Bliley	Emerson	Hyde
Blute	English	Inglis
Boehner	Ensign	Istook
Bonilla	Everett	Johnson (CT)
Bono	Ewing	Johnson, Sam
Brewster	Fawell	Jones
Brownback	Fields (TX)	Kasich
Bryant (TN)	Flanagan	Kelly
Bunn	Foley	Kim
Bunning	Forbes	King
Burr	Fowler	Kingston
Burton	Fox	Klug
Buyer	Franks (NJ)	Knollenberg
Callahan	Frelinghuysen	Kolbe
Calvert	Frisa	Largent
Camp	Funderburk	Latham
Canady	Gallegly	LaTourette
Castle	Ganske	Laughlin
Chabot	Gekas	Lazio
Chambliss	Gilchrest	Leach
Chenoweth	Gillmor	Lewis (CA)
Christensen	Gilman	Lewis (KY)
Chrysler	Goodlatte	Lightfoot
Clinger	Goodling	Linder
Coble	Goss	Livingston
Coburn	Graham	LoBiondo
Collins (GA)	Greenwood	Longley
Combest	Gunderson	Lucas
Cooley	Gutknecht	Manzullo
Cox	Hancock	Martini

McCollum	Quinn	Spence
McCrery	Radanovich	Stearns
McDade	Ramstad	Stockman
McHugh	Regula	Stump
McInnis	Riggs	Talent
McIntosh	Roberts	Tate
McKeon	Rogers	Taylor (NC)
Metcalf	Rohrabacher	Thomas
Meyers	Ros-Lehtinen	Thornberry
Mica	Roth	Tiahrt
Miller (FL)	Roukema	Upton
Molinari	Royce	Visclosky
Montgomery	Salmon	Vucanovich
Moorhead	Sanford	Waldholtz
Morella	Saxton	Walker
Myrick	Scarborough	Walsh
Nethercutt	Schaefer	Wamp
Neumann	Schiff	Watts (OK)
Norwood	Seastrand	Weldon (FL)
Nussle	Sensenbrenner	Weldon (PA)
Oxley	Shadegg	Weller
Packard	Shaw	White
Parker	Shuster	Whitfield
Paxon	Skeen	Wicker
Petri	Smith (MI)	Wolf
Pombo	Smith (NJ)	Young (AK)
Porter	Smith (TX)	Young (FL)
Portman	Smith (WA)	Zeliff
Pryce	Solomon	Zimmer
Quillen	Souder	

NAYS—200

Abercrombie	Gonzalez	Owens
Ackerman	Gordon	Pallone
Andrews	Green	Pastor
Baesler	Gutierrez	Payne (NJ)
Baldacci	Hall (OH)	Payne (VA)
Barcia	Hall (TX)	Pelosi
Barrett (WI)	Hamilton	Peterson (FL)
Becerra	Harman	Peterson (MN)
Beilenson	Hastings (FL)	Pickett
Bentsen	Hayes	Pomeroy
Berman	Hefner	Poshard
Bevill	Hilliard	Rahall
Bishop	Hinchey	Rangel
Boehlert	Holden	Reed
Bonior	Hoyer	Reynolds
Borski	Jackson-Lee	Richardson
Boucher	Jacobs	Rivers
Browder	Jefferson	Roemer
Brown (CA)	Johnson (SD)	Rose
Brown (FL)	Johnston	Roybal-Allard
Brown (OH)	Kanjorski	Rush
Cardin	Kaptur	Sabo
Chapman	Kennedy (MA)	Sanders
Clay	Kennedy (RI)	Sawyer
Clayton	Kennelly	Schroeder
Clement	Kildee	Schumer
Clyburn	Kleczka	Scott
Coleman	Klink	Serrano
Collins (MI)	LaFalce	Shays
Condit	LaHood	Sisisky
Conyers	Lantos	Skaggs
Costello	Levin	Skelton
Coyne	Lipinski	Slaughter
Cramer	Lofgren	Spratt
Danner	Lowey	Stark
de la Garza	Luther	Stenholm
Deal	Maloney	Stokes
DeFazio	Manton	Studds
DeLauro	Markey	Stupak
Dellums	Martinez	Tanner
Deutsch	Mascara	Tauzin
Dicks	Matsui	Taylor (MS)
Dingell	McCarthy	Tejeda
Dixon	McDermott	Thompson
Doggett	McHale	Thornton
Doyle	McKinney	Thurman
Durbin	McNulty	Torkildsen
Edwards	Meehan	Torres
Engel	Meek	Torricelli
Eshoo	Menendez	Towns
Evans	Mfume	Traficant
Farr	Miller (CA)	Tucker
Fattah	Mineta	Velazquez
Fazio	Minge	Vento
Fields (LA)	Mink	Volkmer
Filner	Moakley	Ward
Flake	Mollohan	Waters
Foglietta	Moran	Watt (NC)
Ford	Murtha	Waxman
Frank (MA)	Nadler	Williams
Franks (CT)	Neal	Wilson
Frost	Ney	Wise
Furse	Oberstar	Woolsey
Gejdenson	Obey	Wyden
Gephardt	Olver	Wynn
Geren	Ortiz	Yates
Gibbons	Orton	

NOT VOTING—7

Bryant (TX)	Johnson, E.B.	Myers
Collins (IL)	Lewis (GA)	
Cubin	Lincoln	

□ 1323

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Mrs. Collins of Illinois against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PERSONAL EXPLANATION

Mrs. LINCOLN. Mr. Speaker, during rollcall vote 251 on H.R. 1158, the rescission bill, I was unavoidably detained during that 5-minute vote. Had I been present, I would have voted ''no'' on the rescission package.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LINDER). Without objection, the RECORD will be corrected to indicate that the vote on final passage was automatically and a yea and nay vote under the new rule XV, clause 7.

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1158, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1158 the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other conforming changes as may be necessary to reflect the actions of the House today.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4, PERSONAL RESPONSIBILITY ACT OF 1995

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–83) on the resolution (H. Res. 117) providing for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON S. 1, UNFUNDED MANDATES REFORM ACT OF 1995

Mr. CLINGER. Mr. Speaker, I call up the conference report on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been reading.

(For conference report and statement, see proceedings of the House of Monday, March 13, 1995, at page H3053.)

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes and the gentleman from New York [Mr. TOWNS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

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

State and local governments can sleep safer tonight because we are about to put the menace of unfunded mandates behind lock and key. Congress has recognized, on a bipartisan basis, that its penchant for passing the costs of programs on to States and localities is a threat to our system of government. It has mustered the courage to say: Please, stop us before we mandate again.

It is an enormous relief to know that we are in the final stage of House consideration of S. 1, the Unfunded Mandates Reform Act of 1995. The conference committee that negotiated the differences between the House and the Senate was the first conference committee of the 104th Congress to complete action.

I believe it set an excellent precedent for bipartisan, thoughtful negotiation in the interest of producing the best conference report possible.

Mr. Speaker, no blood was shed; no voices were raised. It was a model of civility and comity as we deliberated on these matters that are going to mean so much to States and local governments throughout this country.

The Unfunded Mandates Reform Act is a better and stronger piece of legislation as a result of the conference committee. It makes historic changes in the way the Federal Government does business with its State and local partners. It ensures Congress and Federal agencies have——

Mr. DREIER. Mr. Speaker, point of order. The House is not in order. There are conferences taking place. This is the first conference in 40 years from a Republican House of Representatives.

The chairman of the committee deserves to be heard.

The SPEAKER pro tempore. The House will be in order.

Mr. CLINGER. It is a historic moment; the first conference report from a Republican-controlled Congress in 40 years. And I agree with the gentleman from California [Mr. DREIER], it is significant.

This bill will ensure that Congress and Federal agencies have more information than ever before on the impact of Federal actions on the private sectors and it holds Members of Congress accountable for any decision to impose a mandate without paying for it.

The conference report provides that Congress must have Congressional Budget Office estimates for the costs of the mandates it imposes on State and local governments and the private sector.

The public sector mandates that will cost over $50 million must be funded through new budget or new entitlement authority or through the appropriations process, and legislation that does not meet those requirements will be subject to a point of order on the House and Senate floor or a majority of Members must vote to waive the point of order before Congress can impose a mandate without paying its costs.

□ 1330

It makes us accountable, Mr. Speaker. If a mandate is funded through appropriations and in any year appropriations are insufficient to cover the mandate's costs, the responsible Federal agency must notify Congress within 30 days after the start of the fiscal year. The agency shall either re-estimate the cost of the mandate and certify that the funds appropriated are indeed sufficient or submit recommendations to Congress for making the mandate less costly or making it ineffective for the fiscal year.

Congress then would have 60 calendar days to act or the mandate becomes ineffective for that entire fiscal year. This is a change, a change from the House passed bill, H.R. 5, and it has improved, in my opinion, it has improved our final product. The language makes it clear that the final disposition of underfunded mandates is decided by Congress, not by the Federal agencies.

Mr. Speaker, title II of the bill requires Federal agencies to analyze the effects of their rules on State and local governments and the private sector and to prepare written statements detailing the costs and benefits of rules expected to cost over $100 million. The agencies must consult with State and local elected officials who are given a limited exemption from FACA, the Federal Advisory Committee Act. This recognizes that in the implementation of intergovernmental programs, States and localities are our partners, not just another regulated entity.

This title also requires agencies to select the least costly or most cost-effective rule where possible. The Office of Management and Budget must report annually to Congress on the compliance of Federal agencies with these requirements.

Mr. Speaker, title III provides for a look back at existing mandates, something that I think is a very important piece of this legislation, requires the Advisory Commission on Intergovernmental Relations to reevaluate existing mandates and to make recommendations to Congress and the President within 1 year as to whether some or all should be changed to ensure that they still make any sense at all.

I will submit now that my suspicion is that a lot of them do not make any sense. These recommendations will not sit on a shelf collecting dust. We have the assurance of the House leadership that they will act on them expeditiously and will bring them to the floor for consideration. So I am very pleased that the conference committee agreed to most of the amendments that were passed during House consideration of the companion piece, H.R. 5, most notably, most notably and most importantly judicial review in a modified form. I am sensitive to the concerns of some of my House and Senate colleagues on judicial review. Yet the majority of Members in the House, many of them Democrats, believe that judicial review is absolutely essential to ensure that agencies perform the analyses and the estimates and the statements that are required by title II.

The compromise on judicial review worked out in conference is by no means a lawyers' employment act. That was one of the charges that was made about it. It allows courts to compel agencies to prepare analyses, statements and estimates required under title II but without judging their content or adequacy. It precludes the requirements of title II from being the grounds on which a court can stay, enjoin or otherwise affect an agency rule.

However, Mr. Speaker, in most cases the contents of these analyses, statements and estimates can be reviewed by the court as part of the whole rulemaking record in judicial review under the underlying statute.

In my view, this is a fair deal, balancing one side's concern that this bill not become a nightmare of litigation with the other side's conviction that judicial review is essential to force agencies to obey the law.

I want to thank a number of people for their great contributions to this process over the past few months.

First, I want to commend the Speaker for making this legislation part of the Contract With America and a priority for the 104th Congress. And I want to express my deep appreciation to my fellow sponsors of this legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. DREIER], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. CONDIT], for their absolutely outstanding commitment to mandate relief and the hours that they put in to bring us to this point.

They have been all outstanding leaders on the issue and I appreciate their efforts. I note I omitted the gentleman from Virginia [Mr. MORAN], who was also a very stalwart soldier in this effort.

I want to acknowledge the minority House conferees, the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from New York [Mr. TOWNS], and the gentleman from Massachusetts [Mr. MOAKLEY], for their valuable contribution to the conference.

I thank also Senators ROTH, DOMENICI, GLENN, EXON, and especially Senator DIRK KEMPTHORNE for the outstanding job they have done in guiding this bill through the Senate.

Of course, I would be remiss if I did not thank our partners in the public and private sector who endorsed this bill: the National Association of Counties, National Association of Towns and Townships, National Governors Association, League of Cities, and on and on. They have worked so hard over many, many months toward passage.

Finally let me commend the staff of both bodies for their efforts in drafting, to draft a strong measure and broad support, working sometimes, 15, 16 hours a day, Christine Simmons on my staff, George Bridgeland with Mr. PORTMAN, Steve Jones with Mr. CONDIT, Vince Randazzo with Mr. DREIER, and on, Chip Nottingham and others. There have been just a number of heroes in this overall effort. They have all done enormously good work.

This is a good day for Congress, Mr. Speaker, a good day for the country and certainly a most welcome day for State and local elected officials throughout this Nation. I can almost hear the cheers and the applause across the Nation with the enactment of this conference report.

I urge all my colleagues to vote for this conference report so that we may forward the unfunded mandates relief reform bill to the President for his signature, which I am confident we shall have.

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

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

Mr. Speaker, I rise in support of the conference report on S. 1, the Unfunded Mandates Reform Act of 1995, and I would note that the ranking member of the committee, Mrs. COLLINS, also supports the conference report.

Mr. Speaker, as one of the authors of the bipartisan mandates legislation that passed the Government Operations Committee last year with broad bipartisan support, it was with great reluctance that I opposed the House bill this year.

Unfortunately, the majority members of the Government Reform Committee rushed through a bill that was drafted in secret, and gave the minority almost no opportunity to review it.

As a result, the bill was filled with procedural and regulatory excesses. It simply went too far.

The Conference Committee spent 7 weeks rewriting the bill, and the result is an agreement that I believe we all can support:

Under the agreement on judicial review, special interests cannot tie up regulations.

Congress retains the final say over whether agencies can end mandates depending on the level of appropriations.

Other provisions were clarified and tightened.

Let me state that as a result, the Conference Report is not too different from last year's bill.

Mr. Speaker, let me say that this bill addresses the major concerns of the State and local elected officials with whom we have been working with over the past several years. It guarantees that Congress has a full and open debate on the costs to State and local governments before it passes legislation mandating any new and costly requirements.

Before I reserve the balance of my time, I would like to thank the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER], for the outstanding job that he did. I also would like to thank my colleague, the gentleman from Ohio [Mr. PORTMAN], who worked very hard to make this day a reality. I also would like to thank the ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], for her work and leadership in this area as well, who worked very hard to strengthen the bill to make it better.

I also would like to thank my colleague, the gentleman from Virginia [Mr. MORAN], who kept this alive over the past few years, and the gentleman from California [Mr. CONDIT], who also worked very, very hard to bring us to where we are today. I also would like to thank the staff of both committees and, of course, who worked and put a lot of time and energy in to help us to strengthen this bill. So I would like to thank them, too.

Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN], a member who kept this issue alive during the 103d Congress and came into the 104th Congress fighting to strengthen it because he felt that unfunded mandates was very, very important.

Mr. MORAN. Mr. Speaker, I thank the distinguished ranking minority member of the subcommittee, and I want to thank the chairman of the full committee for carrying this bill through to its conclusion, the gentleman from Ohio [Mr. PORTMAN], the gentleman from Virginia [Mr. DAVIS], and the gentleman from California [Mr. CONDIT].

This has been a cooperative, bipartisan, constructive effort to address a very serious problem within this country and particularly experienced by State and local governments and the private sector.

I am going to support this bill. It is a necessary bill. It should have been passed years ago.

I do want to raise some issues, however, because I do have some concerns with what will happen once this bill is signed. The principal concern is with regard to appropriations. The last bill we passed included three programs that suffered very substantial reductions: lead abatement, let me make sure I have all of them, asbestos removal, safe drinking water. We had rescissions in all three programs, just passed them, $1.3 billion in reductions.

But, my colleagues, there was no reduction in the mandates that States and localities must carry out to implement those programs. I think it is kind of ironic that we just imposed a more severe burden on States and localities by taking away over $1 billion that they needed to carry out Federal mandates and now, within the same hour, we are going to pass a conference report which says that they have to fully implement them.

I wish that we had the provision in this as well that says that the executive agency has to seek out from the States and localities and the private industrial sectors affected the least burdensome option for carrying out the intent of the legislation.

□ 1345

It does not include that as being subject to judicial review. That could be a serious problem if the executive branch is not in full accord with the intent of this legislation. I wish that were included.

Mr. Speaker, I do think that this is going to improve the relationship between States and localities and the Federal Government. Most importantly, it is going to improve the relationship between the American people and their Government. It is a good bill.

I congratulate all those who worked so hard to get to this day. I am confident the President will pass it, and I appreciate having been given the time to address these issues. I thank the chairman, the gentleman from Pennsylvania [Mr. CLINGER].

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

Mr. Speaker, I want to recognize the contributions of the gentleman from New York [Mr. TOWNS]. He was chairman of the subcommittee of jurisdiction last year that held field hearings, and he took a deep interest in the question of the burden that unfunded mandates were imposing on State and local governments, and deserves a great deal of credit for this exercise.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio [Mr. PORTMAN], one of the prime movers and key people in this overall effort, and one who has worked endlessly and constructively and creatively to fashion the compromise that this conference report represents.

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

Mr. PORTMAN. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the full committee, for yielding time to me.

Mr. Speaker, in a few minutes this Chamber is going to pass the Unfunded Mandates Relief Act of 1995, landmark legislation that is part of the Contract With America. After a long and sometimes difficult process, it is good to see history being made.

With Senate passage of the legislation yesterday by a strong vote of 91 to 9, and with every indication from the White House that the President will sign this bill, I think within a few days we are likely to see a bill become law that not too long ago was a radically new concept, unfunded mandate reform.

The bill is historic because it redefines the relationship between the Federal Government and our State and local partners. It is historic because it ensures for the first time that Congress will have cost information on mandates as they go through the committee process; a guaranteed informed debate on the floor of the House on unfunded mandates, which we have never had before, and yes, accountability, a vote, up or down, in front of the public, the press, our local partners, on the issue as to whether to impose unfunded Federal mandates.

As the chairman, the gentleman from Pennsylvania [Mr. CLINGER], noted earlier in this debate, Mr. Speaker, we are pleased to report that the conference report on S. 1 has given us an even stronger bill than passed either the House or the Senate.

I am going to submit much more extensive comments in the RECORD on some of the key issues we worked out in conference, but I want to spend a minute expanding on Chairman CLINGER's good description of the judicial review provision, because I think it is critical to understanding why this is strong, meaningful legislation.

To address the concerns that many of us had, we wanted to ensure that Federal agencies complied with the key requirements of title II of the bill, especially the cost-benefit analysis. We insisted that agency action be subject to judicial review. The sad history of compliance with the Regulatory Flexibility Act made that absolutely essential.

The conference report provides that courts may compel agencies to perform cost-benefit analyses and to comply with other provisions of title II. It is simple. This review ensures that the agencies meet the requirements that Congress says are necessary in the context of rulemaking regarding mandates.

At the same time, we reflected the case law that once an agency acts, the courts are not to substitute the court's judgment for the judgment of the agencies, not to second guess the adequacy

of the analysis prepared by the agencies.

We also addressed the concern that judicial review would become a haven for lawyers and paralyze the regulatory process altogether, by making it very clear that the requirements of title II alone could not be used as a basis for staying, enjoining, or invalidating a rule.

Let me emphasize, however, that if the underlying statute, and all of the requirements of S. 1 would arise in the context of the underlying statute, does not preclude the type of analysis contemplated in S. 1, a court may review the analysis, the statements, the estimates and the descriptions required by S. 1 as part of the whole rulemaking record to determine whether that rule should be stayed or should be struck down as arbitrary and capricious.

This is crucial. As many will recall, judicial review was in our House-passed bill and was not in the Senate-passed bill. Thus, retaining judicial review was a victory for the House. However, much more important, it is a victory for our State and local partners and for all of our constituents and, yes, for the private sector.

Let me sum up, Mr. Speaker, by mentioning just a few of the many people who have contributed to this effort. I will tell the Members, having been intimately involved with this bill for the last year or so as it has moved through the process, this is one of those situations where, but for the efforts of any one of these individuals, we might not be here today. It took all of us, working together, pulling together, to get it done. It is hard to get things done in Washington, and we could not have done it without pulling, all of us pulling together.

First, as the gentleman from Pennsylvania, BILL CLINGER, said, we have to thank our Speaker. He allowed us to put this language in the Contract With America. He prioritized the issue. He also worked very closely with State and local officials through this whole process.

Second, I want to mention one of my colleagues in this effort, the gentleman from California, GARY CONDIT, the man I call our spiritual leader, the heart and soul of this effort. He was the sponsor of H.R. 5 and one of the conferees selected by the Republicans, and we were happy to have him as part of the team. He was out there talking about this issue, unfunded Federal mandates, long before it was well understood and popular in the House and throughout this country.

Next, the person I call our Senate partner, DIRK KEMPTHORNE. He was the original proponent of this legislation. He was the driving force in the Senate, and he worked cooperatively with us in an extraordinary show of bicameralism over the last 8 or 9 months to pull together this legislation.

I thank the gentleman from Pennsylvania, BILL CLINGER, the chairman, for his partnership with all of us in this great debate, particularly for giving me an incredible opportunity here on the floor.

I would also like to thank Senator JOHN GLENN, my colleague from Ohio, who showed a commitment to this issue early on in the Senate when few of his colleagues on this side of the aisle were supporting it; the gentleman from California, DAVID DREIER, for his excellent work in sorting out the difficult House procedural issues that came up in the context of the conference, particularly with the Byrd amendment; the gentleman from Virginia, TOM DAVIS, a freshman member of the conference and an original sponsor of this legislation, who not 4 or 5 months ago was lobbying us on behalf of the National Association of Counties, because he lived under these crippling mandates not long ago.

There are lots of other critical players in the House: The gentleman from Virginia [Mr. MORAN]; the gentleman from Pennsylvania [Mr. GOODLING]; the gentleman from Kansas [Mr. ROBERTS]; the gentleman from Texas [Mr. GEREN]; the gentleman from New York [Mr. SOLOMON]; the gentleman from New York [Mr. TOWNS]; the gentleman from Ohio [Mr. KASICH], and the list goes on.

From my home State of Ohio, Gov. George Voinovich, he led the Governors on this, and helped us to get focused on mandate relief legislation. I am going to mention some key staffers. They do a lot of heavy lifting around here, and do not get enough credit; Kristine Simmons with the chairman, the gentleman from Pennsylvania, Mr. CLINGER; Steve Jones with the gentleman from California, GARY CONDIT; Vince Randazzo, with the gentleman from California, DAVID DREIER, and my chief of staff, John Bridgeland.

On the Senate side, there is Buzz Fawcett with Senator KEMPTHORNE, Sebastian O'Kelly with Senator GLENN, and Austin Smythe with Senator DOMENICI. We would not be here without them.

Finally, thanks to our State, local, and county officials. Without them, we would not be here. It is on their behalf we are acting today to help them to govern this great country.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CONDIT], a member of the committee.

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

Mr. CONDIT. Mr. Speaker, I am excited and delighted to be here today. This is a long time coming. What this really does, I think, across the country is give us a ray of hope, because a couple of years ago when we started with the unfunded mandate issue, we were told by experts inside the beltway that ''This cannot be achieved; you will never get an unfunded mandate bill through the House, through the Senate, and get the President to sign it. It cannot be done.''

Let me say, we are going to do it today. In the next couple of weeks, the President will sign this piece of legislation. He has already indicated his support in the past, and has indicated his support to this conference committee report. This is a ray of hope to the American people and to local elected officials across this country that we can come to grips with problems facing this country here in Congress; that we Republicans and Democrats can come together and find a solution. We have found a solution, and this is a bipartisan solution.

I cannot say enough about my colleagues on the other side of the aisle for their cooperation: The gentleman from Pennsylvania [Mr. CLINGER] who has been a total gentleman, and has involved us in every phase of this issue. I want him to know that I truly appreciate that. That is the kind of attitude we ought to take in solving problems facing this country.

I want to thank the gentleman from Illinois [Mr. PORTMAN], who a couple of days after the election was on the phone to me, talking to me about what we should include in an unfunded mandate bill. I truly appreciate his efforts.

I thank the gentleman from New York [Mr. TOWNS] and the gentleman from Virginia [Mr. MORAN] and a variety of other people; the gentleman from Kansas [Mr. ROBERTS] who was a trooper with the unfunded mandate caucus and forced the issue; the gentleman from Virginia [Mr. DAVIS] who has come abroad and been active in this issue.

It is truly a bipartisan effort. That is why there is a ray of hope here today, Mr. Speaker, because this is an example of what we can do on other issues. This is an example of how we can solve the problems facing this country, that we can come together and we can tell the experts they are wrong, we can find solutions to the problems facing this country, because we just found one. It may not be perfect, but this is a huge, huge step in battling unfunded mandates.

Local governments across this country, as the gentleman from Pennsylvania [Mr. CLINGER] said, ought to rejoice today, because we are on the verge of freeing them; giving them some discretionary authority so they can have control over their own destiny. I want to commend and congratulate all my colleagues, and Senator KEMPTHORNE, who has worked very hard, I want to mention him; and the Senate and the people who have been involved over there, I want to thank and congratulate them as well.

I am delighted and honored that I was able to serve on the conference committee. I thank the Speaker of the House for that opportunity. I am truly honored that I had that opportunity.

Mr. Speaker, as a Member who has sought relief from unfunded Federal mandates for State and local governments since 1991, I am truly proud to be standing before you today. We are at the culmination of a long journey

which will conclude today with the passage of the conference report on the Unfunded Mandates Reform Act. The action which we will take today will do more for State and local governments than anything we have done in the last 20 years or are likely to do in the next 20.

There is not a Member of this body who has not heard from their local or State governments about the damage that unfunded mandates do to their local budgets. Not only do unfunded Federal mandates displace local priorities, but they compel State and local jurisdictions to either increase taxes or curtail services. This is the real injustice with unfunded mandates; they allow us in Congress to get all the credit for approving new programs, but they require State and local governments to scramble to come up with the funds needed to implement them.

As many of my colleagues know, there is not an issue in which I feel more passionately about than the abolition of unfunded mandates on State and local governments. I came to this body in 1989 after spending 17 years in either city, county, or State government. So I came here with a full knowledge of what unfunded mandates do to a local official's budget, and I came committed to putting an end to the practice.

In January 1993, I introduced legislation that effectively said that if a mandate on a State or local government was not fully funded, then its application was voluntary. The bill could be summed up with the simple phrase, ''No money, no mandate.'' Much to my surprise, this legislation struck a chord with State and local officials nationwide and they actively lobbied their representatives to support the bill. In fact, this legislation was cosponsored by a majority of Members during the last session of Congress. Nevertheless, the no money, no mandate legislation was controversial and engendered a significant amount of opposition from those who wanted to preserve the status quo. Despite the enormous bipartisan support for the no money, no mandate legislation, it was never even considered by the last Congress. However, I knew that this was an issue whose day would eventually come.

The Speaker of the House obviously knew it was a good public policy initiative because he included unfunded mandate reform legislation in the Contract With America. While the contract is obviously a Republican endeavor, I would be remiss if I did not state that my Republican colleagues fully included me in this effort to enact unfunded mandate relief. I sincerely appreciate their willingness to work with me.

The day after the November elections, Representatives CLINGER, PORTMAN, DAVIS, and myself immediately began drafting the House version of the Unfunded Mandates Reform Act. Very similar to the Senate bill S. 1, our bill, H.R. 5, set up an elaborate system of rules and procedures that Congress would have to follow when considering legislation imposing mandates on State and local governments and the private sector. As my colleagues will recall, H.R. 5 was approved by this body, on February 1, by a vote of 370 to 86.

After 6 weeks of sometimes tortuous negotiations with our Senate counterparts, the conference finally agreed on a final product. The conference report is a good bill. Is it a perfect bill? Of course not. Is it everything that this Member would have preferred? No. But, is it a landmark bill that will begin to rein in our penchant for passing the costs of Federal programs onto State and local governments? It is that. And it deserves the support of all Members who profess to believe in putting an end to unfunded Federal mandates.

The conference report on the Unfunded Mandates Reform Act truly reforms the way that we do business. Under the conference report, Congress must identify the costs of new mandates imposed on State and local governments by either increasing spending, increasing receipts, or through appropriations. If a mandate is to be paid for with appropriations, then the authorizing bill creating the mandate must condition its effectiveness on subsequent appropriations. If subsequent appropriations are insufficient to pay for a mandate, the mandate will cease to be effective unless Congress provides otherwise by law within 90 days of the beginning of the fiscal year.

This process is enforced by a point of order. Legislation that does not satisfy the aforementioned requirements can be ruled out of order, thereby blocking further consideration of the bill by either the House or the Senate. A majority vote can waive the point of order.

Title I of the conference report, which I have just described, applies only to future mandates. It is not retroactive. Existing mandates on State and local governments will be examined by the Advisory Commission on Intergovernmental Relations [ACIR]. ACIR is charged to study these mandates and make recommendations to Congress, within a year, on mandates that can be consolidated, modified, or repealed.

Finally, title II of the conference report requires Federal agencies, when issuing new rules that will cost State and local governments or the private sector $100 million, to perform a detailed cost-benefit analysis before promulgating the final rule.

Now let me describe the significant changes that resulted from the conference committee. Although S. 1 and H.R. 5 were very similar, there were several differences between the two bills. The main differences between the two bills were as follows: Judicial review, the CBO threshold for estimates of private sector mandates, congressional reconsideration of mandates that fail to receive adequate funding, and applying the point of order provision to appropriation bills.

S. 1 contained no judicial review of title II requirements dealing with the cost-benefit analyses that Federal agencies are to perform before issuing new regulations containing significant mandates on State and local governments and the private sector. H.R. 5 allowed judicial review of these actions. The conference report contains judicial review, but it only allows petitioners to compel agencies to perform the required analysis. Furthermore, courts are not allowed to judge the adequacy of the agency's estimates or question their methodology. The judicial review provision in the conference report also does not allow petitioners to say, enjoin, invalidate, or otherwise affect the rule. I believe that this should allay the fears that many Members in this body had about this legislation spawning an endless stream of litigation. On the other hand, I want my colleagues to realize that regulated entities will still have full judicial review that is granted under the underlying statute that authorizes that rulemaking. So I believe that this judicial review provision suits the needs and concerns of both sides of this issue.

S. 1 contained a $200 million threshold for CBO cost estimates of mandates affecting the private sector. H.R. 5 contained a $50 million threshold. After much debate, we decided to split the difference. The conference report contains a $100 million threshold of CBO estimates for mandates affecting the private sector.

S. 1 contained a provision, inserted by Senator ROBERT BYRD, that provides for congressional reconsideration of underfunded mandates. H.R. 5 contained no such provision. The conference report contains the Byrd amendment. Under this proposal, a Federal agency, within 30 days of the beginning of fiscal year, must inform Congress that it has sufficient funds to implement a mandate or provide legislation recommendations to scale back an underfunded mandate in order to meet a partial level of funding. Both of these determinations must be ratified by Congress within 60 days of its submission by the Federal agency. If the Congress fails to act within this 60-day time period, then the mandate shall be ineffective for that fiscal year. Under section 425(a)(2)(B)(iii)(III) of the conference report, if Congress does not act within 60 calendar days when an agency submits either a statement that the amount appropriated is sufficient to carry out the mandate, or legislative recommendations for implementing a less costly mandate, the mandate will cease to be effective. It is the intent of the managers on the part of the House that, in the House of Representatives, the 60-calendar-day period be a continuous period that would not be disrupted by a sine die adjournment. While this provision was not a part of the original House bill, it was my opinion that this provision makes the bill stronger, and I advocated for its inclusion in the conference report.

Finally, S. 1 contained a provision that would allow Members to strike mandates contained in appropriation bills. H.R. 5 contained no such provision. While House rules already prohibit legislating on an appropriations bill, it was the sense of the House conferees that this provision made sense and should be adopted. The conference report contains a provision whereby Members in either the House or Senate may strike mandates contained in appropriations bills.

These were the main differences between S. 1 and H.R. 5. I would also like to report that the final conference report contains several amendments that were adopted by the House. The conference report contains a version of an amendment added by the gentleman from Pennsylvania [Mr. KANJORSKI] that excludes title II of the Social Security Act from the bill. The conference report contains the amendment added by the gentleman from Virginia [Mr. MORAN] that requires agencies, when considering options in their rulemaking proceedings, to adopt the least costly, most cost-effective, or least burdensome option or explain why it did not. Finally, the conference report contains the amendment added by the gentlelady from Ohio [Ms. PRYCE] that requires OMB to report on compliance with title II provisions to the House Committee on Government Reform and Oversight and the Senate Committee on Government Affairs.

Finally, Mr. Speaker, I would like to thank, several people who had a hand in getting us to the point where we are today. I would like

to thank Chairman CLINGER, who has been a leader on this issue; Representative ROB PORTMAN, who has done much of the nuts and bolts work on this issue; Representative TOM DAVIS, whose insights into the workings of local government have been invaluable; my cochairman in the unfunded mandates caucus, Representative PAT ROBERTS; Representative JIM MORAN, a longtime champion of this issue; Representative PETE GEREN, who has worked with my office extensively; and the speaker, majority leader, majority whip, and Rules Committee chairman who allowed me to participate in this conference. I would also like to thank the Senate conferees: Senators GLENN, EXON, ROTH, DOMENICI, and KEMPTHORNE. I know I am probably forgetting a few people who certainly deserve the recognition.

In closing Mr. Speaker, let us ring in a new and meaningful relationship with our State and local government brethren. Let us pass the conference report on the Unfunded Mandates Reform Act.

Mr. CLINGER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from California [Mr. DREIER], another stalwart soldier in this effort.

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

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

Mr. Speaker, I want to extend congratulations to the gentleman from Pennsylvania [Mr. CLINGER] and all of our colleagues who played a role in bringing about this very, very important success.

Mr. Speaker, I want to say specifically that the gentleman from Pennsylvania, BILL CLINGER, the gentleman from Ohio, ROB PORTMAN, and the gentleman from Virginia, TOM DAVIS, and all of the people who have been involved in a bipartisan way in addressing this issue are to be congratulated.

Rather than going through the litany of the people who have been involved in this issue here, I would like to talk about a couple of people who specifically raised issues of concern to me at the local level.

I, just about 15 minutes ago, got off the phone with the mayor of the city of Los Angeles, Richard Riordan. He is absolutely ecstatic. He is ecstatic at the passage of this for several reasons. When one looks at what he describes, and sometimes we do not always agree with this, as well-intentioned Federal mandates, the cost for the city of Los Angeles for the Clean Water Act is over $3 billion over a 5-year period. The cost of the Resource Conservation and Recovery Act is $112.7 million over a 5-year period; the ADA, it is $1.2 billion over a 5-year period. The Fair Labor Standards Act is $80.3 million over a 5-year period.

These are the kinds of constraints that we are imposing on local elected officials, and I am happy to say that based on what this conference has done, we are finally turning the corner on that. In fact, what we are doing here today, Mr. Speaker, is really history in that it is the first time in 40 years that a Republican majority is actually bringing down a conference report. It could not happen on a better piece of legislation.

Adoption of the Unfunded Mandates Reform Act marks the beginning of an entirely new era of the relationship between State and local governments and the Federal Government. State and local officials now will have a seat at the table every time we here in the Congress write a law, or an agency writes a rule or regulation that imposes new burdens on them.

Since the historic first election of President Ronald Reagan in 1980, those of us on this side of the aisle, as well as many of my colleagues on the other side of the aisle, have been working to restore the balance of power to take back, bring back to States and local communities, the power as it was envisioned in the Constitution, and of course, specifically, the 10th amendment.

In fact, I will never forget here on the West Front of the Capitol when Ronald Reagan in his first inaugural address said ''The Federal Government did not create the States, the States created the Federal Government.''

Unfortunately, Mr. Speaker, this piece of constitutional history has often been lost with the proliferation of unfunded mandates. Since 1980, Congress, Federal agencies, and even the courts have imposed hundreds of unfunded Federal mandates on State and local governments. Compliance with just 10 of those mandates will cost cities alone $54 billion between 1994 and 1998.

The result has been fewer resources at the local level to deal with local problems, such as fighting crime, paving roads, maintaining parks, and recreational facilities, and cleaning up the local environmental problems.

□ 1400

The Unfunded Mandates Reform Act will finally put the brakes on Washington's runaway power grab and regulatory excesses. It makes it harder for Congress to pass feel-good legislation while passing the buck to State and local governments. No longer will Congress be playing the role of drunken sailors having a good time while recklessly running up a tab at State and local taxpayer expenses.

Mr. Speaker, S. 1 is a stronger bill than the one that we passed here in the House. It is going to go a long way towards bringing about the level of accountability that we need. I congratulate all my colleagues that have been involved in this process.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I want to thank my dear friend the gentleman from New York for yielding time to me.

I want to congratulate all who have played a role in bringing this conference committee forward. When we announced the formation of our little band of conservative Democrats called the Coalition, we promised America two things. We promised America that we would stand to do the right thing regardless of party or partisanship. We also promised we would try to deliver big bipartisan support for issues of importance to the American public. We delivered on this promise. This bill is hugely supprted—360 Members of this House voted for it, 91 Members of the Senate voted for the conference report. Why? Because it is good and right for the country. While we are not worried about who gets particular credit for it, it is important today to remember that it was one of our members, in fact one of our officers in the coalition, the gentleman from California [Mr. CONDIT] who first created this notion that Congress ought to speak very clearly, that unfunded mandates are wrong, and that we ought to avoid them in the future if we are to have the right kind of relationship between Federal, State, and local governments.

It was the gentleman from California [Mr. CONDIT] who put together the caucus in this House of Democrats and Republicans who brought this issue to the point where it has come today, where the President of the United States has announced publicly he is ready to sign this bill into law. To the gentleman from California [Mr. CONDIT] and to all of the members of that caucus, Democrat and Republican, to all who have joined in this House to make this a huge bipartisan victory for the American public, I think this is a day of celebration and cheer.

I again want to congratulate our friend, the gentleman from California [Mr. CONDIT], for having the courage years ago before anyone was ready to rally behind this cause to make this his No. 1 cause in the Congress and to bring us to this point of victory in the House, in the Senate and eventually as I said with the Presidential signature for the American people.

Mr. CLINGER. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. DAVIS], a freshman Member of our leadership team on unfunded mandates and one who shares the victory we celebrate today.

Mr. DAVIS. Mr. Speaker, I thank the chairman of our committee for yielding to me and I appreciate all the work he has done in this, finessing it through the committee and through the conference, and I agree with him, I think we have a better report and a better bill now at the end of this process than when we started out, and that is with the help of a lot of people.

This is the successor to the Kempthorne-Condit bill that was up last time before the House and Senate and got watered down. We appreciate the strong leadership of the gentleman from California [Mr. CONDIT] during the last session and continuing in this session to help bring this about, and to my colleague, the gentleman from Ohio [Mr. PORTMAN], he was really the intellectual leader of this as we moved through some of the fine-tuning of this

legislation in explaining it and working out some of the fine points in the conference, to Christine Simmons from the committee staff. She did an outstanding job of coordinating and putting this together. Our thanks to her, as well as John Bridgeland from Representative PORTMAN's staff, Steve Jones from Representative CONDIT's staff, Vince Randazzo from Representative DREIER's staff, and Chip Nottingham from my staff.

Mr. Speaker, let me begin by stating clearly, this is not, as far as I am concerned, a debate about the merits of any Federal mandate. This is strictly a question of who pays, what are the benefits relative to cost, what is the impact on local priorities, and what is our flexibility in carrying out mandates in the most efficient way.

As the Congress knows, the ability of the Federal Government, even with its vast resources, is limited, and the Congress each day faces difficult decisions about ordering priorities and determining what services can be funded.

This is exactly the same problem faced by local governments and State governments with one difference. No one can superimpose on Congress spending priorities or costs beyond those which the Congress is willing or able to support. But that has not been the case at the local level, because their priorities and needs are often being pushed further to the side by the increasing burden of funding mandates laid down on them by both Federal, and in many cases, their own State governments.

Mr. Speaker, during the past decade, unfunded Federal mandates have literally grown out of control, and today counties are spending more of their locally raised revenues to comply with these mandates than they receive in Federal aid.

A recent study of the Advisory Council on Intergovernmental Relations found that in the decade between 1981 to 1991, Congress enacted 27 laws imposing one or more new unfunded mandates. This compares with 36 such laws enacted during the previous 50 years, and Congress enacted an additional 13 new mandates in 1993 alone.

Mr. Speaker, Mandate Watch, a bimonthly publication of the National Conference of State Legislatures, confirms there is no end in sight to these mandates, and just this past Congress, 156 new mandates were introduced. Localities are becoming totally consumed by Federal mandates, and essential local services, as a result, suffer tremendously, and locally elected leaders will be reduced to the role of back-door tax collectors if this is not stopped.

I want to say this has never been a partisan bill outside of the Beltway. I think with the closure we have had in this conference report, working together in a bipartisan fashion, as the gentleman from California noted, there is no end to what we can accomplish in this Congress.

The good news here is today that when we work with the administration and work in a bipartisan way across party lines, the seemingly insurmountable becomes conquerable and that is where we are with this legislation today.

I just want to note in the end that this bill is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with the full knowledge of their costs. This is a very, very important precedent for our future. I think taxpayers are tired of routinely paying for unintended consequences that should be easily foreseeable by Federal lawmakers.

This legislation, I think, will bring that into focus. My thanks to all members involved in this process. This is a great day for State and local officials as they take a look at their plates over the next few years as we reduce the burdens we put on them, and a great day for the American taxpayer.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I want to commend the chairman, the ranking member, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Virginia [Mr. MORAN], and everybody who had something to do with this bill.

Federal mandates and regulations had much to do with injuring and almost destroying the steel industry. Right now the coal industry is banging around trying to find an opportunity, and I think Congress has showed some eminent good sense in in fact addressing this bill.

I am pleased that my one amendment had stayed in the bill that basically deals with the issue that on the advisory commission, they say that they shall review the role of Federal mandates and their impact on a competitive balance between State, local, and tribal governments and the private sector and consider the views of and the impact on working men and working women in these same matters.

Let me say this, that, Congress, this is a long time overdue. Every piece of legislation we pass should be directed at what is the status of jobs as it is in direct relationship to the legislation that is being passed. In the past, Congress had the greatest of intentions but with those great intentions there have been accompanying loss of jobs and it made little sense to me. I thank those for supporting it.

But my second amendment dealt specifically with section 202(a)4 that basically talked about the effect on the national economy, the effect on productivity, economic growth, and productive jobs, and my amendment said also the effect on benefits and pensions. There was some concern about germaneness and a broad-ranging view of this but I would like now to ask the chairman of the committee, is it not a fact under section 202(a)4 that those particular areas can be addressed in these matters once the review of such mandates are in fact applied?

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Let me say I commend the gentleman for the contribution he made to this bill because he did, took a great interest and had a very helpful contribution. We were unfortunately unable to sustain all of his amendments in the conference report.

But in answer to the gentleman, yes, they would certainly not be precluded. That would certainly be within the ambit of the things they could consider.

Mr. TRAFICANT. I thank the gentleman, I appreciate his support, and I encourage support of the conference report.

Mr. CLINGER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations and a valued Member of Congress.

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

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise in support of the conference report on the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], the gentleman from Virginia [Mr. DAVIS], the gentleman from New York [Mr. TOWNS], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as the distinguished chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor at this time.

I support S. 1 because it effectively addresses congressional accountability. The Congress, by this bill, will be far more accountable than ever before. This body will no longer be able to casually approve legislation in Washington and then send the burdensome bills to our home districts in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we are demonstrating to our Governors, our mayors, and city officials that we will duly consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Speaker, I urge our colleagues to forge a fairer partnership

with our State and local governments by supporting this important measure.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Arkansas [Mrs. LINCOLN].

[Mrs. LINCOLN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

Mr. TOWNS. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank my friend the gentleman from New York for yielding me the time.

I am wondering if I could ask the gentleman from Pennsylvania to answer a few questions.

I think that the conference report from my vantage point is a much better bill than the original bill but I still have some fears and some questions, particularly with regard to ecological concerns, clean water, clean air. For instance, in the rescissions bill that was just passed, we took away $1.3 billion from the States from the safe drinking water revolving fund. If we are going to continue to do things like that and take money away from the States that we gave them to pay for things, my big fear is that we then say, well, we are not funding this and therefore it can't happen and therefore all the progress we have made in terms of clean water, clean air will never be able to be funded. Therefore, the Federal Government stepping in and forcing these things will just be rendered impotent and we will not have them. I wonder if the gentleman could allay my fears about that.

Mr. CLINGER. To this extent, if the gentleman will yield, the gentleman understands that this is only prospective in its application. In other words, we are not, in effect, looking back at all of the cornerstones of environmental legislation, clean air, clean water, safe drinking water that are in place.

We do also provide that a point of order would lie against an authorization within an appropriations bill. The other provision is that if in fact there is a mandate that is imposed but there is not sufficient funds to deal with it, the agency imposing the mandate or the regulation would make recommendations as to how they would deal with that if there are not sufficient funds. Congress would then have an opportunity to weigh in on that and must approve whatever downsizing or change that might be imposed by the agency.

□ 1415

Mr. ENGEL. Mr. Speaker, I would say to the gentleman that given the present mood and the budget cutting freezes we have in this Congress, my fear is that the things we are used to seeing in terms of progress on clean water and clean air will just dissipate and we will not be able to do those things in the future.

I want to also ask the gentleman, he said it was prospective, how do we handle reauthorizations in this bill?

Mr. CLINGER. Reauthorization, if there are no additional new mandates imposed as a result of a reauthorization of an existing program, it would have no effect at all. It is only where there would be an additional or added mandate that would exceed the threshold limit that this thing would kick in. So in terms of existing regulations and existing mandates within the Clean Water Act, for example, which is one we would be considering presumably this year, it would have no effect.

Mr. ENGEL. I thank the gentleman.

Mr. TOWNS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman from New York for yielding time to me. It is because of him that I rise to speak here today.

The former chairman of the subcommittee, the gentleman from New York [Mr. TOWNS], brought his then committee to Harrisburg about 2 years ago to the capital city of Pennsylvania for a hearing, at which time local legislators and local representatives of other municipal subdivisions of the Commonwealth of Pennsylvania gave us a torrent of laments and complaints about the very subject matter which we discuss here today.

We did an odd thing then, the gentleman from New York [Mr. TOWNS] did and the rest of us who attended that hearing. We promised these State legislators and the municipal subdivision officers and officials that we were going to return to Washington and do something about unfunded mandates.

I cannot believe it. We are here reporting to them through our deliberations on the floor that we actually fulfilled the promise that we made that day. And it was not just a wild political type of atmosphere in which we made promises as politicians. These were reserved and concerned public officials in Pennsylvania who one after another sought our help.

Today we are delivering that package of assistance to the local township officials, local officials all over, not just Pennsylvania, all over the Nation, and it is a happy day for us.

I want to thank the gentleman from New York for allowing me to join that meeting in Harrisburg, and I now thank the gentleman from Pennsylvania for being from Pennsylvania and assisting us to come to the floor today with this finality of splendor in bringing about change that the local public officials so wanted.

Mr. TOWNS. Mr. Speaker, I do not have any further requests for time.

I would like to encourage all of my colleagues to vote for this bill because I think it is a much better bill after conference than it was when it left here.

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

Mr. CLINGER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI], a valued member of the committee.

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

I rise today, Mr. Speaker, as a former elected county official. I rise today in strong support of the conference report on unfunded mandates. As a result of an annual deficit of $200 billion and a $4.5 trillion national debt, Congress too often in the past shifted the burden of unfunded Federal mandates on States and municipalities. With today's passage of this bill I am proud to say that we are now shifting accountability back to where it belongs, here in Congress.

By passing this legislation we are restoring the faith and trust in Congress by our State and local governments. Too often the Federal Government has frustrated State and local officials in their efforts to deal with their local problems. Too often the Federal Government has mandated inflexible solutions, which has made the situation worse, and too often we have neglected the needs and concerns of our localities.

Yes, Mr. Speaker, we are keeping our word and changing the way government does business. We are putting the people back in charge, and that is the way it should be. The American people have demanded change and we are standing firm and delivering. Unfunded mandates reform is the first building block in establishing a better future for America.

I urge support of this bill.

Mr. CLINGER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOX] another freshman member of the committee and very helpful member.

(Mr. FOX of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, first I want to thank Chairman CLINGER for his outstanding leadership on this legislation. This passage of unfunded mandate reforms shows we are committed to making Government smaller, less costly, and more efficient.

The bill will block consideration of any unfunded mandates, which I know as a former county commissioner has crippled budgets in the past and will now be a new reality of change.

The bill requires the Federal agencies to develop proceeds to minimize unfunded mandates and to publish cost-benefit analyses.

It provides relief to taxpayers. At present State and local governments and ultimately taxpayers pay the price for heavy-handed mandates dictated by Congress and Washington bureaucrats. Ten unfunded mandates alone already on the books will cost cities an estimated $54 billion from 1994 to 1998. Taxpayers cannot afford them.

They also impose heavy burdens on the private sector. These additional

costs are passed on to consumers in higher prices.

The cost of complying with all Federal regulations is conservatively estimated at $600 billion per year, most of which falls on the private sector with this reform.

And we will finally say we will decrease the cost of doing business which will help to save jobs in the private sector and help Americans. This is particularly true of small business which creates most of the jobs we have in the country.

I ask all of my colleagues to vote unanimously.

Mr. CLINGER. Mr. Speaker, in conclusion, I yield myself such time as I may consume just to say I think this is a historic piece of legislation. It is going to be the first step in reordering the relationship between Federal and State and local governments. It is going to substantially restructure that relationship and, I think, restructure it in a way that is for the best.

Mr. Speaker, I strongly urge all of my colleagues to vote in favor of this conference report.

Mr. COLEMAN. Mr. Speaker, I reluctantly voted in favor of the House version of the Unfunded Mandates Reform Act—H.R. 5. With less reluctance, but with continuing reservations, I rise today in support of the House-Senate conference agreement, House Report 104–76.

I have already expressed my dissatisfaction with several of the provisions of the bill. I have enumerated the specific ways in which the people of my district stand to be hurt by provisions of this legislation. And I know that not all of my concerns have been fully addressed. For instance, the bill as drafted by the conference committee will create a discrepancy in the playing field between the private and public sector.

But in many ways, the conference report has addressed some of my deepest misgivings about the bill. The limitations placed upon judiciary review are fair and balanced. The provisions on judiciary review that were agreed to in conference will not cause a backlog of litigation. It will allow regulatory agencies to perform their proper functions efficiently. Furthermore, because the conference report was the product of a much greater deliberative effort that was the original House version of HR 5, the new bill is much more clear in describing the terms under which a point of order may be raised against new regulation.

Finally, I am pleased to see that the language of the conference report pays specific attention to the needs of border communities like the district I represent. Control of our borders is a Federal responsibility, and this bill pays much needed consideration to that fact. This new provision creates hope that border communities may no longer be saddled with the disproportionate burdens of federal regulations.

The process of relieving States, localities, tribal governments, and private corporations of their increasingly heavy federal regulatory burden deserves our attention and commitment. The Unfunded Mandates Reform Act will be a useful instrument in achieving this purpose. Unfortunately, good tools in the wrong hands have the potential to create undesirable results. Therefore, I wish to make it clear that I will fight any efforts to use this legislation as a tool against the regulations that help to ensure public health and safety. I will express my opposition to any use of this legislation against the safety of workers. Furthermore, I will oppose the efforts of those Members who will try to use this legislation as a defense for their indefensible efforts to gut important environmental regulations. This law creates a powerful new legislative tool, and I would like to help to ensure that it is used wisely in the hands of this body.

Mrs. MALONEY. Mr. Speaker, I rise in support of the conference report on S. 1. I voted against H.R. 5, the original House-passed version of this bill, and would like to explain to the House why I support this bill.

The basic purpose of unfunded mandate relief legislation is sound and important. Almost everyone agrees that something must be done to address the increasing burdens that the Federal Government places on State and local governments. I was proud to support unfunded mandate legislation in the 103d Congress and I voted for the Moran substitute to H.R. 5. And now, I support this bill, because it has been stripped of the excesses of the original House version.

One of the major problems that I had with H.R. 5 was the abuse of the legislative process which brought the bill to the floor. We didn't have 1 minute of hearings in the Government Reform and Oversight Committee, which had primary jurisdiction over the bill and on which I serve. It is largely because of this abuse that the conference committee took 7 weeks to come to agreement. On a noncontroversial bill such as this, the conference usually takes days, not weeks, and I am pleased that the conference process was a deliberative one.

Mr. Speaker, several major changes were made by the conference committee which have made S. 1 truly bipartisan legislation and much closer in content to the bill reported out of the Government Operations Committee last year. First and foremost, the conference severely limited the right of judicial review applicable to regulations falling under this act. This is a vital difference. Under the House version of this bill, special interests and industries would have been able to tie up those regulations and rules for years. Executive agencies would thus have been unable to carry out the Clean Air Act, the Safe Drinking Water Act, and other laws that protect public health and welfare.

Another major change is the acceptance by the conference of the so-called Byrd amendment, which gives Congress a role when annual appropriations do not fully cover State and local costs in complying with a mandate. Under the report, agency determinations as to how to rachet-down the mandate are now subject to congressional approval, preserving an important power of the legislative branch.

The conference committee on S. 1 is to be commended for its diligence and bipartisanship. The Unfunded Mandate Reform Act has been cleansed of many of its more extreme provisions and I urge its adoption.

Mr. PORTMAN. Mr. Speaker, today this House will pass the conference report on S. 1, the Unfunded Mandate Reform Act of 1995. We addressed some complicated and important issues in the House-Senate conference. I, therefore, wanted to take a moment to discuss in some detail two of the more significant issues.

First, judicial review. The House-passed version of the bill had almost full judicial review of agency compliance with all title II requirements. The Senate-passed version precluded judicial review entirely. Going into the conference, then, we had diametrically opposed positions on this issue and much work to do if an agreement was going to be reached.

Many of the House conferees, and some in the Senate, were very concerned that agencies would not comply with the requirements of title II if there was no enforcement mechanism. The history of the Regulatory Flexibility Act, which specifically precluded court review of agency action, in part prompted our concern that, without judicial review, factors that Congress made relevant to the rulemaking process would be totally ignored by agencies. And, in fact, that is what has happened under regulatory flexibility.

To address this concern, I insisted, together with other House conferees, that the conference agreement had to maintain some court review of agency action to ensure compliance with the requirements of title II. We began to explore areas of mutual agreement on judicial review.

House and Senate conferees agreed that title I, which addresses internal procedures of the House and Senate, should clearly not be subject to court review. We also agreed that the provisions regarding the review of existing mandates outlined in title III should not be subject to court review. We also came to a threshold agreement that certain key requirements in title II should be subject to such review to ensure that agencies were acting in accordance with congressional intent.

Our first effort to reach agreement focused on clarifying the requirements of title II and identifying those that involved relatively objective analysis. We also identified those provisions that were central to the rulemaking process with respect to mandates. In the end, we reached agreement that the requirements of sections 202 and 203(a) (1) and (2) would be subject to court review.

S. 1 permits a court, pursuant to section 706(1) of the Administrative Procedures Act, to compel an agency to prepare, as a threshold matter, the cost/benefit analyses and other estimates, descriptions, statements, and plans contemplated by sections 202 and 203(a) (1) and (2) of title II. Any aggrieved party will have up to 180 days after the final rule is promulgated, or the shorter time period, if any, specified in the underlying statute to which the S. 1 requirements relate, to bring an action under 706(1). I believe that this right will give agencies an incentive to meet these requirements before the final rule is promulgated. The threat of litigation should be enough of a hammer.

In order to address the concern that S. 1 not unreasonably spawn litigation or result in an unjustified delay of the implementation of Federal policy, S. 1 does not permit the courts to stay, enjoin or invalidate the agency's rule for a failure to meet, or for doing an inadequate job meeting, the specified requirements of S. 1. The conference report also makes it clear, consistent with current caselaw, that once the agency performs the analysis, a court is not to substitute its judgment for that of the agency's—not to second

guess the data used, the methodologies involved or the manner in which the analysis was performed.

S. 1 does not permit a court, when acting pursuant to the review permitted under the underlying statute, to consider any information generated by an agency in accordance with the requirements of S. 1—the cost/benefit analysis for example—as part of the entire record in determining whether the agency rulemaking record supports the rule under the ''arbitrary and capricious'' or ''substantial evidence'' standard—whichever is applicable. A court can not use a failure to meet these requirements adequately or at all as the sole basis for staying, enjoining or invalidating the rule, but a court could consider these factors as part of the mix when considering the entire rulemaking record. Thus, a court could review under section 706(2) of the Administrative Procedures Act the entire rulemaking record that includes information by the agency generated because of the requirements of S. 1.

If the underlying statute specifically precludes an agency from examining costs and benefits in connection with the promulgation of the rule, then the requirements of S. 1 do not have to be met. If the underlying statute is silent or contemplates some analysis, however, an agency would have to meet the requirements of S. 1, or fail to do so at its own hazard, when promulgating a rule. The requirements of S. 1 are additional factors that Congress has made relevant to the rulemaking process for significant mandates. These factors should be considered by agencies and the analysis contemplated should be performed. A court can review agency action with respect to these requirements in connection with the review permitted under the underlying statute.

I believe this is sensible judicial review that strikes the right balance. S. 1 does not change the landscape of review under the underlying statute—we can not do that in this law. S. 1 also should not result in a delay of the implementation of Federal policy. The judicial review provided under S. 1 ensures, however, that agencies will meet the specified requirements of title II so that agencies consider these critical factors before promulgating rules implementing significant mandates.

It is also important to note that in addition to judicial review, the conference agreement includes congressional oversight, both on the least burdensome option requirements and each of the requirements in title II. Under section 205(c), the Director of the Office of Management and Budget shall no later than 1 year after enactment certify to Congress, with a written explanation, Agency compliance with the least burdensome option requirements. Section 208 also provides that the Director of OMB shall annually submit to Congress a written report detailing compliance with the requirements of title II.

Second, the Byrd amendment. I believe this provision will be helpful to State and local governments. Essentially, it requires an agency reestimate of the actual costs of mandates, after consultations with State and local governments, whenever appropriations in a fiscal year are less than the CBO estimated costs of such mandates. Agencies can submit a statement to Congress saying that such mandate can be implemented for the amount provided—perhaps as a result of decreased costs resulting from new technology—or can submit legislative recommendations. In any case, the mandate is ineffective for such fiscal year unless Congress acts within 60 calendar days after the statement or recommendations are submitted to Congress.

What was sometimes a long and difficult conference has come to an end now. The Founders intentionally designed one of the most inefficient machines for legislating and for good reason. Having taken the time to craft careful legislation based on sound policy, I think the final product is an improvement over the respective House and Senate-passed bills.

This is a truly historic day. By enacting the Unfunded Mandate Reform Act of 1995, we launch yet another chapter in the new federalism, where State and counties and cities and towns are recognized as our partners in governing and are given the freedom to meet the needs of the citizens they serve. Thomas Jefferson, a staunch advocate of State rights, was right when he said, ''I believe the States can best govern our home concerns.'' This bill will help them do just that. I was honored to be a part of that effort.

Mrs. THURMAN. Mr. Speaker, I rise in support of the conference report to the Unfunded Mandate Reform Act. I am particularly grateful that the conferees accepted an amendment from the other body's version of the legislation, authored by my colleague from Florida, Senator BOB GRAHAM.

This amendment further defined an unfunded Federal mandate as any action that reduces or eliminates money authorized for controlling U.S. borders or reduces or eliminates reimbursement for costs associated with the severe problem of illegal immigrations.

Florida, like other States, is burdened by the costs of illegal immigration. The drain on our State's resources has been devastating; affecting every aspect of State and local services. By including this provision in the conference report, we are saying emphatically that the Federal Government must take responsibility for its laws.

In closing Mr. Speaker, I would like to recognize and praise the efforts of my colleague Senator BOB GRAHAM. His commitment to this issue led to its final inclusion in the conference report. I would like to thank my colleague from California, Mr. CONDIT, who served as one of the conferees. Mr. CONDIT and I have worked together on the issue of illegal immigration over the past 2 years and because of his efforts, this provision was included in the final report. Once again, I urge support of the conference report.

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

The SPEAKER pro tempore (Mr. EMERSON). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 394, nays 28, not voting 12, as follows:

[Roll No. 252]

YEAS—394

Abercrombie	Doggett	Jacobs
Ackerman	Dooley	Jefferson
Allard	Doolittle	Johnson (CT)
Andrews	Dornan	Johnson (SD)
Archer	Doyle	Johnson, Sam
Armey	Dreier	Jones
Bachus	Duncan	Kanjorski
Baesler	Dunn	Kaptur
Baker (CA)	Durbin	Kasich
Baker (LA)	Edwards	Kelly
Baldacci	Ehlers	Kennedy (MA)
Ballenger	Ehrlich	Kennedy (RI)
Barcia	Emerson	Kennelly
Barr	Engel	Kildee
Barrett (NE)	English	Kim
Barrett (WI)	Ensign	King
Bartlett	Eshoo	Kingston
Barton	Evans	Kleczka
Bass	Everett	Klink
Bateman	Ewing	Klug
Bentsen	Farr	Knollenberg
Bereuter	Fawell	Kolbe
Berman	Fazio	LaFalce
Bevill	Fields (LA)	LaHood
Bilbray	Flake	Lantos
Bilirakis	Flanagan	Largent
Bishop	Foley	Latham
Bliley	Forbes	LaTourette
Blute	Ford	Laughlin
Boehlert	Fowler	Lazio
Boehner	Fox	Leach
Bonilla	Frank (MA)	Lewis (CA)
Bonior	Franks (CT)	Lewis (KY)
Bono	Franks (NJ)	Lightfoot
Borski	Frelinghuysen	Lincoln
Boucher	Frisa	Linder
Brewster	Frost	Lipinski
Browder	Funderburk	Livingston
Brown (FL)	Furse	LoBiondo
Brown (OH)	Gallegly	Lofgren
Brownback	Ganske	Longley
Bryant (TN)	Gejdenson	Lowey
Bryant (TX)	Gekas	Lucas
Bunn	Gephardt	Luther
Bunning	Geren	Maloney
Burr	Gilchrest	Manton
Burton	Gillmor	Manzullo
Buyer	Gilman	Markey
Callahan	Gonzalez	Martini
Calvert	Goodlatte	Mascara
Camp	Goodling	Matsui
Canady	Gordon	McCarthy
Cardin	Goss	McCollum
Castle	Graham	McCrery
Chabot	Green	McDade
Chambliss	Greenwood	McHale
Chapman	Gunderson	McHugh
Chenoweth	Gutknecht	McInnis
Christensen	Hall (OH)	McIntosh
Chrysler	Hall (TX)	McKeon
Clay	Hamilton	McNulty
Clayton	Hancock	Meehan
Clement	Hansen	Meek
Clinger	Harman	Menendez
Clyburn	Hastert	Metcalf
Coble	Hastings (FL)	Meyers
Coburn	Hastings (WA)	Mfume
Coleman	Hayes	Mica
Collins (GA)	Hayworth	Miller (FL)
Combest	Hefley	Mineta
Condit	Hefner	Minge
Cooley	Heineman	Mink
Costello	Herger	Moakley
Cox	Hilleary	Molinari
Cramer	Hilliard	Moorhead
Crane	Hinchey	Moran
Crapo	Hobson	Morella
Cremeans	Hoekstra	Murtha
Cunningham	Hoke	Myrick
Danner	Holden	Neal
Davis	Horn	Nethercutt
Deal	Hostettler	Neumann
DeFazio	Houghton	Ney
DeLauro	Hoyer	Norwood
DeLay	Hunter	Nussle
Deutsch	Hutchinson	Oberstar
Diaz-Balart	Hyde	Obey
Dickey	Inglis	Olver
Dicks	Istook	Ortiz
Dixon	Jackson-Lee	Orton

Oxley	Sanford	Thompson
Packard	Sawyer	Thornberry
Pallone	Saxton	Thornton
Parker	Scarborough	Thurman
Pastor	Schaefer	Tiahrt
Paxon	Schiff	Torkildsen
Payne (VA)	Schroeder	Torres
Pelosi	Schumer	Torricelli
Peterson (FL)	Scott	Towns
Peterson (MN)	Seastrand	Traficant
Petri	Sensenbrenner	Tucker
Pickett	Serrano	Upton
Pombo	Shadegg	Vento
Pomeroy	Shaw	Volkmer
Porter	Shays	Vucanovich
Portman	Shuster	Waldholtz
Poshard	Sisisky	Walker
Pryce	Skeen	Walsh
Quinn	Skelton	Wamp
Radanovich	Slaughter	Ward
Rahall	Smith (MI)	Watt (NC)
Ramstad	Smith (NJ)	Watts (OK)
Reed	Smith (TX)	Waxman
Regula	Smith (WA)	Weldon (FL)
Reynolds	Solomon	Weldon (PA)
Richardson	Souder	Weller
Riggs	Spence	White
Rivers	Spratt	Whitfield
Roberts	Stearns	Wicker
Roemer	Stenholm	Williams
Rogers	Stockman	Wilson
Rohrabacher	Studds	Wise
Ros-Lehtinen	Stump	Wolf
Rose	Stupak	Woolsey
Roth	Talent	Wyden
Roukema	Tanner	Wynn
Roybal-Allard	Tate	Young (AK)
Royce	Tauzin	Young (FL)
Rush	Taylor (MS)	Zeliff
Sabo	Taylor (NC)	Zimmer
Salmon	Tejeda	
Sanders	Thomas	

NAYS—28

Becerra	Gutierrez	Rangel
Beilenson	Levin	Skaggs
Collins (MI)	Lewis (GA)	Stark
Conyers	Martinez	Stokes
Dellums	McDermott	Velazquez
Dingell	McKinney	Visclosky
Fattah	Mollohan	Waters
Filner	Nadler	Yates
Foglietta	Owens	
Gibbons	Payne (NJ)	

NOT VOTING—12

Brown (CA)	de la Garza	Miller (CA)
Collins (IL)	Fields (TX)	Montgomery
Coyne	Johnson, E.B.	Myers
Cubin	Johnston	Quillen

☐ 1441

The Clerk announced the following pair:

On this vote:

Mrs. Cubin for, with Mr. Johnston against.

Messrs. FATTAH, FOGLIETTA, and VISCLOSKY changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CLINGER moves that the House recede from its amendment to the title.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. CLINGER].

The motion was agreed to.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I ask for this time in order that I might yield to my good friend, the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], for the purposes of enlightening us on the coming schedule.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. SOLOMON. On behalf of the majority leader, I will be happy to try to enlighten you, my good friend.

The House will not be in session on Monday, March 20.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will take up the rule and general debate on H.R. 4, the Personal Responsibility Act.

Members are advised we expect no votes to be held before 5 p.m. on Tuesday.

On Wednesday the House will meet at 11 a.m. to continue consideration of the welfare reform bill.

On Thursday and Friday of next week the House will meet at 10 a.m. to complete consideration of H.R. 4. We expect to complete this legislation on Friday, and it is our hope to have Members on their way home to their districts and their families by at least 3 p.m. on that Friday.

Mr. HOYER. I thank the gentleman for his enlightening us on next week's schedule.

I take it then the week will be concerned with the consideration of the rule and the bill on welfare reform?

Mr. SOLOMON. We would at this time not expect any other business. As the gentleman knows, that is a very, very important piece of legislation. After consulting with the minority leader, the gentleman from Missouri [Mr. GEPHARDT] and others, we want to make sure that ample time is given to that issue, and we would expect to devote the whole week to it.

Mr. HOYER. I thank the gentleman for that clarification.

I would like to ask the gentleman from New York, on Tuesday, it is my understanding that the only vote we expect is the vote on the rule. Am I correct on that?

Mr. SOLOMON. Yes. And it is the expectation right now that there would not be a vote on that rule, if we have an agreement with the minority. The rule passed by unanimous vote in the Committee on Rules. It is simply providing for 5 hours of general debate at which time, if the rule does pass, then we would go into that 5 hours of general debate, and there would be no vote that day at all.

☐ 1445

But we cannot make that promise, as the gentleman knows. We do not expect a vote and we do not expect the gentleman's side to ask for a vote either.

Mr. HOYER. Mr. Speaker, it was our understanding—and I was just checking to make sure with our minority leader's staff to make sure—we do not expect any Member to ask for and we do not plan to ask for a vote on the rule, as the gentleman suggests.

In light of that, I ask the gentleman, is it possible, therefore, for us to notify Members that pursuant to an agreement between the majority and the minority that there would be no votes on Tuesday, so that Members, if they need to, could return either late Tuesday or Wednesday morning?

Mr. SOLOMON. Let me just say it is very important, because we will have completed the rule in the Committee on Rules on the welfare reform bill. We would want the opportunity to explain that rule to our Members who will be returning Tuesday night and therefore we would want them early Wednesday morning. We do not intend to ask for a vote at this time and we do not expect to on Tuesday.

Mr. HOYER. So that the gentleman feels relatively confident that Members, if they were here early Wednesday morning, they would not miss any votes?

Mr. SOLOMON. We would want to discuss that further with the gentleman, but, yes, we feel very comfortable with that.

Mr. HOYER. I thank the gentleman for his information and look forward to next week.

Mr. Speaker, I yield back.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, March 21, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

CUTS IN ENERGY ASSISTANCE DEVASTATING TO RHODE ISLAND'S SENIORS, WORKING POOR

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, we hear all the time from Republicans about how they want less Government. Now we know what are talking about. They are talking about less Government assistance to our senior citizens during the winter. That is right. The Republicans have cut heating assistance for low-income families in my State of Rhode Island.

When the average heating bill in Providence, Rhode Island, is $1,200 a winter, a grant of $414 can make a world of difference. Sixty percent of the households in my State who receive energy assistance are either elderly or on fixed incomes, or working poor. Most have household incomes between $6,000 and $8,000.

Mr. Speaker, talking about tax cuts, a capital gains tax cut is not going to be any comfort to my senior citizens in my State next winter.

Mr. Speaker, we have heard time and time again that the opposition is determined to provide less Government and lower taxes, but for who?

Well, now we have the answer. The cuts before us clearly show that the intention is to provide less help to those who most need it, and lower taxes for those who have the most.

For those who fear the onset of winter, and the long and cold nights that it brings, these cuts will force a choice between heating and eating. My State of Rhode Island was supposed to receive $8.8 million in energy assistance next winter. No more.

This bill turns its back on the 26,000 households, more than 59,000 individuals in Rhode Island, who rely on the little bit of help they get for energy assistance.

When the average heating bill in Providence is $1,200 a winter, a grant of $414 can make a world of difference.

To quote a couple from my State, writing about the assistance they received: "Thank you so very much from our hearts to yours. By your compassion we're touched. May God bless you * * *. Not one day did we live cold * * *."

Sixty percent of the households in Rhode Island who receive energy assistance are either elderly, on fixed-incomes, or working poor. Most have household incomes between $6,000 and $8,000. A capital gains tax cut will provide little comfort to these people in the dead of winter next year.

This cut is indefensible, and I suspect that is why the majority would not even allow an amendment restoring this money to make it to the floor.

They will be able to avoid the pain of a vote today, but our seniors will be forced to feel the pain of their cuts tomorrow.

The cuts to housing again hit at those most in need. Forty percent of the housing cuts will strike senior citizens, threatening the very viability and quality of their housing by slashing operating subsidies and modernization funds—maintenance, necessary improvements, and security will be cut back.

In Pawtucket, RI the cut in modernization funds could mean that a planned central security station will have to be eliminated. What protection will the seniors living in Burns Manor derive from the big business loop holes in the tax package?

Is this the right way to begin cutting the budget? I do not think so.

When it comes to cutting the budget, let us start with the programs that are the weakest and not the programs for the weakest.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and a previous order of the House, the following Members are recognized for 5 minutes each.

A TRIBUTE TO JIM ''BOW TIE'' PHELAN AND THE MOUNTAINEERS OF MOUNT ST. MARY'S COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to congratulate the Mountaineers of Mount St. Mary's College on their first ever trip to the NCAA division 1 basketball tournament.

The Mountaineers are led by their coach Jim ''Bow Tie'' Phelan, the second most active winning coach in the country, and in his honor I wear this bow tie today.

The Mountaineers got to the big show by defeating Rider College in the championship game of the North East Conference tournament. Coach Phelan's hard work ethic and determination drove the Mount to overcome an early 23–9 deficit to defeat Rider in the final minutes of the game. The Mountaineers are a young group of energized players that play with the pride inspired by Coach Phelan. I am gratified that such a spirited team of young men is representing western Maryland in our national tournament.

The Mountaineers face a tough challenge when they play the No. 1 seeded Kentucky Wildcats in the first round of the tournament. I am sure the Mountaineers will play to their very best and the lessons they will learn will make them better players and a better team in the future.

I wish the Mountaineers and Coach Phelan all the best of luck in this competition.

CRITICISMS OF THE RESCISSIONS PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, we will no doubt hear a great deal of criticism of this rescissions package as cutting too much, too fast, or that vital programs are being cut unfairly. I can understand that feeling. All of us have had to have a little bit trimmed on various programs that are pet projects or pet laws that we thought were working very effectively. Obviously, because of the size and scope of the bill which we passed this morning—and I think justly—this rescissions package offers ample opportunity for objection on the part of those who are opposed to spending cuts. Likewise, amendments were proposed and might have been proposed by those who would rather see alternative cuts to those contained in the bill. I attempted to offer an amendment to rescue the summer youth program which is vital to most urban cities in this country and was eliminated in the stealth of night, 1:30 a.m., over the chairman's objection. And we were not able to offer it because of the time situation on the floor and the fact that we had to preside over a committee that could only be held this morning when the House was in session.

We hope that will be worked out in conference and I am confident that between the other body and the House conferees, it will be worked out in conference.

The point I want to make is in some ways the bill does not go far enough. For instance, the rescission bill that came before us does not make a single cut or rescission in the military construction program. That budget category has been totally spared from the budget knife. While this Congress does not want to cut needed funding for military housing and for facilities critical to the national defense, to argue that every single dollar in the military construction program is of a critical nature is nonsense. We should be as rigorous in our efforts to cut wasteful spending in military programs as we are in social programs.

Let me give one example of such waste. The Navy is preparing to spend hundreds of millions of dollars to homeport up to 3 nuclear aircraft carriers in San Diego. The fiscal year 1995 military construction budget contains $18.3 million for dredging San Diego Bay to accommodate those carriers and directs that the Navy spend another $5.1 million for the design of facilities necessary to homeport these carriers. This represents a costly down payment on what may be a three-quarters of a billion dollars boondoggle duplicating existing facilities the Navy is proposing to eliminate in the base closure process.

Engineering reports suggested that the Navy could homeport these same carriers in Long Beach for $25 million or less. At the same time, the Los Angeles Times has reported in a March 3 story that the Navy's plan to dispose of the spoils of this dredging may very well be illegal. Thus, the project may not even be allowed to go forward. Yet the Navy is proposing that we spend in excess of $100 million in next year's

military construction budget with more to come in future budgets.

All told we may be wasting as much as $750 million for this project.

I have asked the General Accounting Office to look into this matter and to detail the costs involved. This is exactly the type of rescission we should have made. The Navy does not even know if it can spend this money. Certainly it cannot spend this money in this fiscal year. Meanwhile, far less expensive alternatives are available that build on existing infrastructure instead of needlessly duplicating what we already have.

At the same time that vital readiness programs are underfunded, when we are grounding aircraft and cutting training, when some military families are having to use food stamps, when Army divisions are not combat prepared, this Congress should be going over each and every program to determine if it is really necessary or it could be done at less cost.

Unfortunately, I am not given the opportunity to offer an amendment to rescind the funding in that bill because while we had to, I think quite correctly, find the funding in the chapter where we were either trying to add or subtract money, I would hope next time we have a rescission bill that we could go anywhere in that bill to find the funding and anywhere in the appropriations for a given year to find the funding.

While I supported the bill, I would like to see that type of flexibility provided in a rule from the Committee on Rules because last night it was impossible to amend portions of the bill once an amendment had already been made and that makes no sense.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

[Mr. VOLKMER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 5 minutes.

[Mr. GEPHARDT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

ELEMENTS OF WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, this next week we are going to be voting on a major piece of legislation and we are going to have several options when it comes to welfare reform, ending welfare as we know it today. And surely the time has come when we must do this for America.

I have had the opportunity like other Members of Congress to meet with welfare recipients who feel trapped, who do not think they have a future. Many of them do not have the education and training, many of them are mothers with small children. They want a better way of life but they feel very dependent today and want government to offer some incentives rather than being trapped in a life of welfare. They are not proud of themselves. They know they are not mentors or role models for their families.

We have got third and fourth generations that are in a life of welfare. Yet we know the world of work offers self-esteem and self-worth and a future not only for those welfare recipients, but for those dependents as well.

Congressman DEAL, myself, and four other Members of the House of Representatives have been meeting during the last Congress and in this Congress to come up with some legislation that we are very proud of, that we are going to be introducing next week. This legislation, welfare reform which we have introduced, offers three principles, those of work, individual responsibility and State flexibility.

Mr. Speaker, our proposal places an emphasis of moving recipients into the private sector as soon as possible, includes real work requirements, requires recipients to sign a binding contract, applies significant sanctions to those who fail to comply with the terms of the contract, fulfills the pledge that recipients must be working after two years, requires recipients to participate in work or work-related activity in order to receive benefits.

Recipients who refuse a job would be denied benefits; makes every effort possible to provide the funding and tools necessary to move recipients to self-sufficiency, establishes a minimum number of hours a recipient must spend in work, job search, or work-related activity which leads to private sector employment in order to receive benefits.

□ 1500

We remove all incentives which make welfare more attractive than work and remove the biggest barriers to work, child care and health care.

Mr. Speaker, our proposal contains a visible, or a viable, work program with real work requirements. We maintain the guarantee of benefits for all eligible recipients who comply with the specific requirements. We maintain the current food and nutrition programs such as school lunch, WIC, and Meals on Wheels. We eliminate SSI benefits to alcoholics and drug addicts. We reform and revise SSI for children in a fair and equitable manner which eliminates the fraud and abuse, and controls the growth and ensures due process for each and every child currently on the rolls, ensuring that no qualifying child loses benefits.

Mr. Speaker, ours is a responsible, workable approach which maintains the Federal responsibility without simply shifting the burden to the States. In short, our bill will end welfare as we know it today. Recipients will be required to work for benefits, but there is an absolute time limit for receipt of these benefits. Our plan provides the best opportunity for welfare recipients to become productive members of the work force. We provide States with the resources necessary to provide this opportunity without incurring an additional fiscal burden. We have a real opportunity in America to give people hope and give them a future once again.

Mr. Speaker, I have had horror story after horror story from people at home in Tennessee, as well as throughout the United States, about welfare, and I encourage those that are listening to write and let us know in Washington, DC, that they are behind welfare reform and support the Deal legislation next week.

SHOULD THE FEDERAL GOVERNMENT BE MANAGING THE FOOD STAMP PROGRAM?

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of January 4, 1995, the gentleman from Indiana [Mr. HOSTETTLER] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOSTETTLER. Mr. Speaker, should the Federal Government be managing the Food Stamp Program?

Mr. Speaker, my colleagues and I rise today because the Food Stamp Program provides clear evidence that the Founding Fathers were correct when they advocated a limited role for the Federal Government.

I'm talking about a system that has increased in cost to the taxpayers by 300 percent. I'm talking about a system that wastes $3 billion yearly in fraud and errors alone. I'm talking about a system that does nothing to address the root causes of recipients' needs. I'm talking about the Federal Food Stamp Program—a monument to Great Society pseudocompassion.

In Marvin Olasky's ''The Tragedy of American Compassion'' we see an exceptional portrayal of how American society can and will take better care of its needy without the interference of

the Federal Government. Olasky tells how, in 1890:

a successful war on poverty was waged by tens of thousands of local charitable agencies and religious groups around the country. The platoons of the greatest charity army in American history often were small, and made up of volunteers led by poorly paid professional managers. Women volunteers by day and men by night often worked out of cramped offices and church basements.

What Olasky is describing is an America that reaches out to its fellow man. Private charities and churches are still capable of doing that and they can do it much better than the Government has.

Mr. Speaker, people may be listening tonight and thinking—that's what the Republican welfare reform bill is supposed to do. They would be correct, if not for one exception. That exception is the Federal Food Stamp Program. A decision has been made to exempt what is by far the largest Federal food assistance program from the block grant concept. We're block granting AFDC, we're block granting WIC, we're block granting school nutrition programs, but we're going to keep the Federal Food Stamp Program at the Federal level.

Olasky compares the attempts to do this with an anecdote from mythology. ''Year after year,'' he writes, ''proposals to tinker with the bureacracy and reduce the marginal tax wall caused mild stirs in Washington, but even the best proposals mirrored Hercules's early attempts to kill the nine-headed monster Hydra; each time he hacked off one head, he found two growing in its place.''

Block granting the Food Stamp Program by itself is not slaying the monster, but I reject the notion of some great Federal responsibility to administer the program. The taxpayers providing the funding are residents of the States. It is taxpayer money, not money belonging to the Agriculture Committee, the Congress, or the Federal Government. We should take the administration of this program closer to the people.

This chart provides a perfect illustration of why we should take the administration of this program closer to the people. As you can see from this chart, about 25 percent of the costs of the current Food Stamp Program are not used for the potential purchase of food. In fact, right off the top of the Federal funds for food stamps. $1.1 billion is issued for a special block grant to Puerto Rico. Next, the Federal Government must reimburse the States for about half of the administrative costs that the States incur for issuing these coupons. This does not take into account an additional $250 million in other administrative-type costs that decrease the benefits. And even after all these bills have been paid, we still have to consider that there is 1.9 billion dollars' worth of coupons that are issued erroneously. This includes caseworker mistakes, unintentional mistakes made by recipients, and about $500 million in intentional deceit on the part of recipients. Last, but certainly not least, we have heard estimates from the Secret Service that there is an additional $1 billion lost to illegal food stamp trafficking. After all these costs are factored into the equation, we are left with 75 cents for every taxpayer dollar that might go to the purchase of food for the needy. And may I remind you, this doesn't consider the fact that the States also spend approximately $1.5 billion in administrative costs as well.

Why does it cost so very much to provide food services to those who are in need? It costs so much because the Federal Government is attempting to provide the services. My amendment would change all of that. Instead of layer upon layer of administrative guidelines, regulations, and rules at every level of government, this amendment would simply repeal the administrative nightmares and give the States the flexibility needed to provide true and meaningful welfare reform. As you can see from the chart, my amendment, which almost mirrors the contract language, would limit 5 percent of the block grants for administrative expenses. It requires that 95 percent of the funds from the block grant be used for food assistance for the economically disadvantaged. It is simple, clear, and I believe quite compelling. How can we argue against sending the funds to those who are closely and acutely aware of the problems and eliminating the red tape that has prohibited success in the Food Stamp Program. If we take the Federal bureaucracy out of the equation, what remains is a lot more money for food assistance.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. FUNDERBURK], my colleague.

Mr. FUNDERBURK. Mr. Speaker, I am happy to associate myself with the remarks of the gentleman from Indiana [Mr. HOSTETTLER].

Mr. Speaker, when Bill Clinton campaigned for President as a new Democrat he promised to end welfare as we know it. What happened? The Democrats first so-called reform actually expanded welfare spending by $110 billion and it destroyed what was left of workfare. It was business as usual; more government, more taxes, more bureaucrats.

But you know what Mr. Speaker, the American people weren't fooled. Last November, they said to the liberals, ''enough is enough.'' They understood that in no area is the intellectual and spiritual bankruptcy of the American left more apparent than in welfare reform. The liberal left's notion of reform is to spend more of other peoples' money. Their notion is to have the poverty industry and the professionally indignant churn out more of the perverse regulations and programs which have turned so many of our people into a mass of favor seekers.

This is the liberal Democrats' version of welfare reform: Have a child out of wedlock, don't have a job, and don't live with a man who is working. If you do these things the taxpayers will take care of you. Uncle Sam will give you a check each month, with free medical care, free food, and under Mr. Clinton's plan, 2 years in a Federal job program and free child care. You see the liberals can't breakout of their Washington-knows-best mentality. They want to undo the damage of 30 years of failed Federal programs by creating more Federal programs. Mr. Speaker, since 1965, we have spent over $5 trillion on welfare and all we have to show for it is disintegrating families, children having children, burned out cities, and a 30-percent illegitimacy rate. We won't make a dent in the problem by trotting out the same tired old liberal ideas.

We can make a good start today by endorsing the food stamp block grant amendment. This amendment returns us to the original welfare reform formula in the Contract With America. It freezes funding at the 1995 spending level and provides almost $19 billion in savings over 5 years. But, more importantly, it says people getting food stamps under the age of 60 must work.

Mr. Speaker, we were sent to Washington to put people to work and to get the Government's hands out of the peoples' pockets. Let me tell you where we will be if we don't get a handle on the runaway welfare train. This year food stamps will cost the American people $26 billion. If left alone food stamps will cost us $32 billion by the year 2000. Today Federal welfare spending stands at $387 billion, by 2000 we will spend $537 billion on welfare entitlements. Simply put, the madness has to stop.

The food stamp block grant eliminates the Federal middleman and cuts the heart out of the Washington bureaucracy. It says the real innovators are in the States and the counties. These are the people who are closest to the problem. They know peoples' needs. They are on the front line in the fight against poverty. They understand its causes and they can provide the moral and spiritual leadership so many of our citizens so desperately need.

Mr. Speaker, the goal of welfare reform is to get people off the Federal payroll. The best welfare program is a job. By cutting government, taxes, regulations, and bureaucrats we can create a new era of opportunity that will make it easier for poor Americans to get back on their feet.

I want to close with remarks from the Governor of Michigan, John Engler, who is leading the fight to take government back from the bureaucrats and the social planners. Governor Engler tells us:

Ultimately, the debate over welfare reform is a debate about our basic principles and values as Americans—about the value of work, responsibility, freedom, and self-reliance. It's a debate we cannot afford to lose. It's a debate we can win—if we act in time.

Mr. Clinton is right about one thing, it really is past time to end welfare as we know it. Let's start with food stamp reform.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. Speaker, when we talk about block granting food stamps to the States, opponents of the idea express doubts about the ability of State government to reform the program. Forgetting momentarily that the Federal Government has not shown any ability to operate the program under its own auspices, let us look at what the States have done with welfare reform.

First of all, Wisconsin Governor, Tommy Thompson, introduced a number of innovative programs that reduced welfare rolls in his State by 25 percent, saving State taxpayers $16 million per month. In 1988, he began Learnfare which discourages truancy and promotes education. In 1990, he started Children First, a program to increase child support collections. In 1992, his Parental and Family Responsibility Initiative removed disincentives to marriage and discouraged children from having children. This year, he launched Work Not Welfare requiring able-bodied recipients to work for cash benefits.

Michigan Governor, John Engler, who we heard about prior, offered welfare clients incentives to work and required them to sign a social contract agreeing to work, receive job training, or volunteer at least 20 hours per week. In just 2 years, the plan has helped nearly 55,000 welfare achieve independence, and welfare caseloads have fallen to their lowest level in 7 years, saving taxpayers $100 million.

Massachusetts Governor, William Weld, signed legislation last year to strengthen child support collection which is expected to save $102 million in AFDC and Medicaid expenses and enable an estimated 7,000 families to discontinue the AFDC Program.

□ 1515

This year, he introduced welfare reform requiring able-bodied welfare recipients to take a job or community placement within 60 days in exchange for child care and health care benefits.

In addition, Governor Thompson recently identified four principles around which any welfare system should be built. These include: First, to end indefinite cash assistance; require work of able-bodied adults as a condition of receiving temporary assistance; include provisions to reduce illegitimacy; fund States, not individuals, by ending individual entitlements.

Michigan Governor John Engler stated matters well on February 9 at an Agriculture Subcommittee hearing on food stamps. The Governor said, and I quote, ''Let me be absolutely clear on this from the start: America's governors understand the importance of good nutrition, especially for children, pregnant women, and other vulnerable individuals. None of us would adopt policies that would take food from the mouths of people in need. On the contrary, we want the freedom of a block grant to be able to help more people with better, more efficient community-based programs that better meet local needs,'' end quote.

Governor Engler also said, and I quote, ''With the freedom of block grants, I trust my human service department directors and their colleagues at the county, city, and neighborhood level to get the job done. And I trust local charities, civic groups, churches, synagogues and mosques to make sure that the children and mothers to be in their respective communities get the proper nutrition.''

Mr. Speaker, I know some people feel that the Federal Government is inherently better at providing food assistance. I believe the track record shows otherwise. The closer the administration is to the people who need the food, the better that administration will be.

How effective are churches and private charities in dealing with hunger? As early as the pilgrims establishing a community in Massachusetts, Americans have shown compassion for one another free of government interference. Marvin Olasky, in The Tragedy of American Compassion, quotes Pilgrim leader William Bradford describing the benevolent activities of those Pilgrims who remained healthy. Bradford's account describes able-bodied men and women cooking food, washing clothes, and providing medicinal aid to those less fortunate.

Olasky writes that the need to offer personal help and hospitality became a frequent subject of sermons, which in colonial days were more powerful in shaping cultural values, meanings, and a sense of corporate purpose.

Congregationalist and Presbyterian sermons noted that faith without works of compassion was dead. Anglicans also argued that those blessed materially by God should have compassion for the poor by descending into misery when necessary in order to help them up: This in one order of life is right and good; nothing more harmonious.

And when Methodism spread in the 18th century, American followers propagated John Wesley's advice to, quote, ''Put yourself in the place of every poor man and deal with him as you would hope that God would deal with you.''

I do not need to document the work of organizations like Catholic Social Services, Lutheran Social Services, and the United Jewish Appeal. I even have some firsthand experience at church-directed charities. I ran the food pantry at 12th Avenue General Baptist Church in Evansville, IN. We met people's needs, we took an interest in people's lives. That is the America I know. That is the America that used to be and can be again if we can get away from this idea that the Federal Government is our nanny.

At this time I would like to offer time to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I think that if the gentleman from Indiana [Mr. HOSTETTLER] wants to conduct a colloquy, I will be happy to talk with the gentleman about it. But it seems to me that the Committee on Agriculture varied the Contract With America and from the change that the people in America have been asking for, and that is a smaller Federal Government and local control. And that is what we were sent here to accomplish.

We are not eliminating food stamps. We are not eliminating food assistance. We are in favor of kids growing up good and strong. And good, healthy fat ones is what we want, right?

Mr. HOSTETTLER. Yes, sir.

Mr. SAM JOHNSON of Texas. So, I think that it is important that people understand in the world that the Education Committee designed three block grants for child care, for family nutrition, and for school-based nutrition. And all of those programs provide more money for all of the programs.

And not only do they provide more money, but they allow the States to be their own judge of how to spend that money and move a little bit of it around to wherever the priority projects are in each State, based on each State's needs, each kid's needs, each school's needs. Would you agree with that?

Mr. HOSTETTLER. Yes, sir.

Mr. SAM JOHNSON of Texas. I think the Committee on Ways and Means designed block grants for child protection and family assistance, so the two committees together have formed block grants that protect children, protect the school system, protect the pregnant women, infants, and childrens programs, and make America safer and better. And, in addition, ask only in return that they please work for whatever benefits that they receive. Do you think that is too much to ask for Americans to do?

Mr. HOSTETTLER. I do not, sir.

Mr. SAM JOHNSON of Texas. Would you not think that most Americans want to work anyway?

Mr. HOSTETTLER. Yes, sir, they sure do.

Mr. SAM JOHNSON of Texas. And we are going to give them that opportunity, along with greater and better benefits based on their own local input and needs.

And I think there seems to be resistance in this town to doing things that would protect our children at home. Most people here would say that the resistance here wants to keep the massive Federal bureaucracy in operation, the massive Federal control over every individual's life, including the kids.

And we are teaching the kids, I think, would you not agree, that we are teaching the kids that the Federal Government knows best? And I defy anybody to say, whether you or I, or

anybody else in this House of Representatives or Senate, knows what is best for the children in their own hometown, in an individual school district, in an individual home.

Would you agree?

Mr. HOSTETTLER. I would most assuredly agree with you.

Mr. SAM JOHNSON of Texas. And I like your chart by the way. I did not get a chance to tell you that. But I think all the people that vote for the remainder of the welfare bill under block grants, but refuse to make this needed change should rethink their vote, because we think we need to be consistent; consistent with the Contract With America, consistent with the wishes of the American people, and consistent with the ideas and principles of the conservative party, the Republican party. Given America back to Americans. Thank you for letting me talk with you.

Mr. HOSTETTLER. Thank you very much, sir.

Mrs. SCHROEDER. Will the gentleman yield?

Mr. HOSTETTLER. The Rules Committee is graciously allowing me to do my special order, and I would like to continue and conclude at this time. But there will be an opportunity later.

Mrs. SCHROEDER. The gentleman will not yield.

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Texas for putting it so well. The local, State, and county governments know best. That is where our tax dollars come from, and we need to return the idea that they know what is best. Theirs is the resource of the money. Let them do things in their locales that they think is best.

There is a quote that says, ''Welfare is a narcotic. A subtile destroyer of the human spirit.'' Who said this Mr. Speaker? Was it, A, Charles Murray; B, Ronald Reagan; or C, William F. Buckley? The answer, Mr. Speaker, is none of the above. The quote is from Franklin Delano Roosevelt.

Who would you say, Mr. Speaker, has been least effective in meeting the needs of the poor? A, Mother Teresa; B, the United Way; C, the Salvation Army; or D, the Federal Government? If you formulated your answer based on dollars spent, you would probably choose one of the top three. But in answering the question, Who has been least effective in meeting the needs of the poor, the answer is clear. The Federal Government has failed.

Why, then, would we think of a federally run food stamp program as the ultimate social safety net as some are calling it? Marvin Olasky, in ''The Tragedy of American Compassion,'' writes how charity workers deal with applicants for assistance. They start with the goal of answering one question: Who is bound to help in this case? Charity workers then called in relatives, neighbors or former coworkers or coworshipers.

Relief given without reference to friends and neighbors is accompanied by moral loss. Mary Richmond of the Baltimore Charity Organization Society noted, and I quote, ''Poor neighborhoods are doomed to grow poorer and more sordid whenever the natural ties of neighborliness are weakened by our well-meant but unintelligent interference.''

Another minister said, quote: ''Raising the money required specially on each case, though very troublesome, has immense advantages. It enforces family ties and neighborly or other duties instead of relaxing them.''

The Federal Government does not do any of these things. The proposed plan for food stamps, while less of a budget strain than the current system, continues on with the Federal tradition of throwing money at the problem.

Mr. Speaker, in conclusion, I would ask that Members consider the idea of block granting food stamps and the idea that the Federal Government does not always know best and that State and local governments can best meet the needs, along with private and religious charities, to meet the needs of our neighbors. And I give back the balance of my time.

SAVE THE CHILDREN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 60 minutes as the designee of the minority leader.

Mrs. SCHROEDER. Mr. Speaker, thank you very much for yielding. And I am sorry the prior gentleman would not yield to me, because I had several things that I thought would have been a very interesting discussion.

I heard what he said about State and local government and that is where the money is raised, but he is asking us to raise it at the Federal level and then give it back to them to spend however they want with no strings attached.

And so I think I am the one standing here as the real conservative. I figure if they want to spend money with no strings attached, they ought to raise the money. Why in the world are we going through this system and then going up and down the elevator?

I think if we are raising the money here and we are giving it to localities to spend, we should be saying there should be nutritional guidelines. We should be saying to farmers who get subsidies from us that they ought to have a buy crop insurance rather than wait and if there is a disaster, the Federal Government bails them out.

If the State and local government want total say in how they spend money, then they have the right to go raise that money and they are on their own. So I found that really amazing.

I also wanted to point out to him, he was citing Governor Engler of Michigan. And on the wire service at this moment there is a story about Governor Engler saying that conservative micromanagement is just as bad as liberal mircomanagement. And he is pointing out that between the prison bill and the Republican welfare bill and many other things, they are micromanaging, but only they are micromanaging in their way. So let us clear the air of some of this politics.

Mr. Speaker, I wanted to rise and say a few things. No. 1, I have on this Save the Children scarf. A lot of us are going to be wearing these next week. We never thought we were going to have to wear them for saving American children, but that is what we are doing. We are going to have to wear them to save American children because all of the sudden we are watching all sorts of programs that were their safety net being totally dismantled in the name of all sorts of political smoke and rhetoric that is blowing everywhere. And I think that is very unfair.

An awful lot of the cuts we pass today, and the things we will be doing next week, are going to go—and I am a Democrat, so I do not have as fancy a chart as he does—they are going to go for tax cuts. They are going to go for tax cuts, and these are supposed to be great things for America's families.

Yes, they are great if you make over $100,000. If you make over $100,000, this tax cut is going to mean $1,223.23, on an average, per person. That is great.

However, if you make less than $100,000, guess what? It is going to mean $26.05. So for most Americans, I think this is a real distortion of what is happening.

I think too, when you look at where this comes from, again, what you see is 63 percent of the cuts that we are talking about are coming from only 12 percent of the programs. This is not across the board.

□ 1530

They are not cutting DOD. They are not cutting the space program. In fact, there are programs in the space program that went up as much as 400 percent. They are not cutting those programs. No, no, no. You are cutting children. Obviously children caused this debt. I do not remember that. I do not think children had anything to do with this debt. And I think to jeopardize their future is positively outrageous.

When you look at low income programs, you again see that when you break it down to discretionary low income programs, they got 15 percent of the cuts; other discretionary programs only got 1 percent of the cuts. Now, tell me how that spells fair? I do not think it spells fair at all.

I had a few other things to say on this 72d day of the contract. I know the gentleman from California wants to talk too. I will be yielding to him very shortly. But here we are on day 72 of the contract. We are seeing all sorts of ethics violations piling up in front of the Committee on Ethics. We are seeing all sorts of legislation that has not

really been thought out, coming down a conveyor belt like a bunch of cream pies hitting us in the face. They look like they were written by interns. They are admitted to have been put together by pollsters. No one knows how it is going to happen. It is stalled over on the Senate. They are busy ironing their togas and seeing if they can get around to dealing with this stuff, and everybody is hoping on them bailing us out.

This very day from my congressional district I am very sad to say that by the vote we passed today, we cut out all summer jobs for kids. Now, if we are going to go around and tell kids what to say no to, we better have something to say yes to. Last year we had 4,200 kids in the summer job program, and we had the safest summer we have seen in Colorado in a long time. Well, bye-bye. It is gone. and it is now March. Kids are going to get out of school in 2 months. I think that is outrageous.

We also lost training programs for 2,300 adults and another 1,500 youth programs that went all year-round.

The Denver public schools tell me what we did today, the Goals 2000 cuts are unbelievable. They will affect 35,000 elementary school children in Denver alone. And what will they affect? They are going to take away the science-related teaching. Oh, that is great. We are going to live in the 21st century without science-related teaching? That is terrific. Well, today we did it to 35,000 kids in my district in elementary school. If I sound mad, I am mad.

Let me tell you what else they did. In the Eisenhower Grant cuts they cut the math and science training for 2,000 teachers in my districts. I think if anything we need more math and science teachers in K through 12. We know if America is going to be competitive, that is one of the areas we are very weak in. So what do we do? We cut it.

I cannot understand this war on kids. I absolutely do not understand this war on kids, except they do not have political action committees to donate money to people running. They do not even vote, so I guess we figure they are the most vulnerable. But when you look at America's kitchen tables, they do everything they can to hold children economically harmless as long as possible. Here we put them in harm's way, rather than touch ourselves or touch some program that we are trying to preserve.

Now, many people will say oh, she is a liberal, she wants to vote for spending, and on and on and on. I will put the spending I voted against up against anybody else's spending, any day. One of the things I voted against over and over again was a thing called the super collider. Well, guess what? We were told we will never find the 8th quark, you are part of the flat earth caucus. This is absolutely terrible. We got to have a super collider.

Well, you know what? They found the eighth quark and we defunded the super collider. We found it without that massive program. Meanwhile, we are going to cut science teachers for our kids so we will not even have scientists to look for that type of thing in the future if we keep going down this path.

We have heard all sorts of nostalgic talk about what is happening and where we are going. This session was begun with the Speaker throwing out the first orphan. Today we see him talking about how we are returning to Victorian values.

I remind people that those are beautiful pictures of Queen Victoria in her castle. But unless you were part of Queen Victoria and her family, the Victorian era was not such a good time. When you look at Dickens in his Tale of Two Cities, he talks about it was the best of time, but it was the worst of time; it was an age of wisdom, but it was also an age of foolishness; it was an age of light, and it was an age of darkness. I think we all remember that great novel, that reminded us that there was a Victorian underworld; that belief in the family was also accompanied by a high incidence of prostitution and all sorts of other things.

So what really happens is in the good old days we tend to only remember the good old part and we forget some of the bad old part. I do not think the Speaker or anyone in this body wants to go back to those kind of days. We have made a lot of progress in this country. We have said that our young children have the right to be safe, to be fed, and a right to dignity and a right to an education, and that should depend upon their citizenship, and not who their parents were. If our new message is to the kids, too bad, you should have picked richer parents, then we are in real trouble.

I know the gentleman from California wants to speak, and I am just about ready to yield to him, but I just want to remind everybody that the basic difference between what America was about and what other countries were about is we always said that in America you were what your children became, and in other countries you had no choice. You were what your parents were. So there was no option for you to grow out of that class or grow out of that rut that you were born into.

Here, the great American dream was the dream of your children becoming, your children doing bigger and better things that you than you were ever able to dream about. But they cannot do that if they are not well fed.

I want to tell you if I vote for money for nutrition programs, I want them to be nutritional. I do not want to give them to 50 States and say spend them any way you want, have a nice day. We collect it and send it to you.

I think most States do a good job, but some would rip it off. That is true with every other thing. If we have the responsibility of raising it, we have the responsibility of seeing that it is spent sensibly and correctly. And whenever there is any fraud, waste or abuse, we ought to attack it.

The gentleman from California has some fancier charts than I do. He got his made, so let me yield to him at this time, and I thank him for waiting patiently.

Mr. TUCKER. I thank the gentlewoman from Colorado for yielding. I would submit to her that no matter how fancy my charts are, they could not in any way overcome what she has already said to this body, because you have been so accurate in your depiction about what is going on here. I would like to just take a few moments to really just dovetail on what you have said.

There is an attack on our children. If I have to wear one of those scarves, I guess I will too, certainly to make the point that there is a very insidious attack on our children right now.

So many talk about the Contract With America. But obviously there must be a contract out on our young people. That is why I want to talk this afternoon and this day about some of these attacks, and particularly in the wake of what we are going to be dealing with next week as it relates to what some call welfare reform, or as it is related in one of the plans of the Contract on America, the so-called Personal Responsibility Act.

I rise in strong opposition to this so-called Personal Responsibility Act. For many years now, Mr. Speaker, Democrats and Republicans alike have talked about the fact that there are welfare recipients and Americans on opposite ends of the political spectrum and have all agreed on two things: No. 1, the welfare system is broken. We understand that. But No. 2, Mr. Speaker, and most importantly, we as Americans must change welfare as we know it and we must change it fairly.

The bill, as I read it, Mr. Speaker, fails in several ways to address the real problem. First, the bill erroneously assumes that the problem with welfare is that the people on welfare, the welfare recipients, just do not want to work. They are a bunch of lazy, shiftless, no good people who just do not want to work. That is what they want America to believe.

The reality, the reality is, Mr. Speaker, that 70 percent of those on welfare who receive welfare benefits, oh no, they are not welfare shyster fraudulent mothers. They are not crooks. They are not ripoff artists. They are children. They are our Nation's children. Seventy percent of them, I am going to say it again, because it is worth repeating, 70 percent of all welfare benefit recipients are children.

I have one of these charts just to illuminate this point. You can see there that the lion's share, and I think that is a good term since the kids like the Lion's King, I will throw that in, that the lion's share of welfare recipients are our children. Seventy percent. And that is significant. It is more than significant, because as we started talking about the facts, we need to dismantle

this notion that it is just a lot of adults bilking the system. Somebody has to stand up in this House and in this well to protect America's children.

My colleague, the gentlewoman from Colorado, has said it so aptly and so appropriately, that it is a battle to protect our children.

Mrs. SCHROEDER. We still have child labor laws as I remember, right? So the gentleman's point would be if we wanted everybody on welfare to work, we better quickly repeal the child labor laws.

Mr. TUCKER. I appreciate the gentlewoman's point. The remaining 30 percent are the mothers of these children and disabled persons. Second and most importantly to this body, and this body, as it has done in the past, is attempting to base new policy on the same false premise, and that premise is that if we cut these people off of welfare that will encourage them to work. We give them more pain, we give them more punishment; that will encourage them to work.

The reality, Mr. Speaker, is that the problem with welfare is this body's total abdication of its responsibility to deal openly and forthrightly with the cause of welfare. Once again, we run around here so often talking about the problems of America and what we have to do to solve them, but very infrequently do we get down to the real root causes of the problem. We put Band-aid solutions on things and we try to in some way shift the burden and say that now it is the States' problem, not our problem, but we never get to the root cause of the problem.

Well, what are we talking about? The problem is that these people, the recipients of welfare, need a job, need a livable wage, and that is something that is not in the Contract With America. That is something that we are not addressing ourselves to.

If we did address this problem openly, Mr. Speaker, we would find that what most welfare recipients want to do is they want an opportunity to work. They do not want a welfare check. They want to work. There is dignity in work. There is self-sufficiency in work. There is no shame in work. They just want an opportunity to work.

Now, this bill, Mr. Speaker, that is coming up next week does nothing to offer that. It does nothing to empower people. But it does everything to cut them off. It does everything to turn their backs, our backs on them. It does nothing to address those very important secondary impediments to welfare, mothers going to work. That is the need for day-care for their children, so they can go to work.

This past weekend I was home in my district, and I was talking to a young woman who had had a serious struggle with crack addiction, cocaine addiction. And one of the things that she said in one of these encounter groups, and she was recovering and realized that years of her life had been taken away, she had three kids and through some programs out there, very needy programs, programs that are in jeopardy because of the kind of rescissions we made this week on the House floor, through these programs she had an opportunity to pick herself up, she had an opportunity to finally have some straps to pull her boots up by, and she said that it was very important that she had child care. Because without child care, she could not realize her dream of one day becoming a nurse. She thought her dreams had all turned to nightmares, but she needed some support.

Child care is not in this Personal Responsibility Act; it is not in that bill. So without child care, once again, we are not getting to the root causes of the problem. We are merely sweeping the dust under the rug.

There is another thing that is not in this bill, and that is health care. We need health care for these welfare recipients, if we are going to make people whole. Yes, we had a debate last year about health care and some people said we were doing too much, some people said the Government was too involved in it. But one thing nobody could deny was that at least 37 million Americans did not have health care, and millions more were under-insured.

There are a lot of Americans out there. Some of them might be your relatives, your cousins, your friends, your family. They do not have health care. It is very difficult to survive. It is very difficult when something, God forbid, should happen to you or your loved one, and there is a choice between actually working, living, and being able to get some type of treatment.

□ 1545

Further, Mr. Speaker, the bill fails to invest the resources in job training and education necessary, vital to equip welfare mothers to compete for the jobs that are available.

So what we are saying is, in essence, this; that if we are going to have a serious, comprehensive, effective and a real and a valid Personal Responsibility Act, then let's give people something that they can be responsible with. Either we are going to provide them with jobs or we are going to provide them with the job training that will help them get the jobs that are already out on the job market. It has got to be one or the other, because you can't just cut people off and not provide them with something that they can get onto.

It reminds me so much of the debate that goes on about drugs and this whole notion of how we are going to get our young people to get off drugs and get away from crime, which we know that so many of our crimes are drug related, and that is, it is not just a question of what we are telling our young people to say no to. It is a matter of what we are telling them to say yes to.

The same people who take this House floor telling our young people, say no to drugs, drugs are bad, say no to them, but yet they are the same people who will cut AmeriCorps, who will stand on this floor, punch that machine and cut a program that will allow our young people to go out and to move into higher levels of education by being able to collateralize that with giving back to their community with community services, teaching and working in community centers. It is double minded and it is double tongued.

We cannot have it both ways. Either we are going to invest in America and invest in Americans or we might as well just be honest and say that we are not our brother's keeper and we do not care about our fellow man anymore.

We have got to provide this means of jobs or this means of job training. In fact, Mr. Speaker, the only thing that the Personal Responsibility Act as a bill guarantees to our children is that once their parents have used their allotted benefits, that is it, it is over, no mas. There is no other safety net for these families or their children and my colleague spoke about that so readily.

This is what we are talking about. Someone has to stand up and be responsible. If we are talking about the Personal Responsibility Act, doggone it, the U.S. Congress has got to take some responsibility first and we have got to lead by example. We have to take responsibility for our Nation's children.

So no matter what happens to the Nation's economy or the economy of any particular State, no matter what happens with your personal circumstances, regardless of your efforts to secure employment, it doesn't matter. That is it, no more benefits. When you are cut off, your are cut off that is no kind of way to have a responsible government.

Mr. Speaker, this bill would abolish the entitlement status of those essential programs that protect our children from hunger and from homelessness. We talk all the time about wishing that we had less homeless people, but the reality is that with every action, there is a reaction. With every act, there is a consequence, and Mr. Speaker, if we pass this Personal Responsibility Act without child care, without health care, without jobs and without job training, without some type of entitlement status and guarantee for these people who, for whatever reason, on a temporary basis can't do better, then what we are doing is, we are just turning our backs on them and we are advocating and promoting homelessness.

Now, we all do not see it right now, but the streets will be flooded with people without a job, without a home, languishing and laying in the streets, and where does the responsibility for that Responsibility Act lie? It lies right here on the floor of the House of Representatives.

What this means, Mr. Speaker, is that no longer are poor children guaranteed that they will grow up with a

roof over their head and food in their mouths. Oh, yes, America, land of the free and home of the brave. We are going to take care of our little ones, take care of our elderly, and yet with this Personal Responsibility Act, with one fell swoop, we send these young children without a roof over their head, without clothes on their back, and without food on the table.

Somewhere I remember some great man once said, ''suffer the little children and forbid them not.'' What we will do if we pass this act, we will push those little ones aside. We will push them out. We will turn our backs on them. In fact, what our children are guaranteed, Mr. Speaker, in this bill is that their basic health care and nutrition needs will now be subject to individual State priorities at each new Congress' view about their mothers and their willingness to work. No guarantee.

What we will do in this bill, Mr. Speaker, is decide that welfare and single mothers and their children are the root of all evil in society, and if we are to ever balance the budget, we must get these pariahs off the road. No guarantee.

Mrs. SCHROEDER. I want to thank the gentleman for his very, very, wonderful statement, and I thought his point about child care was excellent.

When I was one of the cochairs of the Congressional Caucus on Women's Issues, back when we were allowed to have those, back when we were freer, I guess, we asked the Government Accounting Office to look at what happened in programs that gave women, the mothers you are talking about, the 30 percent, a 100 percent voucher for child care reimbursement, did it affect their work. Guess what—158 percent of them on their work. You don't have to be a rocket scientist to figure this out, but the gentleman is absolutely right.

Those mothers, most of them would like to go to work, but you can't leave your children at home, and if you would give them a child care voucher, then they can. But your point is, they are not, so you beat on them for staying home, and yet, they let the children home alone, you beat on them for doing that. There is nothing they can do that is right, and I thank you for pointing this out. You are doing a great job.

Mr. TUCKER. I thank the gentlewoman for pointing that statistic out because certainly this Congress, though it might be cutting conscious, though it might be conscious of making the budget leaner, it should not make Government meaner.

We have a responsibility to Americans and we have a responsibility particularly to our children. When the gentlewoman was talking earlier about the assault on America, the assault on our children, the assault on lower- and middle-income programs and people, and she was mentioning with quite a bit of dexterity the cuts that came down on this floor, I would like to, in one of these charts, show another example of some of the cuts that happened.

The same people who talk about the Responsibility Act, the same people who talk about that word responsibility, this is what is being done to America. It is not a Contract With America. It is a contract on America. It is Robin Hood in reverse. It is taking from the poor and giving to the rich. We all know what it is all about. Yes, I would like to have a tax cut. Everybody would like to have a tax cut, but not on the backs of the needy and the poor people in this country who can ill afford, who can least afford to be burdened any further.

Look at the kind of cuts that we are talking about. We are talking about programs like the Low Income Home Energy Assistance Program, a program whose function was pure in its concept. It was to help low-income people who could not afford to pay their energy bill, who could not afford to pay that heating bill in the cold months of the year, these people on fixed incomes who just need a little help. Not welfare. They just need some support. A $1.3 billion cut. And what is the consequence of that? Low-income elderly people freezing in the wintertime. America, land of the free, home of the brave.

What about this cut? Job training programs, oh, yes, there is another wasteful welfare program. Let's not train our people to work. Let's not train our people to be prepared for the 21st century, as the gentlewoman from Colorado pointed out. We talk about the supercollider, but yet we do not want to teach our young kids basic science. Look at this cut, $2.3 billion cut, and the consequence of that cut, what is the consequence? Almost 800,000 youth, once again, an attack and an assault on our young people, almost 800,000 youth, adults, will be displaced, and displaced workers will not get job training and summer jobs.

Do not blame the Democratic Party when you see all these young people out there in the streets and you want to know why somebody is stealing the hubcaps off your cars, why somebody is burglarizing your house, why somebody is putting graffiti all over across town and your property values are going down. Do not blame us because your young people in your community do not have anything to do this summer, do not have any training and cannot get a job, because of the $2.3 billion cut that just cuts job training programs and disallows these young people or displaced workers, and you might be some of those displaced workers. I had a lot of them out in California from the aerospace industry trying to find a job, trying to redirect their careers.

Third one, look at this one, a $1.6 billion cut of the safe and drug-free schools, Goals 2000 and School-to-Work Programs, all laudable, well worthwhile programs, meritorious programs, what happens? A $1.6 billion cut. The consequence? More drugs in our schools and fewer dollars to fight crime and drugs.

Nobody likes to see the deficit balloon. Nobody likes to see the debt go up, but at some point we have got to take responsibility about the things that are important for this Nation. These programs are not throwaway programs. These programs are programs that say, if you don't pay me now, you are going to have to pay me later. It is just that simple, and I don't know where anybody gets off thinking for one moment that just because you cut, that this problem goes away. The problems go away; they come back compounded. You are going to pay 10, 20, 30 times more trying to clean up the mess.

Mr. Speaker, the reality of welfare is not only that 70 percent of all welfare recipients are our Nation's children, but the reality of welfare is that 70 percent of all welfare recipients are off of welfare in 2 years and only 12 percent of all welfare recipients stay on welfare for more than 5 years, and I happen to have a chart to elucidate this.

As you can see, 50 percent of all the recipients leave welfare in 1 year. Of all welfare recipients, 70 percent get off of welfare in 2 years, and 88 percent, far above the majority, leave welfare within 5 years. What are we saying? These declarations, these representations that say that all these people, it is just a lifelong thing, they are bilking the system, it is a career, these people are career rip-off artists, this is a program that not only deals with our young people, but it also deals with people who have hit some hard times, and I believe that everybody out there is just one step away from hitting some hard times, or at least most Americans are.

Most Americans live from paycheck to paycheck. At some point in time, those who are lower and middle income have some hard times. Yes, they may need 1 year; yes, they may need 2 years; yes, they may need a few years, 5 years, but the reality is that welfare is a transitional program.

Mrs. SCHROEDER. I am so glad to see the gentleman's chart, because I think every one of us who have been trying to discuss this issue gets so frustrated by the misinformation and the disinformation floating around, and it reminds me of last week when we were all trying to deal with the product liability bill and people kept talking about the Girl Scouts, the Girl Scouts, how the Girl Scouts wanted this, and if you remember, the Girl Scouts were in the Wall Street Journal day after day saying, no, no, no, no, no; that is all being made up.

We need like a truth squad on this floor. So I am glad that the gentleman from California is being a truth squad and pointing it out. That is not to say there are not some people who abuse it, but it is a very, very small percentage. It is not like a huge largess spraying out there.

□ 1600

Most people are embarrassed to be on welfare, cannot wait to get off welfare, and want to do everything they can to improve themselves.

Mr. TUCKER. I thank the gentlewoman for her contribution. Certainly she is correct, that we have to set the record straight. There has been so much. If there is an abuse here, it has been the abuse of information, it has been the abuse of the truth to the American public; people telling others welfare is just the biggest ripoff there is.

The reality is that, yes, there are those in our society, in segments of our society, who are in need and who need transitional help. This shows us just how temporary the transition is.

Mr. Speaker, why would this body base welfare policy on the 12 percent of people who go over 5 years? If 88 percent of the people are off by 5 years, there are only 12 percent of the people who stay on welfare over 5 years. Why this body would base welfare policy on that 12 percent of the people is beyond me.

Mr. Speaker, this bill, the Personal Responsibility Act, would require, or, as we like to say in Washington, it would mandate that States deny AFDC permanently to families where the children were born after this bill's passage to unmarried mothers younger than age 18. States would also have the option to deny assistance to children born to unmarried mothers younger than 21. What that means is that the States would have an option to punish the children, to punish the children, just because a mother had them under age.

Once again, Mr. Speaker, as my colleague indicated, the children do not have a right to pick when they come into this world. They do not have a right to pick who their parents are. However, because of the distorted and perverse notion of responsibility that my colleagues on the other side of the aisle are proffering, the children, once again, will end up having to pay for the pregnancy of their parents.

Mr. Speaker, this bill would allow States to eliminate all cash benefits to families who have received aid for 2 years, and would permanently bar such families from any future aid if the parent had participated in the work program for at least 1 year, so they can dance around this. They can give them a work program for 1 year, and after that they can forever and ever bar them from any future participation or future benefits in the program. It is just a loophole to getting them off the basis of support.

Such families would definitely suffer. After 5 years, States would be required or mandated to terminate permanently the family from cash assistance. The State, even if it wanted to continue cash payments, would be directed by Washington to deny the benefits.

In both of these cases, the contract on Americans would allow children and families to be left without any cash help or a public service job, even when the parent was willing to work but unable to find work in the private sector.

There is an interesting situation and an interesting scenario. Here is a scenario where someone is willing to work, cannot find work, but they are still going to be cut off and still going to be punished by this new wonderful Responsibility Act.

An even more omnious provision in this assault on America's children would take the savings generated by denying assistance to the unmarried teens and their children and use those same funds to build orphanages for those children, or group homes for those children and their teen parents rendered destitute by this bill.

So many people talk about what is going on in Washington: the 100 days, we are moving forward, we are moving fast. Yes, we are moving fast. We are moving nowhere fast. As my colleague said, it was the best of times.

Mrs. SCHROEDER. Maybe we are moving backwards fast, back to the Victorian age.

Mr. TUCKER. That is right, we are moving backwards fast, because backwards is nowhere, it is a place called nowhere. We are moving so fast that we do not realize that we are moving backwards, and backwards is nowhere to be. It is nowhere we want to be, because it is where we have already been, and that is why we left it.

Mr. Speaker, we know what happened in the days of orphanages. We have these people who take the floor and somehow try to glamourize Dickens, somehow try to glamourize Boy's Town, somehow try to glamourize the concept of an orphanage. That is like trying to glamourize a whorehouse; it is nice, it is a place of comfort and refuge.

No matter what words you put on it, no matter what semantics you use, no matter what window dressing you use, an orphanage is still an orphanage. Why can we not, as a country, wake up to our responsibility, to our children in this country, and realize, yes, we have to cut the deficit.

The argument that our colleagues use for cutting the deficit, do you know what the argument they use is? It is always our children, ''We don't want to mortgage this debt on our children. We don't want to have the ignoble responsibility of going down in history as that generation that left a multi-billion dollar deficit and multi-trillion dollar debt to our children. We are mortgaging our children's future.''

That is what we hear on the floor of Congress every day. Therefore, if they are so concerned about our children, why don't they show it?

Mrs. SCHROEDER. Mr. Speaker, I think the gentleman is going right to the core of it. What we are doing in the name of the children, we are also doing it to the children. You have a financial deficit, and to deal with that, we are going to create a human deficit.

We are into this very mean thing where the adults are saying, ''We are not going to give up anything we have, thank you very much, take it out on the children.'' Hey, where is that fair? These kids did not create that deficit.

There is no one in this country, I think, that feels we can compete in the 21st century without more education and without kids that are healthy and well fed. We know if they are healthy and well fed they do better in school. We can go on and on and on.

Yet, what are we doing? They are the first out of the budget, the first out of the budget. Again, that is why we are wearing ''Save the Children'' scarves. I know we have a tie for the gentleman from California [Mr. TUCKER], so we will tie one on you and get you enlisted on this.

Mr. TUCKER. Thank you. I will wear it. I think the gentlewoman expressed the point so aptly, that our children do not have the big lobbying firms. They are not this powerful special interest that can come up here and fight. That is why we have to be a voice for the voiceless; that is why we have to talk about this, because it is our Nation's children that are being exploited.

Mr. Speaker, is it not interesting that when we talk about that kind of deficit, what we are talking about is the fact that we cannot only be concerned about being economically bankrupt as a government, but we also have to be concerned about being morally bankrupt. If we turn our backs on our Nation's children, this Nation, this great Nation, will not progress and will not fare well.

In closing, Mr. Speaker, as we talk about the fact that it is open season on the poor and on our children, and in fact those who sent many of us here to Washington to protect them, we must understand that this welfare is not about long-term bilking the system, it is not about people who do not want to work.

In fact, another important point, setting the record straight about welfare, and as is the case so often with our colleagues on the other side of the aisle, they have a tendency to bring up and to proffer these race-baiting wedge issues. Welfare is not a black issue. It is not just a woman's issue. It is not a black issue. It is not just a white issue. It is an issue that relates to Americans in need.

Let us set the record straight on this. The racial composition of AFDC recipients: 18 percent are Hispanic, 37 percent are African-American, and 39 percent are non-Hispanic white Americans. It is interesting, though, that every time you see the images and you see the ''stereotypical welfare recipient,'' it is somebody black, it is somebody brown.

Therefore, this issue is not a black issue. This issue is not a welfare fraud mother issue. This issue is 70 percent, once again, the recipients are children, the recipients are poor, the recipients are needy. The recipients are not lazy.

The recipients are people who want to work.

Unless we are going to take the kind of responsibility that we should take as leaders of this country, to be honest with the American people, to be truthful with the American people, and then to be responsible for America's children, then we should not be serving here in the House of Representatives.

Mr. Speaker, I appreciate this time to give America what I feel is an honest assessment and an honest appraisal of what the welfare system is and what kind of reform we need in this system. I thank my colleague, the gentlewoman from Colorado, for joining me, because certainly I will wear that tie and I will wear it proudly.

I hope that before it is all over, we can tie some responsibility, some real responsibility onto Republicans who stand on this floor and tell us that the best way to solve our problems in this country is to punish and to cut off. No, the best way to solve our problems in this country is to reach out.

Mr. Speaker, it is not so much that these people need a handout. What they need is a hand, and not just in money. They need us to reach out to them and to let them know that this America is for them, too. That is why they need health care, that is why they need child care, that is why they need job training, and that is why they need jobs, so they can realize their dreams, just like everybody else in America wants to realize theirs. Then we will not have to worry about wasting so much time talking about who is ripping off the system.

It is interesting how my colleagues always talk about eradicating or bringing down the deficit or the national debt. Maybe if we did more to empower some of our welfare recipients, they would become working, empowered American citizens who would be putting more into the government till, and thereby raising our revenues and bringing down the deficit and bringing down the national debt.

Mrs. SCHROEDER. Mr. Speaker, I want to say what a privilege it is to yield to the gentleman from California, because there is some good news today. I think we are going to have to keep doing these kinds of things. The good news is that I think we had a meltdown on meanness. When we voted on the rescissions, although we did not win, we had 200 votes. We got six Republican votes with us.

Often I wondered if they had an MRI and could not have a heart bigger than a swollen pea, but apparently they do not have an MRI machine. Apparently that is not part of the membership. I think people are waking up and finding out what these issues are that are coming at us very fast. I think that is part of the strategy, send them so fast they cannot find out.

The gentleman staying here late in the afternoon to talk about this I think is very important, and I think by having gotten 200 votes more than we have gotten all this time on day 72 says that people are beginning to wake up and say ''Not our children. Hands off our children,'' and we will wear these scarves, even though we thought they were for other countries, but we now find out they are for ours. Maybe we can make a change.

Mr. TUCKER. If the gentlewoman will yield, I want to applaud her for her consistent and long-standing fight, not only to protect our children, but to protect the interests of those who are in need. Certainly, your point is well taken, that when America wakes up to the reality of what these rescissions have done, the people will start to understand that it is not just your neighbor that was cut, it is not just your friend or it is not just the person in the other State that had a devastating impact from these cuts, but that indeed, these cuts are across the board.

When we look at things like the School Lunch Program, this goes all over the Nation. It is across the board. When we look at things like welfare, they are people that you know that will be affected. When you look at the job training programs, people you know will be affected.

When America wakes up from its wild night partying and having a good time, it will find out that the hangover was not worth it.

Mrs. SCHROEDER. I thank the gentleman from California [Mr. TUCKER].

Mr. Speaker, NEWT GINGRICH wants to move America back, back to the fifties—back to the 1850's.

Earlier this week, the Speaker announced that America needs to be more like Victorian England, whose heyday was in the mid-1800's.

I have a difficult time believing that the Speaker wants to take us back to another age, much less another country—the one we waged our revolution against.

But it is more difficult for me to believe that the Speaker, who prides himself on being a futurist, who claims to be a surfer of the third wave of information, who by his own admission was a free thinker of the sixties, and continues to use the tactics and language of the sixties, actually prefers to reinvent Victorian England here in America.

As Dickens spoke of that age in his opening paragraph of ''A Tale of Two Cities'' in 1859:

> It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epic of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us.* * *

The Victorian Age was great for the privileged few and awful for just as many. According to the Encyclopedia Britannica, ''There was always a Victorian underworld.'' Belief in the family was accompanied by a high incidence of prostitution, and in every large city there were districts where every Victorian virtue was ignored or flouted.

But I do not think Speaker GINGRICH literally wants to go back to Victorian England. He just wants to get back to the good old days of America.

The good old days. What were the good old days of the late 1800's like in America?

Otto Bettman in his book, ''The Good Old Days,'' points out:

> The good old days were good, but for the privileged few. For the farmer, the laborer, the average breadwinner, life was an unremitting hardship. This segment of the populace was exploited or lived in the shadow of total neglect, and youth had no voice.

And that is why I took this time today, to remind people that we don't want to go back to the days of orphanages, chronic diseases, polluted air, unsafe food, and unremitting hardships.

The 1990's more than any other decade of our history has to be one of hope, opportunity for all, and prosperity.

But as soon as Speaker GINGRICH began this new means season of politics by throwing out the first orphan when he floated his idea of Federal orphanages for children of the poor, I know that this was going to be rocky years for those of us who have put into place in America an infrastructure for America's kids.

Over the past 20 years, our Federal Government has made a commitment to our young children that they have a right to be safe, a right to be fed, and a right to dignity.

We have been able to put teeth into those promises. We put into place a school lunch program. We made child abuse treatment and prevention a national priority and committed resources to that end. We put in money and standards for children in childcare programs whose mother must work.

We made great strides for kids. And still, the amount of Federal dollars and resources we dedicate to them in paltry. In the 1980's budget commitments for kids were dwarfed by our investments in defense, highways, you name it.

But now the Republican rescissions threaten these modest gains as well as other progress our country has made for kids.

The majority of these rescissions are aimed at children and the elderly. The Republicans slash the women, infants, and children program that provides basic food and nutrition to pregnant women and children—even though this program saves more than three times its cost by eliminating the need for crisis health and prenatal care.

This move becomes even more unfair when you compare it to the risk-assessment legislation Republicans have passed so that their wealthy supporters can get out from regulations they don't want. If the principle of cost-effectiveness is good enough for their rich friends, why isn't it good enough for America's children?

The Republicans also cut programs to increase safety and reduce drug abuse in our schools. The Republicans eliminate more than 100,000 college scholarships and more than 600,000 summer jobs for young people.

The cuts against the elderly are just as bizarre, to use the Speaker's terminology. They cut housing for the elderly. They totally eliminate a heat assistance program for the elderly.

But batten down the hatches, folks. Just wait to you see next week's grotesquery. Under the Republican Welfare Reform Act, we are going to block grant our kid's lives away. We are folding programs that help battered, beaten, and neglected children into one grant, cutting that money, and shipping it off to the States. America is telling our kids: you are not

our problem. Our Federal guarantee to you is null and void, superseded by the Republicans' Contract for America.

If the Welfare Reform and Consolidation Act is enacted, funding will be cut by an estimated $2.5 billion over 5 years. At that rate, in the year 2000, families of over 350,000 children will be without Federal child care assistance.

The Republican welfare bill is tough on kids and poor on work.

The Democrat proposal is great on kids and tough on work. It's a program where people work and one that honors children.

Welfare reform cannot happen without parents ability to work. The Congressional Caucus for Women's Issues, which I cochaired last year and this Republican Congress has since killed, released a GAO study last year that demonstrates the importance of child care subsidies in determining whether or not low-income mothers will participate in the labor force.

The GAO found that given a 100 percent child care allowance, low-income mothers' work participation could increase by 158 percent. These results show that if we expect mothers to successfully leave welfare, we must be prepared to guarantee adequate child care subsidies. The best catalyst for getting women off welfare is good child care.

But this Republican bill goes the direct opposite way. It decimates child care. It removes requirements for minimum health and safety standards for child care assistance. This at a time when all the research and polls show that safe child care is a top priority for American working parents.

Not only are they hurting children's safety by doing away with such standards, but as a taxpayer, I don't want to spend precious Federal dollars on unsafe child care.

In addition, there are no funds for States to use to improve quality and no funds for school age child care.

The bill ends the guarantee that children in child care centers, family child care homes, Head Start, and before and after school programs will receive nutritious meals. The new Family Base Nutrition Block Grant cuts funds by close to $5 billion over the next 5 years.

The result will be: More children suffering from poor nutrition; costs for parents and providers will soar; and less incentives for family child care providers to become license or registered.

So now, Mr. Speaker, I am beginning to understand why you would like to go back to Victorian England where shame ruled the day. Because under your Contract With America, shame will rule the day. But the shame will be Congresses.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I wanted to say that I found the comments by the gentleman from California also very interesting. I think an important part of this debate as we move toward welfare reform, I certainly learned a lot just from listening to him the last few minutes.

Mr. Speaker, the Clean Water Act, which I would like to discuss at this point, has brought us very far since its inception in 1972. It is particularly important in my district, because many of the municipalities that I represent are on the ocean or on the rivers or on the bay, in my case, the Raritan Bay.

Yet if we look at the Clean Water Act and we look at an overall report card about its effectiveness, we would still have to say that it is incomplete; that it would achieve a grade of incomplete, over the course of its inception in 1972. We still have a long way to go.

Today I have introduced the Clean Water Enforcement and Compliance Improvement Act Amendments of 1995. This is an act or a bill that I am reintroducing from the last session. It targets what I call bad actors, those corporations or municipal authorities that have consistently violated their water quality permits. The bill rights the Clean Water Act enforcement wrong in the States that allows permit violators and the States that overlook these violations to reap economic benefits through their misbehavior.

Basically, we are trying to send a message with this bill that it does not pay to pollute. The problem is that too often, because of noncompliance or because of insufficient penalties, it is easier to pollute and to violate your water quality permits and pay the fines, rather than try to achieve compliance with the Clean Water Act.

□ 1615

The key to the penalty structure that is introduced in my bill is that civil penalties will be required to recover, at a minimum, the economic benefits of Clean Water Act violations. Regulations for calculating this economic benefit would be established by the EPA. It should be noted that both the Government Accounts Office and the EPA Inspector General have reported that current penalties do not reflect or recover the economic benefits of Clean Water Act noncompliance. My bill will correct this crucial flaw in present enforcement procedures.

I should also point out that we have introduced and passed in New Jersey an enforcement act that was very similar on a State level to what I am trying to do with the Clean Water Act on the Federal level, and those enforcement amendments have been very effective in upgrading water quality and bringing about better compliance in the State of New Jersey.

The bill sets up a mandatory penalty for serious violators that exceeds pollution effluent limitations by a specific percentage. If the frequency of these violations increase, the penalty also increases.

Finally, penalties collected are placed in a clean water trust fund to be established within the U.S. Treasury. These moneys would be available for use by the EPA administrator for better inspection and enforcement.

We have found that inspection also is something that we need to do a better job of. My bill deters Clean Water Act noncompliance not only by penalizing violators but by helping to stop violations before they occur through more rigorous inspection and reporting procedures. Frequent self-monitoring and reporting have been shown to help facilities achieve and maintain compliance with the Clean Water Act.

Again, if we look at the State of New Jersey we can see that the increased enforcement and inspection have had an effect on compliance and has increased this goal within my home State. As the bill provides, the worst violators are the ones subject to the most stringent inspection. Minimum inspection standards to be established by EPA and random inspections would be required.

Finally, the bill promotes more rigorous enforcement by empowering citizens to enforce the Clean Water Act. Many of my colleagues I am sure know that much of the enforcement of the Clean Water Act is done by private citizens, or grass roots citizen organizations. Since 1988 citizens have recovered for the U.S. Treasury over $1 million in penalties and interest from environmental law violations. This bill gives citizens access to permanent compliance information. It also establishes posting provisions which increase citizens' awareness of water quality standard noncompliance as well as the resulting environmental and health effects and any fishing or shellfishing bans, advisories, or consumption restrictions.

Most importantly, the bill expands citizens' abilities to bring actions for violations, including past violations.

As a result of the bill I am introducing today, Clean Water Act violations would not longer be allowed to sabotage our efforts to achieve water quality goals, especially not at the expense of those States and facilities that act responsibly. We cannot continue to turn a blind eye to bad actors. To do so is to essentially turn our backs on years of effort and hundreds of billions of dollars spent to improve the quality of the Nation's water resources.

Again, we have made great strides with the Clean Water Act but there is no question we need better enforcement and better inspections.

The bill ensures efficacy in enforcement and equality in compliance. Moreover, it would bring us that much closer to achieving our water quality goals.

I know in this Congress there have been a lot of efforts to make some changes in our environmental laws. Some of the legislation we have passed in the first 100 days in my opinion has actually sent us far back, if it is ultimately enacted into law, in terms of dealing with environmental quality and environmental enforcement. We hope that in the next 100 days of the Congress that we would seek to turn that around and achieve better enforcement not only with the Clean Water Act but with many of our other environmental laws, and I think this bill will go far toward improving water quality and improving the Clean Water Act.

I again thank the gentlewoman for yielding.

Mrs. SCHROEDER. I must say as I wind down this hour that I think on day 72 we have had a very interesting discussion here about some of the things that happened in those first 72 days. The gentleman's attempt to try and get things back on course as we attain clean water, and the attempt that we have been talking about here to try and get things back on course in our commitment to children I think is very, very critical.

This is going to be a very exciting weekend. I think that going home on day 72 with the fact that we finally got up to 200 votes because enough members said no, those rescissions went much too far, you should not take from the poorest to give tax cuts to the richest; that is wrong, it gets us in a much better frame of mind to work on all of the issues that will be in front of this Congress next week when we will be dealing with very tough issues on welfare and nutrition issues that we have been discussing.

I think more and more people around the country are talking about it. As I said, this Sunday there will be many Members serving a lunch here on Capitol Hill, thousands of children are coming in, we are going to try to encircle the Capitol, we are going to be talking about these are our future, these children are our future, and if we do not care about them we are in real trouble. We often talk about natural resources being timber and coal and oil; well, yes, they are, but there is no natural resource as important to the sustenance of this country and the future as our children. They are our greatest natural resource.

So there will be that great event going on here this Sunday. And as I say, the Members serving will be wearing these and wearing ties and we are hoping to also go back to our districts, as I will be. We will be talking to the local people there and we hope to only keep building that number. If we can get it from 200 to 219 we can say stop, stop this war on children, let us go back and let us look at where we ought to be cutting.

Yes, we should have cut the super collider a long time ago. We put a lot of money in that hole in the ground and they found the quark without it.

Yes, we can cut an awful lot of programs in America's space program. We put a 400-percent increase in some of the things. Nobody in the world can spend a 400-percent increase efficiently.

Come on; get a clue. No, we do not need to do star wars and some of the other commitments that people have made, not when the Berlin Wall has come down and we are living in an entirely different generation.

The issues in defense are what is the threat out there, and if we are spending more than almost the whole rest of the world combined is on defense and we cannot find a way to defend ourselves spending that much money we are in real trouble.

Those are the kind of debates we should have rather than this meanness and this attitude of picking on those who are least able to fight back.

I think there is a lot of anxiety in this society right now, anxiety about where they are going to go in the future, what kind of job are they going to have, will their lives be better. I understand that and I think every single American has some degree of that anxiety.

But being mean to kids is certainly not going to lessen America's anxiety. We ought to be looking at what we can do here to make people's lives better.

I introduced a bill I think would help, and that is to allow Americans to be able to bid off the same health care program we have. Why should they not be able to bid off of that same menu that every Member of Congress, every Federal employee, Federal retiree, the President, every one else bids off of? That says to them you can have our choices. It allows them to stop.

We have been reading this week about Members putting folks on their payroll for 1 month out of the year for $100 so that person gets the option to bid off our health care benefits. Well hey, we cannot do that for everybody in America, we cannot put them all on our payroll. That does not make sense. This ought to be available.

Think of what creative energy that would free up for Americans and some of the tensions it would take off Americans who feel locked in their job because if they quit their job they are afraid they will lose their health care insurance, or locked in their job because they have health care now but if they went somewhere else they would have what is now called a preexisting condition, or someone who cannot quit and become self-employed because they know that if they are self-employed they will not have health care.

Think of that harness that absolutely stymies the creative energy in this country. It does not allow people to go where they think they could make the best contribution to society or make the most money for their family. Health care is a real anchor around their necks.

We did not deal with it last year. This is a way we could deal with it. It would alleviate only some of the anxiety families have. But it is that kind of anxiety we ought to be analyzing and trying to address, because when we allow it to build and build and build, then what we end up doing as a society is becoming Bosnia, where we are looking around trying to find who we can blame, who we can yell at, who we can throw radio epithets at over talk show hosts, how we can energize people to go hate. And I tell you, if we keep doing that this society comes apart.

But those who attack a child are shameless. Attacking a child and attacking a child who has no way to fight back is absolutely wrong.

When you look at every other part of the Western world, they do so much more for their children, it is embarrassing. I only hope we begin to look at that, we look at the mirror, we talk about what we are doing, and we also take our mind off our ingrown toenail and start looking at the horizon ahead of us and saying what are these programs to do as we march this country toward the future.

So I thank all of you for tolerating us in this interesting discussion we have had about children, the future, where we are going. I also must say I do end on a more positive note than I thought I would because I think the votes came out a lot better, and it says educating and talking is beginning to work.

Let us only do more of it.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 41. Concurrent resolution providing for an adjournment of the House from Thursday, March 16, 1995, to Tuesday, March 21, 1995.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

[Mr. TUCKER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

APPOINTMENT OF EMPLOYEES TO REVIEW PANEL FOR THE OFFICE OF FAIR EMPLOYMENT PRACTICES

The Speaker pro tempore (Mr. KIM) laid before the House the following communication from the Honorable RICHARD A. GEPHARDT:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, March 15, 1995.

Hon. NEWT GINGRICH,
House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In accordance with House Rule LI, Clause 7(a) (2), in my capacity as Democratic Leader, I appoint the following House employees to the review panel for the Office of Fair Employment Practices: Karen Nelson, Office of Congressman Waxman, and Marda Robillard, Office of Congressman Dingell.

Yours very truly,

RICHARD A. GEPHARDT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.
Mr. VOLKMER, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. GEPHARDT, for 5 minutes, today.

(The following Members (at the request of Mr. HOSTETTLER) to revise and extend their remarks and include extraneous material:)

Mr. BARTLETT of Maryland, for 5 minutes, today.
Mr. MCCOLLUM, for 5 minutes each day, on March 21 and 23.
Mr. HORN, for 5 minutes each day, on today and March 21.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Ms. DELAURO.
Mr. KILDEE.
Mr. TAUZIN.
Mr. BECERRA.
Mr. CLAY.
Mr. FRANK of Massachusetts.
Mr. EVANS.
Ms. SLAUGHTER.
Mr. JACOBS.
Mr. GEJDENSON in two instances.
Mr. MARKEY.
Mr. DICKS.
Mr. VENTO.
Mr. GEPHARDT.
Mr. MOAKLEY.
Mrs. THURMAN.

(The following Members (at the request of Mr. HOSTETTLER) and to include extraneous matter:)

Mr. LATOURETTE.
Mr. ENSIGN.
Mr. MCHUGH.
Mr. LAHOOD.
Mr. GILLMOR in three instances.
Mr. ROTH.
Mr. PACKARD.
Mr. CRANE.
Mr. SAM JOHNSON of Texas.
Mr. OXLEY.

ADJOURNMENT TO TUESDAY, MARCH 21, 1995

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 41 of the 104th Congress, the House stands adjourned until 12:30 p.m., Tuesday, March 21, 1995 for morning hour debates.

Thereupon (at 4 o'clock and 29 minutes p.m), pursuant to the provisions of House Concurrent Resolution 41, the House adjourned until Tuesday, March 21, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

549. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1996 and 1997 and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Commerce.

550. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement with Australia (Transmittal No. DTC–4–95), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

551. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the production of major military equipment with Korea (Transmittal No. DTC–2–95), pursuant to 22 U.S.C. 2776 (c) and (d); to the Committee on International Relations.

552. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to Russia/Kazakhstan (Transmittal No. DTC–37–94), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

553. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for an export license of defense services sold commercially to Saudi Arabia (Transmittal No. MC–6–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

554. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–38–94), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

555. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for an export license of major defense services sold commercially to Kuwait (Transmittal No. MC–5–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

556. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed technical assistance agreement for major defense services sold commercially to Saudi Arabia (Transmittal No. MC–7–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

557. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on chemical and biological weapons proliferation control efforts for the period of February 1, 1994, to January 31, 1995, pursuant to Public Law 102–182, section 308(a) (105 Stat. 1257); to the Committee on International Relations.

558. A letter from the Chairman, the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 1994 annual report, pursuant to Public Law 102–73, section 1103(a)(4) (103 Stat. 512); to the Committee on Government Reform and Oversight.

559. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1996 for the U.S. Commission on Civil Rights, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 117. Resolution providing for the consideration of the bill (H.R. 4) to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence (Rept. 104–83). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DICKS:

H.R. 1257. A bill to amend the Solid Waste Disposal Act, and for other purposes; to the Committee on Commerce.

By Mr. FLAKE:

H.R. 1258. A bill to amend the Small Business Act to increase the guarantee fee charged by the Small Business Administration on general business loans, and for other purposes; to the Committee on Small Business.

By Mr. JEFFERSON:

H.R. 1259. A bill to amend title 10, United States Code, to give a priority to the States for the transfer of nonlethal excess supplies of the Department of Defense; to the Committee on National Security.

By Mr. JOHNSON of South Dakota (for himself, Mr. WILLIAMS, and Mr. POMEROY):

H.R. 1260. A bill to ensure equity in, and increased recreation and maximum economic benefits from, the control of the water in the Missouri River system, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOAKLEY (for himself, Mr. RANGEL, Mrs. KENNELLY, Mrs. MEYERS of Kansas, Ms. PRYCE, and Mr. NEAL of Massachusetts):

H.R. 1261. A bill to provide for duty free treatment for entries and withdrawals of tamoxifen citrate after December 31, 1993, and before January 1, 1995; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. SHAYS, Mr. GILCHREST, Mr. DEFAZIO, Mr. Towns, Ms. ROYBAL-ALLARD, Mr. STARK, Ms. LOWEY, Mr. JACOBS, Mr. ROMERO-BARCELO, and Mr. JOHNSTON of Florida):

H.R. 1262. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE of New Jersey:

H.R. 1263. A bill to establish a program that would assist abandoned and medically fragile infants; to the Committee on Economic and Educational Opportunities.

By Mr. RANGEL:

H.R. 1264. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses: to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER (for himself, Mr. DORNAN, and Mr. ROYCE):

H.R. 1265. A bill to amend the base closure laws to require Federal agencies that desire to acquire excess or surplus property resulting from the closure or realignment of military installations to agree to retain possession of, and to use, such property for agency purposes; to the Committee on National Security.

By Mr. YOUNG of Alaska (for himself and Mr. MILLER of California):

H.R. 1266. A bill to provide for the exchange of lands within Admiralty Islands National Monument, and for other purposes; to the Committee on Resources.

By Mr. LIVINGSTON:

H. Con. Res. 41. Concurrent resolution providing for the adjournment of the House on Thursday, March 16, 1995, to stand adjourned until 12:30 p.m. on Tuesday, March 21, 1995.

By Mr. ENGEL (for himself, Mr. PORTER, Mr. TORRICELLI, Mr. SMITH of New Jersey, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. ANDREWS, Mr. BILIRAKIS, Mr. MENENDEZ, Mr. GEKAS, Mrs. MALONEY, Mr. ZIMMER, Mr. PALLONE, and Mr. FORBES):

H. Con. Res. 42. Concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. MANTON, Mr. NADLER, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. OWENS, Mr. SCHUMER, Mr. HINCHEY, Mr. BLUTE, Mr. FRANK of Massachusetts, Mr. COYNE, Mr. BORSKI, Ms. VELÁZQUEZ, Mr. ACKERMAN, Ms. LOWEY, Ms. MCCARTHY, Mr. ENGEL, Mr. PALLONE, Mr. LAFALCE, and Mr. FORBES):

H. Con. Res. 43. Concurrent resolution endorsing the Irish-American agenda for the White House Conference on Trade and Investment in Ireland to be held in May 1995; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Mr. MANTON, Mr. KING, Mr. ENGEL, Mr. MEEHAN, and Mr. BLUTE):

H. Con. Res. 44. Concurrent resolution expressing the sense of the Congress with respect to the conflict in the northeast of the island of Ireland; to the Committee on International Relations

By Mr. WYDEN (for himself and Mr. PORTER):

H. Res. 118. Resolution expressing the sense of the House of Representatives with respect to restricting medical professionals from providing to women full and accurate medical information on reproductive health options; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 38: Mr. FAZIO of California, Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. LINDER, Mr. REGULA, Mr. ROTH, Mr. TORRES, Mr. SAXTON, Mr. BAKER of California, Mr. BOEHLERT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. STUMP, Mr. STUPAK, Mr. GALLEGLY, Ms. RIVERS, Mr. MURTHA, Mr. BARTLETT of Maryland, Mr. CLYBURN, Mr. WILLIAMS, Mr. MCKEON, Mr. WARD, Mr. KIM, Mr. BORSKI, Mr. MOORHEAD, Mr. CRAMER, Mr. THORNBERRY, Mr. HAYES, Mr. QUILLEN, Mr. HINCHEY, Mr. BENTSEN, Mr. RIGGS, Mr. KINGSTON, Mr. WATTS of Oklahoma, Mr. ENGLISH of Pennsylvania, Mr. SAM JOHNSON of Texas, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, and Mr. FAWELL.

H.R. 65: Mr. DURBIN, Mr. WISE, and Mr. CANADY.

H.R. 103: Mr. CHAPMAN, Mr. VOLKMER, Ms. VELAZQUEZ, Mr. CALVERT, and Mr. SMITH of New Jersey.

H.R. 104: Mr. REYNOLDS.

H.R. 221: Mr. CLYBURN and Mr. LEWIS of Georgia.

H.R. 244: Mr. LANTOS, Mr. MORAN, and Mr. HOLDEN.

H.R. 303: Mr. WISE and Mr. OBERSTAR.

H.R. 310: Mr. SOUDER.

H.R. 311: Mr. REED and Mr. BROWN of Ohio.

H.R. 313: Mr. SOUDER.

H.R. 328: Mr. HOUGHTON and Mr. BAKER of California.

H.R. 366: Mr. COLEMAN, Mr. BROWN of California, Mr. FRAZER, Mr. ROMERO-BARCELO, Mr. FOX, Mr. GENE GREEN of Texas, Mr. THOMPSON, and Mr. FARR.

H.R. 371: Mr. HAYWORTH.

H.R. 372: Mr. WILSON and Ms. DANNER.

H.R. 375: Mr. BAKER of Louisiana.

H.R. 467: Mr. BARTLETT of Maryland and Mr. LIPINSKI.

H.R. 470: Mr. MCNULTY, Mr. KANJORSKI, Mr. LANTOS, Mr. MORAN, and Mr. PAYNE of New Jersey.

H.R. 481: Mr. SHAW, Mr. YOUNG of Florida, Mr. CANADY, Mr. MCCOLLUM, Mr. BILIRAKIS, Mr. GIBBONS, Ms. ROS-LEHTINEN, Mr. SCARBOROUGH, Ms. BROWN of Florida, Mr. HASTINGS of Florida, and Mr. DIAZ-BALART.

H.R. 502: Mrs. SEASTRAND.

H.R. 607: Mr. HEFLEY and Mr. BOEHNER.

H.R. 739: Mr. EHRLICH.

H.R. 752: Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. WELLER, Mr. STUMP, and Mr. BARTON of Texas.

H.R. 759: Mr. ROYCE.

H.R. 783: Mr. ROBERTS, Mr. ROSE, and Mr. HILLIARD.

H.R. 888: Mr. SANDERS.

H.R. 903: Mr. BORSKI, Mr. TRAFICANT, Mr. SERRANO, Mr. MARTINEZ, and Mr. KILDEE.

H.R. 942: Mr. BILIRAKIS, Mr. FOLEY, Mr. VISCLOSKY, Mr. BROWN of Ohio, Mr. FRELINGHUYSEN, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mr. MENENDEZ, and Mr. MORAN.

H.R. 945: Mr. CUNNINGHAM, Mr. STEARNS, Mrs. KELLY, Mr. BLUTE, Mr. GREENWOOD, Mr. PALLONE, and Mr. MCNULTY.

H.R. 1023: Mr. KENNEDY of Rhode Island and Mr. MCDERMOTT.

H.R. 1044: Mr. BARCIA of Michigan and Mr. BEREUTER.

H.R. 1066: Mr. BARRETT of Wisconsin.

H.R. 1073: Mr. JACOBS, Mr. PETERSON of Minnesota, Mr. SANDERS, Mr. TALENT, Mr. RAHALL, Mr. BACHUS, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. FORD, Mr. MCDERMOTT, Mr. UNDERWOOD, Mr. THOMPSON, Mr. NEY, Mrs. MINK of Hawaii, Mr. VENTO, Mr. OLVER, Mr. WILSON, Mr. CALVERT, Mr. COLEMAN, and Ms. MCCARTHY.

H.R. 1074: Mr. JACOBS, Mr. SANDERS, Mr. RAHALL, Mr. SERRANO, Mr. FORD, Mr. MCDERMOTT, Mr. UNDERWOOD, Mr. THOMPSON, Mr. NEY, Mrs. MINK of Hawaii, Mr. VENTO, Mr. OLVER, Mr. CALVERT, and Mr. COLEMAN.

H.R. 1090: Mr. FRANK of Massachusetts, Mr. BLUTE, and Mr. UNDERWOOD.

H.R. 1114: Mr. LEWIS of California, Mr. MCKEON, Mr. BOEHNER, Mr. BISHOP, Mrs. FOWLER, Mr. ANDREWS, Mr. BRYANT of Tennessee, Mr. BREWSTER, Mr. HOSTETTLER, Mr. HEFLEY, Mr. LINDER, Mr. BACHUS, and Mr. CALVERT.

H.R. 1126: Mr. VENTO.

H.R. 1137: Mr. ALLARD.

H.R. 1143: Mr. ACKERMAN and Mr. BRYANT of Texas.

H.R. 1144: Mr. ACKERMAN and Mr. BRYANT of Texas.

H.R. 1145: Mr. ACKERMAN, Mr. BRYANT of Texas, and Mr. PAXON.

H.R. 1162: Mr. PORTMAN, Mr. MCHALE, Mr. FOLEY, Mr. WELDON of Florida, Mr. MILLER of Florida, and Mr. WYNN.

H.R. 1203: Mr. EMERSON.

H.R. 1233: Mr. CLINGER and Mr. SAWYER.

H.J. Res. 76: Mr. FIELDS of Texas.

H. Con. Res. 25: Mr. CALVERT.

H. Con. Res. 31: Ms. SLAUGHTER, Ms. LOWEY, Ms. RIVERS, and Mr. SHAYS.

H. Con. Res. 32: Mr. LIPINSKI, Mr. MCNULTY, Mr. CONDIT, Mr. BURTON of Indiana, Mr. WILSON, Mr. ROHRABACHER, Mr. JEFFERSON, Mr. FIELDS of Texas, Mr. TOWNS, Mr. PETERSON of Minnesota, Mr. CRANE, Mr. DIAZ-BALART, Mr. BARTLETT of Maryland, Mr. CUNNINGHAM, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. POMBO, Mr. KLUG, Mr. DOOLITTLE, and Mr. HOUGHTON.

H. Res. 30: Mr. GEJDENSON, Mr. MCKEON, Ms. KAPTUR, Mr. BENTSEN, Ms. MCCARTHY, and Mr. LUTHER.

H. Res. 97: Mr. HERGER, Mr. GUTKNECHT, Mr. WELLER, Mr. FORBES, Mr. INGLIS of South Carolina, and Mr. SOUDER.

DISCHARGE PETITIONS

Under clause 3 of rule XXVII, the following discharge petition was filed:

Petition 1, March 15, 1995, by Mr. CHAPMAN on H.R. 125, was signed by the following Members: Jim Chapman, Bill K. Brewster, Glen Browder, W.J. (Billy) Tauzin, James A. Hayes, Harold L. Volkmer, Charles Wilson, G.V. (Sonny) Montgomery, Ralph M. Hall, Nathan Deal, Robert E. (Bud) Cramer, and Tom Bevill.

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of America

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PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

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Senate

The Senate met at 9 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, D.D., offered the following prayer:

Let us pray:

O Lord, our Lord, how excellent is Your name in all the Earth. What is man that You are mindful of him and the Son of Man that You visit him? You have created him a little lower than the angels and crowned him with glory and honor. You have given him dominion over the work of Your hands.

Gracious God, ultimate Sovereign of this Nation and Lord of our lives, we are stunned again by Your majesty and the magnitude of the delegated dominion You have entrusted to us. We respond with awe and wonder and begin this day with renewed commitment to be servant leaders. In a culture that often denies Your sovereignty and worships at the throne of the perpendicular pronoun, help us to exemplify the greatness of servanthood. You have given us a life full of opportunities to serve, freed us from self-serving aggrandizement, and enabled us to live at full potential for Your glory. We humble ourselves before You and acknowledge that we could not breathe a breath, think a thought, make sound decisions, or press on to excellence without Your power. By Your appointment we are where we, doing the work You have given us to do, called to lead this great Nation. You alone are the one we seek to please. We have been blessed to be a blessing. And so we greet this day with, ''Life's a privilege!'' intentionality and ''How may I serve?'' incisiveness. Grant us grace and courage to give ourselves away to You and to others with whom we work this day. In Your Holy Name Yahweh, in Jesus Christ our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

RESERVATION OF LEADER TIME

Mr. CRAIG. Mr. President, this morning, the leader time has been reserved.

SCHEDULE

Mr. CRAIG. Mr. President, the majority leader has indicated that the Senate will resume consideration of H.R. 889, the supplemental appropriations bill, if an agreement can be reached with respect to a limited number of amendments. Senators should, therefore, be aware that rollcall votes are expected throughout today's session.

MORNING BUSINESS

Mr. CRAIG. Mr. President, there will now be a period for morning business for not to extend beyond the hour of 10 a.m.

RECOGNITION OF SENATOR CRAIG

The PRESIDENT pro tempore. Under the previous order, the Senator from Idaho [Mr. CRAIG] is recognized to speak for up to 35 minutes.

TAX CUTS

Mr. CRAIG. Mr. President, I have asked for, and received, this time today so a good many Members of the Senate can talk about one of the most important issues that the Senate will consider this year; that is, the issue of tax cuts. And certainly promises made are promises to be kept.

Those of us in the Republican Party are absolutely committed to providing a budget package that will produce a respectable tax cut to the American people, and especially to American families—families and family groups—who for some years have not received the benefit of the kind of consideration under our current tax law that we think they ought to. Certainly no policy of the Federal Government, no Federal law, should conflict or make it difficult for the family unit of our society to exist, and we believe the current tax structure does just that.

This special order this morning will be conducted by two Senators who have led the issue of family tax cuts and family consideration, Senator COATS and a freshman Senator who was one of the leaders in the House in the past few years on this key issue, Senator GRAMS.

So at this time, I yield to Senator COATS to allocate the time accordingly.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Indiana.

Mr. COATS. I thank the Chair.

Mr. President, I thank my colleague from Idaho for his introductory statements, for his support for this effort, and for yielding the time to Senator GRAMS and me.

(The remarks of Mr. COATS, Mr. GRAMS, Mr. KYL, and Mrs. HUTCHISON pertaining to the introduction of S. 572 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. COATS. Mr. President, could I inquire how much time is remaining?

The PRESIDING OFFICER. The Chair advises the Senator from Indiana, there is no time remaining. However, no one else is seeking the floor.

Mr. COATS. Mr. President, I ask unanimous consent to proceed in morning business for up to 5 minutes.

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

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

LINE-ITEM VETO

Mr. COATS. Mr. President, we hope later today to be bringing to the floor the line-item veto. Senator MCCAIN and I are leading that effort. We are in final stages of negotiation as to the final form of the legislation. It is something that has been discussed at length over the past several years. Senator MCCAIN and I have offered it alternately and jointly several times. We have not been able to secure the necessary 60 votes to break a filibuster on the line-item veto or to secure a budget waiver.

This is the year we believe that it is time for the Senate and time for the Congress to fulfill its commitment to the American people on an item that an overwhelming majority of the American people support. Poll after poll show the support for line-item veto in the 70 to 80 percent range; 43 Governors enjoy the line-item veto and have for many, many years and have effectively demonstrated that it works in their State.

Line-item veto is simply a measure by which the President can provide a check and balance against the gaming that Congress has engaged in on appropriations bills, in particular, and also on tax bills, I would say, in terms of attaching an item that has not been exposed to the light of debate on that item and a separate vote on that item, but has been attached to an otherwise necessary appropriations bill or tax bill that is being sent to the President.

Under the current law, the President has only one of two options: Either accept the entire bill as it is written—sometimes it covers thousands of items—either accept that or reject the entire bill. So the President, in a sense, is being held in a position that some will describe as blackmail but others will say is at least extraordinarily difficult because it allows Members of Congress, when they see a popular bill moving through the Congress, to attach an item that could at best be described as pork barrel, an item that does not benefit the national interest, but an item that goes to the benefit of a very selected parochial interest.

We are annually embarrassed by the disclosure in the popular news media of some of the items that have been attached to these bills. Constituents say, ''How in the world could you pass that? How in the world could you allow a grant that studies the well-being of America's lawyers? How could you pass something that would allow the study of the bathing habits of South American bullfrogs? How in the world could it be made a priority the expenditure of money to refurbish the Lawrence Welk Museum,'' and on and on and on it goes, schools in France, special bridges, special buildings—items that go toward, I suppose, pleasing a selected constituency in someone's congressional district or someone's State, but certainly would not fall within the list of priorities and receive, I believe, a majority vote if that specific item was debated on the floor of the Senate and voted on.

But Members know, if a bill is rolling through here that provides necessary funds for the Department of Defense, as this supplemental appropriations bill we have been dealing with this week does, or a measure provides earthquake relief or hurricane relief for either California or Florida or other parts of our country, or if a measure goes to fund something popular or needed or necessary health care measures, veterans' benefits, whatever, they know that the President is going to find it very, very hard to veto that entire bill to get rid of the extra pork that is attached to that bill.

And so the President's only choice is to veto the whole thing and sometimes, as a consequence of that, shut down the entire Government or accept the bill, and more likely than not, he has to accept the bill.

Line-item veto gives the President the opportunity to say, ''I'll take that bill, but I won't take this special interest provision that is on line 16 of page 273, and I'm going to line-item veto that particular item.''

This is a check and balance on what I would say are the egregious habits of Congress to accomplish in the dark of night without the light of debate, without the risk of a yea-or-nay vote on a particular item, to accomplish something that could never be accomplished in full debate and with a vote. It is designed to check that practice.

Congress, if it thinks that the President has not followed its wishes, can bring that item up, because under the Constitution, if the President vetoes an item, we can override that item. Yes, it takes a two-thirds vote. It ought to be harder to spend the taxpayers' dollars, particularly on those items that the executive branch does not think are appropriate and have not had the normal process of authorization and debate and vote so that their constituents, our constituents, know where we stand on these particular items. That is the whole concept and purpose behind line-item veto.

The President of the United States has supported line-item veto. Some people have said, ''Why would Republicans want to give a Democratic President the line-item veto?'' We think the Presidency deserves that authority to check the excessive and unnecessary, unwarranted spending habits of Congress that do not follow the normal procedures in devising these spending items.

So we will be debating that. I expect the debate to be fairly fierce. We probably will get a filibuster on our efforts. This is the year, though, that if we are going to fulfill our commitment to the American people to make substantive changes in the way we do business, this is the year to do it.

We will hear all kinds of excuses about delegation of power and will this really work and how much will this save. I guarantee you, it will save more than if we do nothing. This is a debate between the status quo, let us keep doing things the way we are doing them; oh, we will promise to change, we will promise to do it differently, we will summon the will, we will do what is necessary—no, we will not, because we have not. Year after year, decade after decade, promises—just rhetoric—no reality, no fulfillment of the promise.

This is the time. I am deeply and bitterly disappointed that we could not pass a constitutional amendment to balance the budget. That would have provided the mechanisms by which we can eliminate this debt which would force us to own up to our responsibilities, which we have not done over the past several decades. But at the very least let us enact line-item veto so that we can get at some of this problem and so that we can restore credibility with the American people that we are responsible in handling their money and we can eliminate this practice of providing pork-barrel spending that never gets the debate it deserves and is never subjected to a vote.

Mr. President, we will be talking a lot about that later. I think my 5 minutes has about expired. Given the fact no one was available to speak, I thought it might be more interesting than a quorum call.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota [Mr. DORGAN] is recognized to speak for up to 10 minutes.

TAX CUT PROPOSALS

Mr. DORGAN. Mr. President, I was intending to come to the floor today to speak briefly about the work that is going on in the other body in which the majority party is proposing a tax cut of nearly $200 billion over the coming 5 years. So I listened with some interest to the discussion on the floor of the Senate about the formation of something called a 500 Club, apparently a group of Senators who feel that the Senate also should move quickly on a tax cut.

I was especially interested in a couple of things. I was interested in the fact that at least a couple of the speakers this morning were the same speakers who were on North Dakota radio programs in recent weeks talking about the need for a constitutional amendment to balance the budget. They talked about their desire to balance the Federal budget, the fact that they were the willing warriors, willing to stand up and fight and do the right things and have the courage to cut spending to balance the Federal budget.

All this is very curious to me. There must be some arithmetic book somewhere in America that tells us that if you are in a very big financial hole, what you ought to do is just keep digging. It seems to me, if you are in a very big hole, you stop digging and

start trying to figure a way out of it. And you do not, it seems to me, whether you run a business, whether you are operating your own family financial situation, or whether you are trying to manage the fiscal affairs of the Federal Government, decide that the way to address a serious deficit problem is to cut revenue.

I guess if the question is should we reduce taxes, should we try and figure out what is popular and then stand up and proclaim ourselves for that, I would say sign up most of the Members of the Senate; they sure want to do the popular thing. It is the easy thing to do. But I guess the question these days is not so much what is popular but what is right.

I also noted this morning that in this Chamber there rested on an easel several charts that showed the popularity of the proposed tax cuts. Obviously, people have done polling, and it shows if the American people are asked the question, ''Would you like a $500 tax credit per child,'' the answer is overwhelmingly ''Yes.'' ''Would you like an expanded IRA program?'' The answer is, ''Oh, yes.''

Well, I happen to think that some of those things are worthy goals. I would likely support some of those initiatives in the future. But is it believable that those who proclaim most loudly in this Chamber that they are for a balanced Federal budget are the first ones to come to this floor with their charts showing what their polls have shown—that tax cuts are popular? So now they say, ''Now we are forming a club for tax cuts.'' What happened to balancing the budget?

Is 2 weeks a lifetime in the memory of those who proclaim that we need to balance the budget? I happen to think we ought to balance the budget. I happen to think we also ought to be serious about it. I think it is more than just posturing. I think it is performing. I think it is heavy lifting. And the fact is those who now say our next step in balancing the Federal budget is to cut Federal revenue I think just missed the basic arithmetic class.

Now, I understand that they say, well, this is a families first plan. I refer to the Joint Committee on Taxation. The Joint Committee on Taxation did an analysis that was disclosed on Monday, and it said that three times as much of the proposed tax breaks will go to those earning over $100,000 a year as will go to those earning under $100,000 a year. So this is for families, apparently wealthy families, or at least it is weighted in a way to give most of them to those who already have substantial income and substantial wealth. It's an unusual way of defining families.

I guess there is nothing wrong with that, if that is what one believes, but it seems to me, if we were in a situation where a tax cut would be the first step to balance the budget—and I cannot conceive of that being the case, but if we were in that position, it seems to me, if one were interested in families, one would construct an approach which says the bulk of this benefit will go to working families in this country, not that the bulk of the benefit will go to the wealthy families.

Every time you stumble through the forest and come across a stream, it seems to run in a predictable direction, and that is what happens in this Chamber. It is hard to break bad habits.

I came here in 1981, serving in the House of Representatives, and I recall the discussion about the tax cut proposal then. The tax cut proposal was going to balance the Federal budget. An economist named Laffer told us so, and of course it turned out to be a laugher. He is still an economist, but trillions of dollars of debt have piled up as a result of faulty economic strategy. And so we had a very large tax cut and a very significant Federal deficit, and the American people will end up paying for that.

The question now is, at a time when our country suffers from a very substantial deficit and a massive accumulated debt, what do we do to deal with it? Some say, ''Well, let us change the U.S. Constitution and that will deal with it.'' Of course, it will not. You can change the Constitution 2 minutes from now and 4 minutes from now the debt and deficit will be exactly the same as it was when you started.

Cutting the deficit will require individual actions by Members of the Senate and the House. Those individual actions must be, it seems to me, a combination of several approaches. You either need less spending or more revenue or a combination of both. But it seems to me incredible that the first step out of the box, for those who spent the last month talking about how desperately they wanted to change the American Constitution and how fervently they wanted to balance the Federal budget, is to say we are going to do that now by reducing the Federal Government's revenue.

I know they will stand up and say, ''Well, you are heartless. Gee, don't you think that tax cuts matter to families?''

Yes, they do. I understand the genesis of all this. This is about polls and popularity. This is about doing the easy thing and also, incidentally, doing the wrong thing. I do not think the President ought to propose tax cuts, and I do not think the majority party of the House or Senate ought to propose them. And I do not think anybody on this side of the aisle ought to propose them either. Our job at this point is to deal responsibly with the Federal budget deficit. We ought to cut spending and use the money to cut the deficit. When we have done that job and only then should we start talking about cutting revenue.

Let me say that again because I think it is important. I know the easiest thing is to sort of waltz over to the floor and talk about our new plan to cut taxes. Well, gee, that is popular, but it is wrong. Our first responsibility is to decide to cut Federal spending, and all of us ought to be involved in that. And I would say to my friends on the majority side of the aisle that many of them have a willingness to do that. I applaud them for it. And I think many on our side of the aisle have a similar willingness to cut Federal spending. Cut Federal spending and use the savings to cut the Federal deficit. When we have finished that job, and only when we have finished that job, should we then decide that it is time to cut some taxes.

I think a number of the proposals to cut taxes are good proposals and have merit, and I would support them under the right circumstances at the right time. But I have to say that to hear again today and to hear for the last several weeks those who were boasting the loudest about their determination to cut the Federal deficit and to change the Constitution to do so, to hear this I think misses a few steps along the way in our desire in this country, in our understanding that we must in this country reduce the Federal deficit. They then come to the floor a week or two later and say, now, our next step is not to push for a constitutional amendment; our next step is to push for a tax cut, and then they come to the floor and put charts all over the back of this room to tell us how enormously popular these tax cuts are.

Well, spend some more money for those polls and tell us something we know next time. We know that. Tax cuts are enormously popular. So poll again. Spend a little more money and put up another chart. Tax cuts are popular.

The popular thing is not always the right thing. The right thing at this point is to understand the bull's eye of this target. The bull's eye is to deal with the Federal budget deficit. And most people back home in Montana, Oklahoma, North Dakota, and elsewhere, in my judgment, believe the responsible approach would be to aggressively cut spending, use the money to aggressively cut the deficit and then turn to the next item on the agenda which would be to find ways to change this Tax Code that give some benefit to families, that preserve an incentive for savings.

Understand that I am not someone who objects to the goal. But I am someone who believes that this is the wrong time. This is the wrong time for this kind of policy to be proposed to this Congress. I would also say when we talk about things like the capital gains tax cut and we say this is just for families out there, I am going to give them a chance at some point to show if it is for families. We will find out if it is for families. I am going to offer an amendment.

If we really have, at this point, some discussion about capital gains, I am going to offer an amendment and say: OK, let us have capital gains; you have

the votes to have capital gains. I will give you an amendment that says you can take up to $1 million in capital gains during your lifetime, but no more than $1 million. Of course, $1 million does not mean very much to the people in this country who are going to benefit from the suggestions we are seeing, but I want to see who supports families that have less than $1 million and who supports families that have more. Because if we are going to construct tax cuts that help families, let us target them, let us help American families who are out there working and struggling and trying to make ends meet.

Again I say, at the risk of being overly repetitive this morning, I hope all of those who spent the last couple of months talking about the dangers of the Federal deficit would stay in harness and be part of the team, keep marching and keep pulling when it comes to dealing with the deficit. We must not be diverted by polls and charts and by the attractiveness of deciding now is the time, with the kind of deficit we have, to propose nearly $200 billion in tax cuts during the coming 5 years.

I read my children children's books from time to time. They love the Berenstain Bears. The one I read them most often, perhaps, is the ''The Berenstain Bears Get the Gimmies,'' and in that book the parents can simply never seem able to control the habit of the Berenstain cubs saying ''Gimmie this, gimmie that, gimmie this.'' It is the way I feel about the tax cut proposals in the House and Senate by people who talk about the need to deal with the deficit and come to the floor saying: Gimmie this tax cut, gimmie that tax cut because it will gain favor with the American people.

That is not what this is all about, it seems to me. Our responsibility is to do the right thing. And I hope it will be agreed by everyone in this Chamber that the right thing is to aggressively work to cut Federal spending and then to decide to use that savings to cut the Federal budget deficit, and then, when we finish that job, to decide that we will turn our attention to dealing with the tax issues as they affect families—yes, all American families, and, yes, families that work and struggle and spend most of their day trying to make ends meet. That, it seems to me, represents the priorities all of us have an obligation to pursue here in this Chamber.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

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

THE FAMILIES FIRST BILL AND THE LINE-ITEM VETO

Mr. INHOFE. Mr. President, I have a couple of comments I wanted to make, a couple in response to the distinguished Senator from North Dakota and also one concerning line-item veto.

We heard from the Senator from Indiana many of the good things that would come in terms of accountability with the adoption of a responsible line-item veto for our procedure here in this Chamber. I suggest he may have overlooked one thing.

It is true the President of the United States, whether he is a Republican or a Democrat, whether he is a liberal or a conservative, would be held accountable for those things in which he really believed. If you look at a spending bill that goes to the desk of the President of the United States that has 100 unrelated spending matters in it, there is pork for all the favorites, yet there may be something in there for veterans benefits. So he will stand up and say, ''I am against all this pork but I have to sign it because I am for the benefits for veterans. They are well deserved.'' If we had line-item veto, he can support those things he proclaims to support and reject those that he proclaims to reject.

But the one thing that was not articulated by the Senator from Indiana is it also makes us more accountable, in that once you veto one item and that item is sent back to the Senate and to the House, it forces those Members to get on record so they can no longer answer their mail saying I was really against all those pork projects but I had to do it for the veterans.

So I think the name of the line-item veto is really accountability for the President as well as for the Members of the House and the Members of the Senate.

As far as the families first bill, I would only like to suggest, if one heard the complete presentation on this bill, he would see this could be accomplished and we could balance the budget by the year 2002, have the tax relief for the families, and at the same time have a slight growth in Government—not cut any Government programs.

I think it was well articulated by the Senator from Minnesota that, if we had a 2-percent growth cap, this would accomplish what we are trying to accomplish. But when you look at some of the tax cuts that are going to be suggested in the families first bill, you have to go beyond the economics of it and look at the social aspects. It is a fact today that a family of four making $25,000, living together happily—if that family, the man and wife, should get a divorce and continue to cohabit out of wedlock, and each become the head of a household, they can increase their take-home pay by 13 percent. That is the issue we are trying to get to.

The unfairness of the earnings test for our senior citizens in America—I have had people come to me in town hall meetings and say, ''For the first time in my life I have been forced to be dishonest because I am not reporting income that I am making, because I do not think it is right for the Government to come along and say I cannot have the Social Security I was entitled to because I want to remain productive after age 65.''

So I hope when people are considering the families first bill and the various tax cuts on the American family—all ages of that family—that they consider there are aspects other than economic aspects to be considered.

Since the 1960's we have gotten ourselves into a position where families are no longer important, no longer relevant, no longer significant. This is what the revolution of November 8 was all about. We are going to reverse that.

I yield my time.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am going to take some leader time. We are, hopefully, about to come to some agreement on the business of the day, but until that happens I have a statement I wish to make on another matter.

MISSOURI RIVER MASTER MANUAL

Mr. DASCHLE. Mr. President, last week, Senator BAUCUS introduced the Missouri River Water Control Equity Act. I have cosponsored that bill because all the analysis of the current master manual guidelines for managing the dams along the Missouri River that I have seen confirms that change in the corp's management of the river is long overdue.

The assumptions about economic uses that drive the management of the river have not been seriously reexamined or revised in 50 years. In those 50 years, times and conditions have changed dramatically. But the management of the river has not kept pace.

In 1992, the General Accounting Office noted that the master manual for operating the dams is outdated. GAO concluded that the corps has been managing the river based on ''assumptions about the amount of water needed for navigation and irrigation made in 1944 that are no longer valid.''

According to GAO, ''the plan does not reflect the current economic conditions in the Missouri River Basin.''

The Corps of Engineers, caught between the competing self-interest of the upstream and downstream States, has recommended only modest revisions in the master manual. In May 1994, the corps selected a ''preferred alternative,'' which calls for shortening the navigation season by 1 month and a higher spring flow rate.

Given the conditions that now exist along the Missouri River, these changes are clearly insufficient to equitably distribute the economic benefits of the river. For example, shortening the navigation season by only 1 month means that the concerns of the

navigation industry—which accounts for less than 1½ percent of the economic benefits of the river—will continue to drive management of the river for the foreseeable future.

A recent review of the master manual revision by the Environmental Protection Agency found that more emphasis should be placed on recreation and less on navigation. EPA concluded that, ''The preferred alternative identified in the draft environmental impact statement is likely to result in little, if any, improvement to the Missouri River ecosystem.''

Navigation is a declining $15 million industry. Recreation in the upstream States is a growing industry worth more than $50 million today. Continuing to give clear precedence to navigation cannot be justified.

And while I am intrigued by the corps' proposal to increase the spring rise to more closely mimic natural flow conditions, I am concerned about possible impacts on bank erosion. The Missouri River has for years been plagued by bank erosion and siltation, which slowly but inexorably takes productive land from the shores and deposits it in the river, smothering fisheries and reducing the hydroelectric generating potential of the dams. It is critical that the corps develops and implements a systematic plan to reduce erosion along the river.

Under current management conditions, the four upstream States, Montana, Wyoming, South Dakota, and North Dakota—States that sacrificed prime river bottom land for the construction of dams—receive 32 percent of the benefits from the river. The four downstream States receive 68 percent of the economic benefits. To illustrate how minor are the corps' proposed changes to the master manual, under the referred alternative, downstream States continue to receive 68 percent of the economic benefits.

Times have changed. Management must change with them. In the business world, management that fails to adjust to changing conditions does not survive. The corps should strive to better reconcile the management of the river with the economic conditions that exist today.

Given the results of the GAO report, the corps' own evaluation, and the EPA review of that analysis, the proposed revisions in the master manual should have gone much farther. Greater consideration should have been given to increasing the permanent pool from its current level of 18 million acre-feet. It is clear that there are significantly greater recreation and wildlife habitat benefits at higher permanent pool levels. Given the immense and growing economic value of recreation in the upstream States, the management priorities for the river need to change.

I intend to do everything possible to encourage the corps to recognize the changes and trends in the use of the river and to develop more defensible management guidelines. The bill introduced last week is a first step. It focused a beam of light on this process and reveals the long-overdue changes that should be made.

This process will be long and arduous. To succeed in achieving meaningful change, a great deal more education and discussion will be required. I hope that my colleagues will approach this issue with an open mind and allow their judgment to be guided by objective analysis of the conditions today, rather than by memories of what they were 50 years ago.

In the end, management policy for the river should be driven by facts and reason and a desire for equity. I am confident that if those are the criteria employed, more serious and defensible change will certainly result.

Mr. President, I yield the floor.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, I ask that I may speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. The Senator is recognized.

DRUG TRAFFICKING IN THE UNITED STATES

Mrs. FEINSTEIN. Mr. President, 3 weeks ago, the Senate Judiciary Committee, of which I am a member, held a very interesting hearing on drug trafficking and the increase of drug use in the United States. I would like to say a few words on the subject.

California has now replaced Florida as the major point of importation of cocaine in the United States. The California Bureau of Narcotics Enforcement reports that 80 percent of the clandestine methamphetamine manufacturing labs seized and dismantled in the United States are in California. More illegal drugs are coming into this Nation today than ever before. And Federal efforts at stopping the flow of drugs into this Nation are simply inadequate.

Last week, I met with the head of the Drug Enforcement Administration, Thomas Constantine, who told me that the DEA knows of at least forty 727-sized planes controlled by the Cali drug cartel in Colombia being used to smuggle cocaine into this country—forty 727-sized planes. Most of these planes are offloaded in northern Mexico, and drugs are moved across the California border and other Southwest borders.

Mr. Constantine also indicated to me that the Cali drug cartel's net profit last year was $7 billion, that the cartel controls the air traffic control system of Colombia, that they control the phone company, which allows them to backtrack and tape all phone calls, and that they are first-rate practitioners of intimidation and violence.

Consider just some of the following, Mr. President. Cocaine smuggled across the California line accounts for at least 70 percent of the drugs sent over the entire Southwest border by rings based in Mexico, making the State the prime staging area for the shipment of cocaine from cartels in Colombia and other South American countries.

Last year, the amount of cocaine seized coming across the United States-Mexican border plummeted, and not a single pound of cocaine was confiscated from the more than two million trucks that passed through three of the busiest entry points along the Southwest border—Laredo and El Paso in Texas, and Nogales in Arizona.

According to the Los Angeles Times, only 3.7 percent of laden trucks are comprehensively inspected at three San Diego-area ports of entry. The average rate along the entire Southwest border is 11.4 percent. However, last year, laden trucks crossing the border increased 51 percent, and empty trucks increased 38 percent.

Let me say clearly, I believe current Federal efforts to stop the entry of illegal drugs are not working.

THE LINE RELEASE PROGRAM

Let me describe one example of the failure of the Federal Government to stop drug smuggling. It's called the line release program. I believe this program should be discontinued immediately pending an evaluation of its effectiveness. Three weeks ago, I wrote to Secretary Robert Rubin making that recommendation.

The line release program was created in 1986 to expedite commerce entering the United States from Canada. In recent years, the program was expanded to the Mexican border as well.

Under the line release program, so-called low-risk United States companies are permitted to ship goods from Mexican manufacturers without inspection. But the line release program has had a major unintended effect. In the single-minded pursuit of increased commerce, more trucks and commercial vehicles are being waved through border checkpoints without being inspected. The result: The amount of illegal drugs coming across the border is higher than ever before.

According to a Los Angeles Times story from February 13, 1995, since the line release program was implemented, shipments of goods have increased dramatically at four critical points of entry along the United States-Mexico border—Laredo and El Paso in Texas, Nogales in Arizona, and San Diego in California. Yet, even as the number of shipments increased, the rate of inspections and drug seizures decreased dramatically.

I ask unanimous consent that this Los Angeles Times story be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mrs. FEINSTEIN. The same Los Angeles Times story states that not 1 single pound of cocaine was seized at three of the major points of entry into the United States in 1994. Not 1 pound.

One local official reportedly said:

> Obviously, we're in an area of international trade. We're not in a situation where we can just stop traffic for the sake of narcotics risk. . . We examined three percent of all the laden trucks that crossed. That is a lot of trucks.

Right? Wrong.

My view is quite different. Increased commerce does not justify increased drug smuggling. It is time to close down our border to illegal immigrants and to illegal drug smuggling. It is unacceptable to have a Federal program in place that comprehensively checks just 3 percent of the trucks coming across the border where we know the highest level of drug smuggling occurs.

Let me give you an idea of one incident in California. This past November, 5 tons of cocaine was headed to a home in Rialto in San Bernardino County. I am not talking about bags of cocaine. I am not talking about pounds of cocaine. I am not talking about kilograms of cocaine. I am talking about tons—5 tons in 1 shipment going to one house in Rialto, California. That is the level on which drug smuggling is now taking place.

On February 27, 1995, I sent a letter to Treasury Secretary Rubin asking the administration to discontinue the line release program in California pending an immediate evaluation of its capability to seek out and confiscate drugs coming across the border.

I ask unanimous consent that a copy of this letter be printed in the RECORD following my remarks.

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

(See exhibit 2.)

Mrs. FEINSTEIN. Recently, I asked the Customs Service, particularly the Director of Customs, for a complete list of the more than 10,000 individuals and companies that have been approved to participate in this so-called line release program. I have yet to be provided with that list.

In addition, this past Friday, I wrote to Secretary Rubin regarding a March 10 story in the Associated Press.

I ask unanimous consent that this letter and the Associated Press story be printed in the RECORD following my remarks.

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

(See exhibit 3.)

Mrs. FEINSTEIN. Mr. President, the Associated Press story to which I refer cited two particularly alarming items.

First, the owner of a harbor warehouse in Los Angeles who continues to this day to profit from a Customs Service inspection station located on his property, even though he is currently under federal indictment on charges of bribing an immigration agent $10,000 for false documents for himself and employees.

Second, the Treasury Department inspector general's office has failed to secure a single indictment of a Federal official in the western region in the last 5 years, despite numerous allegations of wrongdoing.

The inspector general's office, which is responsible for investigating criminal offenses at the Customs Service and other agencies within the Treasury Department, has been successful in other regions of the country, having obtained 14 felony convictions in the Northeast region, 8 in the Southern region, and 1 in the Central Division—but none in the Western region where the problem is the most serious.

These allegations are very disturbing, and I believe they deserve the full and immediate attention of the Justice Department.

OPERATION HARD LINE

The Clinton administration recently announced a new Federal initiative to address the problem of cocaine smuggling across the southwest border. This effort, termed ''Operation Hard Line,'' will transfer between 40 and 80 Customs agents to the southwest border, direct new funds toward needed resources and technology, and focus with greater intensity on intelligence-gathering and assessment.

It is too early to say if Operation Hard Line will have an impact. But I am very skeptical. The problems at the border are simply too great for Band-Aid solutions.

Enforcing the border is a Federal responsibility and the fact is that the job is not being adequately performed.

The Federal Government must take strong action and make a long-term commitment to go after drug traffickers. The administration must demand that Mexico assist the United States in this effort in every way, as this Nation is assisting Mexico in so many other areas.

Forty 727-size planes constantly land in northern Mexico, offload tons of cocaine, and move them through our borders. How this happens and how we are going to stop it is something we must address. We cannot tolerate corruption at high levels in the Government of Mexico as is now being written up on the front pages of our newspapers, where a Mexican official responsible for stopping narcotics has a bank account of several million dollars. Where do we believe that money came from?

As a member of both the Judiciary and the Foreign Relations Committees, I intend to take an aggressive oversight role of Federal efforts to stop drug smuggling across this Nation's borders and will report regularly to my colleagues in the Senate on the progress.

I will also begin to explore legislation to deny United States foreign aid to countries such as Colombia, who do not take appropriate steps to control the flow of contraband out of their own countries.

This administration has just sent $20 billion in loan guarantees to Mexico, of which $6 billion has already been drawn down. I think the United States deserves cooperation from the highest levels of the Mexican Government in what is a major scourge on the relationship between our two countries, the trafficking of large amounts of cocaine.

Shortly, I hope to see for myself the Customs Service's surveillance efforts at the border. Recently, it was described in a television report on NBC's ''Dateline.'' What the story showed was a former Customs agent pointing out a truck, a huge container truck, going right through a Customs' checkpoint, and saying, ''This truck is a known drug smuggler. Watch what happens.'' And the truck went right through under the ''line release'' program.

I find it hard to accept that the Federal Government is so desperate to increase commerce that it will allow drugs to freely enter the United States.

Mr. President, I thank you for providing me with this opportunity to update my colleagues. I will report further on developments.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Los Angeles Times, Feb. 12, 1995]

BORDER INSPECTIONS EASED AND DRUG SEIZURES PLUNGE

(By H.G. Reza)

CUSTOMS: CORRUPTION PROBES FOCUS ON U.S. POLICY TO PROMOTE MEXICO TRADE. FEW TRUCKS ARE EXAMINED.

SAN DIEGO.—The amount of cocaine seized from Mexican trucks and cargo at the border plummeted last year, as U.S. Customs Service officials pressed on with a program to promote trade by letting most commercial cargo pass into this country without inspection.

Not a single pound of cocaine was confiscated from more than 2 million trucks that passed through three of the busiest entry points along the Southwest border where federal officials say most of the drug enters the country.

Of the 62,000 pounds of cocaine that Customs seized from commercial cargo nationwide, less than a ton was taken from shipments along the border with Mexico.

One reason for the sharp decline in seizures is that Customs officials appear to be doing a poor job of identifying and inspecting those trucks and cargo containers being used for drug smuggling, according to an internal report obtained by The Times.

''The target selection methods are * * * critical and apparently in more need of improvements given the huge number of examinations without success,'' said the Dec. 13 report by a Customs analyst.

Officials say liberalized importing procedures have dramatically increased the number of trucks crossing the border from Mexico, producing trade benefits for both countries. And now the Customs Service is considering new measures to speed up the entry of air and auto travelers into the United States.

But, according to records and interviews, the facilitation policy also has become the focal point of wide-ranging corruption probes at a number of Southwest border crossings and inspection facilities.

Since last summer, federal authorities have been looking into allegations that corrupt Customs officials and inspectors are tipping smugglers that certain shipments and vehicles have been targeted for narcotics inspections.

Sources said investigators also are examining allegations that:

Some inspectors and officials in San Diego were bribed by Mexican drug rings to remove intelligence information from Customs computers.

Investigators also are focusing on allegations that smugglers are transporting drugs in the uninspected trucks that bring cargo from Mexico.

A principal target, sources said, is an inspector who in 1990 attempted to release a propane tanker although drug-sniffing dogs had sounded the alarm. The tanker later was found to be carrying four tons of cocaine.

Inspectors and officials in the Long Beach area were bribed to allow trucks from Mexico and contraband, including AK–47 rifles and ammunition from China, to be smuggled into the ports of Long Beach and Los Angeles in ship containers.

The investigation is concentrating on private warehouses in the Long Beach area where cargo containers are examined by Customs inspectors for contraband, drugs and compliance with importation laws. The warehouses are customarily paid a fee for use of their facilities and assisting in the inspections.

But sources said importers allegedly were charged up to $425 per container for hundreds of examinations that were never done. Investigators have been told that two Customs officials received kickbacks.

In interviews, Justice Department officials declined to confirm or deny the existence of the investigations. ''If anyone has information regarding corruption within the Customs Service, we would certainly be interested in receiving that information,'' said Assistant U.S. Atty. Michael Flanagan in Los Angeles, who is overseeing some of the investigations.

Customs officials declined to comment on the investigations. They also defended their low seizure rates and the ''facilitation program'' that since the late 1980s has allowed increasing numbers of trucks and cargo containers to go uninspected at the border.

Lou Samenfink, Customs cargo control branch chief in Washington, said he does not know why seizures have fallen off and pointed out that the Customs Service instituted a new and improved random system in October for identifying shipments to be inspected.

''It could just as easily be that [drugs are] not there,'' he said. ''It could certainly mean that our targeting policy is wrong, or that it's so effective that the smugglers aren't using commercial cargo to bring drugs in.''

The Drug Enforcement Administration reports that 244,626 pounds of cocaine were seized nationwide by federal law enforcement agencies in 1993, the most recent year for which statistics are available. And officials estimate that only about 10% of the cocaine smuggled into the country is seized.

Joaquin Legarreta, spokesman for the DEA intelligence center in El Paso, said most cocaine enters the United States across the Mexican border, and most comes through regular ports of entry in commercial trucks and passenger vehicles.

In 1986, Customs began a ''facilitation'' policy to speed up the shipment of cargo from Canada, and the program was expanded to the Mexican border in recent years.

As part of this policy, ''low-risk'' U.S. importers are allowed to ship commodities from a Mexican manufacturer virtually without inspection, after passing a rigorous background check. Under the so-called ''line release'' program, some importers go months without having their shipments inspected.

Former Customs Commissioner William Von Raab, who helped establish the program on the Canadian border, said he was shocked when it later was used on the Mexico border.

''It's terrible. [This] was developed to be used at a border with the highest level of integrity and lowest level of risk,'' Von Raab said. ''I certainly would never have deployed it at the Mexican border.''

The San Diego district has the lowest inspection rate for commercial trucks, records show. Only 3.7% of the laden trucks are inspected at Otay Mesa, Calexico and Tecate in California and Andrade in Arizona, compared to an average rate of 11.4% along the entire U.S.-Mexico border.

''Obviously, we're in an area of international trade,'' said Rex Applegate, port director of the San Diego district. ''We're not in a situation where we can just stop traffic for the sake of narcotics risk. . . .We examined 3% of all the laden trucks that crossed. That is a lot of trucks. That is a lot of intrusion.''

Sources said inspections are conducted randomly, once every 500 to 2,500 entries, and certain shipments are targeted based on intelligence information.

The facilitation program has resulted in increased truck traffic all along the border, especially last year when records show that laden trucks increased 51% and empty trucks increased 38%. In anticipation of the North American Free Trade Agreement a year ago, U.S. and foreign investors opened new manufacturing plants on the Mexican side of the border, triggering an increase in cargo shipments to this country.

Numerous inspectors and agents have told The Times they believe that the facilitation policy has provided narcotics smugglers with an easy way of bringing tons of cocaine into the U.S.

''The smugglers know our system as well or better than us,'' said Jay Erdmann, an inspector for 25 years who is retiring next month. ''Why should they smuggle the dope through the desert when they can use line release?''

San Diego port director Applegate said the importing and drug targeting procedures are ''very sophisticated.''

''Quite frankly, the line inspector is not aware of this,'' Applegate said. ''These guys are like platoon sergeants questioning the war strategy.''

But he also said inspectors have a responsibility to target vehicles, based on behavioral analysis of the drivers.

''This risk assessment * * * depends a lot on the inspector's own knowledge,'' Applegate said.

A Dec. 13 document entitled ''1994 Port Tracking Report'' said Customs concentrates its drug enforcement efforts on shipments from 16 ''high-risk'' countries in South and Central America and the Caribbean.

The report said that, although most ''high-risk containers pass through the Mexican border, ''substantially less'' cocaine was seized there last year than the previous year.

Nationwide, customs inspectors and agents seized 62,850 pounds of cocaine from commercial land, air and sea haulers last year—only 2,000 pounds less than in 1993.

But along the Southwest border, 1,765 pounds was confiscated in 1994—all at Calexico—compared to 7,708 pounds in 1993 and 234 pounds in 1992 when truck traffic was lighter. Customs statistics show there was a similar decline in marijuana seizures, from 17,736 pounds in 1993 to 9,459 pounds last year.

Officials were unable to provide statistics for cocaine seizures in previous years along the entire border.

At the Otay Mesa commercial port—third largest on the border and located seven miles east of San Diego—there were no cocaine seizures in the past three years. There also were no seizures during the period at El Paso, the second largest commercial border crossing.

Laredo, Tex., the biggest commercial port, had no cocaine seizures last year. Inspectors there found 5,027 pounds of drug in 1993 and none in 1992.

Meanwhile, Customs officials have two new proposals to make it easier for airplane and auto travelers, not just trucks, to enter the United States, The Times has learned.

One plan under study, called Airport 2000, would require airline employees to input the names of passport holders into Customs computers.

Customs inspectors would then check the names for criminal records or ties to drug smuggling. If the name used by the traveler does not arouse suspicion, he would be allowed to leave the airport without having to go through Customs inspection.

''Airport 2000 is a concept developed here and is passenger oriented,'' said Dennis Shimkoski, a Customs Service spokesman in Washington.

A plan being studied in San Diego would make optional the now-mandatory license plate check of every vehicle entering this country from Mexico. Like Airport 2000, the plan was conceived to cut costs and ease entry into the United States.

Computer checks of license plates have led to the seizure of hundreds of stolen vehicles and thousands of pounds of drugs. The computer checks also tell an inspector if the vehicle is suspected of being used in smuggling and if the driver has a criminal record.

Applegate dismissed complaints from inspectors and Customs agents that the plan signals a retreat from the drug war and invites corruption in the ranks of inspectors.

''The issue is very simple. Our land border traffic is increasing, and our budget is not,'' Applegate said. ''There would be a certain number of inspectors who would view this as the grossest sellout in customs history. [But] how much is it costing the Customs Service to input all this data and what are we getting for it?''

Von Raab, the former Customs commissioner, said he believes that the proposals will weaken enforcement efforts. ''I have always seen Customs as a regulatory agency to guard borders and collect tariffs,'' he said.

Customs inspectors and agents have complained for years about what they call a loophole in the facilitation program. They alleged in interviews that drug rings are paying unscrupulous truck drivers and trucking companies to smuggle cocaine and other drugs—but Customs officials do not subject drivers and trucking companies to the same background checks as importers and manufacturers.

A veteran investigator who has worked on several high-profile drug cases in San Diego said that ''you can have the biggest drug dealer in Mexico drive a truck through the compound * * * and the [line-release program's] computer would never tell you who he was, even if he used his real name.''

''That's correct,'' said Barry Fleming, who supervises the line release program in San Diego. ''Right now, I have to agree with the inspectors. [The problem is] the carriers. How do we operate in the unknown where we don't know the risk of the driver, the tractor [truck] or the trucking company?''

When asked why there were no cocaine seizures at the Otay mesa commercial port between 1992 and 1994, Fleming said: ''Is it [because of faulty] targeting? Probably it is. We don't have enough intelligence.''

Carolyn Goding, president of the San Diego Brokers Assn., agreed that there is ''nothing

to stop an unscrupulous driver from throwing some cocaine underneath the seat.'' However, she said the program ''is working well for the honest importer by helping facilitate the movement of cargo.''

EXHIBIT 2

U.S. SENATE,
Washington, DC, February 27, 1995.

Hon. ROBERT RUBIN,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY RUBIN: In an earlier letter, dated February 17, 1995, I requested an investigation and reevaluation of federal efforts to seize illicit narcotics coming across this nation's borders. Since then, I've learned a great deal more and today I am writing to express my strong belief that the Customs Service's ''line release'' program (as we know it today) should be discontinued in California pending an evaluation of its ability to seek out and confiscate illicit contraband entering this country.

I understand approximately 10,000 companies now participate in a broad effort to move large trucks across the border with Mexico, often without inspection of cargo. I have asked the Customs Service for a full list of the companies approved to take part in the ''line release'' program but have yet to receive this information. I would like to re-state my request for this information.

My strong belief that the ''line release'' program should be discounted pending further review is based on a number of factors:

(1) It is known that the Cali Cartel in Columbia is shipping tons of illegal drugs on planes as large as 727's to Mexico, and then transporting drugs across the border and into the continental United States in trucks. Recent press reports have documented increased incidents of illegal smuggling since the ''line release'' program began, and a dramatic decrease of inspection and drug seizures. In fact, in 1994 not a single pound of cocaine was confiscated from more than two million trucks that passed through three of the busiest entry points along the southwest border—Laredo and El Paso in Texas, and Nogales in Arizona.

(2) Hearings of the Senate Judiciary Committee have demonstrated that drug smuggling is on the rise and California has become the major point of cocaine importation in the United States.

(3) An internal Treasury document recently brought to my attention, and subsequently printed in a news report this past Friday, suggests that serious deficiencies in the ''line release'' program may actually facilitate the flow of illegal drugs into California.

These developments have served only to increase my skepticism as to whether the ''line release'' program ever made sense at all. In 1993, before NAFTA, Customs officials seized almost four tons of cocaine off trucks crossing the border; in 1994 it was down to less than a ton. Attached is a story from yesterday's New York Times which very accurately reflects the way I feel. I have also attached recent stories printed in the Los Angeles Times which raise alarming questions about illegal drug smuggling across this nation's 2,000 mile border with Mexico.

In my opinion, the ''line release'' program only encourages the continued and increased flow of drug smuggling. California simply cannot be the testing ground for programs that are ineffective and which only invite increased drug smuggling.

I would appreciate a response as soon as possible regarding this matter. I would also like your views as to whether you believe Operation Hard Line, the new initiative by the Customs Service to tackle the problem of cocaine smuggling into California, adequately addresses the problems raised about the ''line release'' program.

Thank you, in advance, for your personal attention to this matter. I look forward to hearing your thoughts.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

EXHIBIT 3

U.S. SENATE,
Washington, DC, March 10, 1995.

Hon. ROBERT RUBIN,
Secretary, Department of the Treasury, Washington, DC.

DEAR SECRETARY RUBIN: Two weeks ago, I wrote to you regarding my strong belief that the ''line release'' program currently being administered by the Customs Service should be discontinued in California pending an evaluation of its effectiveness to seek out and confiscate illicit contraband entering the United States. I have not yet received a response.

I believe strongly that this is a urgent matter which merits your priority attention. To this end, I am also enclosing a copy of an Associated Press story from yesterday which raises additional questions about the situation at the border, including an alleged 1993 incident in which the then-District Director of the Customs Service, who was later promoted, may have prevented investigators from conducting a surprise inspection of the ''line release'' program at the southwest border. This investigation was aimed at determining whether unauthorized trucks, potentially carrying drugs, were allowed to cross the border without inspection.

As I stated in my February 27 letter, I believe the ''line release'' program only encourages the continued and increased flow of drug smuggling across the southwest border.

Again, I urge your priority attention to this matter and look forward to a response to my original letter as soon as possible.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

[From the Associated Press, Mar. 10, 1995]

CUSTOMS FAILS TO ACT ON SUSPENSION FOR INDICTED WAREHOUSE OPERATOR

(By Michael White)

LOS ANGELES.—Eight months after a harbor warehouse owner was indicted on bribery charges, he's still profiting from a Customs Service inspection station on his property although investigators urged that it be shut down.

That illustrates a lack of clout that frustrates the U.S. Treasury Department's Office of the Inspector General in its role as watchdog over some of the government's biggest moneymakers, including Customs and the Internal Revenue Service, according to interviews and government records.

The problem is particularly acute in the agency's Western region where, unlike the rest of the country, inspector general's investigators have failed to obtain a single indictment of a federal official in five years.

''I think that was one of the reasons I was hired two years ago, was to change the direction, and that doesn't happen over night,'' said James Cottos, assistant inspector general for investigations in Washington.

In the case of the harbor warehouse, the inspector general's auditors recommended last October that National Distribution Services be suspended from doing business. Its owner, Steve Moallem, had been indicted on charges he paid an immigration agent $10,000 for false documents for himself and employees, records show.

Being picked as the site for an examination station can mean big profits for a warehouse operator, who charges importers for storing and unloading cargo to be inspected.

Neither Customs nor the Treasury Department itself has acted on the recommendation to suspend the company.

''We can't force the (Customs) agency to do anything,'' said Rick Dory, a Treasury Department attorney.

Customs spokeman Mike Flemming said the case is up to Treasury officials in Washington.

The Inspector General's Office is charged with investigating criminal offenses by management level employees at Customs, the IRS, the Secret Service and a variety of other Treasury agencies.

During Cottos' tenure, Treasury's Northeast Region has logged 14 felony convictions. The Southern Region has had eight and the Central Division one. Statistics for the office's performance before his tenure were not available because good records were not kept, Cottos said.

In the West, however, things are different.

The inspector general's office was absent last year when the Justice Department launched a corruption investigation among Customs officials in Los Angeles and San Diego, said a source familiar with the investigation.

The unusual move was made at the insistence of witnesses who doubted the effectiveness of the inspector general's office, said the source, who spoke only on the condition of anonymity.

The concern stemmed in part from a 1993 incident in which the inspector general's office tried to investigate allegations that cocaine-laden trucks were crossing the border unimpeded under a Customs program intended to speed the flow of cargo from Mexico.

In that case, inspector general investigators, accompanied by Customs narcotics agents trying to make unannounced inspections of vehicles and records at the Otay Mesa port of entry near San Diego, were denied entrance by Customs officials.

Under orders of Custom's San Diego District Director Rudy Camacho, the investigation team was told to leave, according to several sources who witnessed the incident.

They returned the next week in a visit arranged with Camacho's office, but by then word of the operation had leaked to truckers and import brokers they were targeting, according to a January 1994 memo by the investigators.

''Rudy Camacho ran them out of San Diego,'' said one veteran inspector familiar with the incident.

Camacho, later promoted to commissioner of Customs' Western region, said he told the investigators to leave because they had, without his authorization, brought Customs inspectors along. He said he had sole authority over Customs inspectors' activities and scheduling.

His office later cooperated fully with the investigators, he said.

Cottos said Treasury agencies often resist his office's attempts to investigate internal wrongdoing.

''People don't want anybody else to come in and do an investigation of them,'' he said.

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

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

UNANIMOUS-CONSENT AGREEMENT—H.R. 889

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now resume consideration of H.R. 889 and the remaining committee amendments to be agreed to en bloc be treated as original text for the purpose of further amendments; that the following amendments be the only remaining amendments in order in the first degree and they be subject to relevant second-degree amendments following a failed motion to table and limited to time agreements where appropriate, with the same time limit applying to any second-degree amendment and that no rule XVI point of order lie against Senator BUMPERS' NASA wind tunnel amendment. Mr. President, this includes the following amendments: The Hutchison endangered species amendment; the Brown Mexico amendment; the Coverdell Georgia flood amendment; Stevens manager's amendment; the Hatfield manager's amendment; the McConnell assistance to Jordan debt amendment; the Specter SOS Korean nuclear agreement amendment; the Roth-Glenn SOS nonproliferation amendment; and the McCain military construction amendment.

Mr. President, in addition, my understanding is the following Democratic amendments are included in this amendment: The Baucus amendment on South Korea trade; the Boxer amendment on military personnel; the Byrd amendment that may be relevant to the subject; a Daschle relevant amendment; a Feinstein environmental cleanup amendment; the Graham Cuba amendment; the Inouye manager's amendment; the Leahy Jones Act amendment; the Nunn amendment to relevant topics; the Wellstone amendment to relative topics; and also the Bumpers amendments in his own name, which we reserved a spot for covering Iran and NASA wind tunnels for his own name as well. That, obviously, is in addition to the one previously reserved, which is a joint Democratic-Republican amendment.

I further ask that following disposition of the above-listed amendments, the bill be advanced to third reading and final passage occur on H.R. 889, as amended, without intervening action or debate.

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

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senator from Arkansas [Mr. BUMPERS] offers his amendment in reference to wind tunnels, that there be 45 minutes for debate prior to a motion to table, to be limited in the following fashion: 30 minutes under the control of Senator BUMPERS and 15 minutes under the control of Senator STEVENS.

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

Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. The clerk will report the pending business.

The bill clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance military readiness for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR Program.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. The pending amendment is amendment No. 330 offered by the Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to go forward with that amendment. We have worked out a second-degree amendment that was going to be offered either by the Senator from California [Mrs. FEINSTEIN] or the Senator from Missouri [Mr. BOND]. But neither of them is present right now, so I would like to just temporarily lay that amendment aside and, if there is something else we could get to, I would be willing to do it.

Let me ask unanimous consent that the amendment be temporarily laid aside and allow the floor managers to go forward with any other amendments that are pending. And in that request, Mr. President, I am going to state specifically that I am not necessarily asking that this be the pending business after the next amendment is adopted. I will be around here, and I will call the amendment up at some point.

Mr. BURNS. Will the Senator yield?

Mr. BUMPERS. I am happy to yield.

Mr. BURNS. Mr. President, will the Senator from Arkansas want to go to his wind tunnel amendment at this time?

Mr. BUMPERS. Yes, I am prepared to do that.

Let me remind the Senator that Senator MIKULSKI obviously wants to be in the Chamber when that is debated, and I would suggest that we try to contact her to see if she is available. She may be attending a committee hearing or something else and cannot make it right now. But I am prepared to go forward with that amendment.

Mr. BURNS. I think the Senator makes a good point and maybe we should contact those Senators to get them involved. I think they want to be a part of this debate, and we would do that right away. And then maybe the Senator could offer his wind tunnel amendment.

Is there any other amendment that is pending?

Mr. BUMPERS. It is my understanding, Mr. President, that virtually all of these amendments except the wind tunnel amendment have been agreed to. Is that correct?

Mr. BURNS. That is the information I have.

The PRESIDING OFFICER. It is the Presiding Officer's understanding there are some that have not been agreed to.

Mr. BUMPERS. I am sorry, Mr. President; I did not understand the Chair.

The PRESIDING OFFICER. It is the Chair's understanding that not all amendments have been agreed to.

There is pending the Senator's request to lay aside the current amendment. Does the Senator wish to pursue that?

Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me.

Mr. President, I ask unanimous consent that I may speak not to exceed 12 minutes as if in morning business.

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

(The remarks of Mr. PRYOR pertaining to the introduction of S. 573 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, what is the pending business?

The PRESIDING OFFICER. The bill is before the Senate. It is open for debate.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 330

Mr. BUMPERS. Mr. President, I call up amendment No. 330 and ask for its immediate consideration.

Mr. President, I think a substitute amendment to my amendment has been agreed to by both sides.

Briefly, it says that a pending agreement between the United States and Russia that would allow Russia to buy American nuclear reactors and technology, known as a ''Section 123 Agreement,'' be canceled unless the President certifies to Congress that the Russian nuclear agency will not sell nuclear reactors to Iran.

Mrs. FEINSTEIN. Mr. President, I rise today in strong opposition to the Bumpers amendment to rescind funding for the national wind tunnel complex [NWTC]. I believe this project to be a sound investment in the future of the competitiveness of the U.S. commercial aviation industry.

NASA is pursuing the development of two new wind tunnels as a part of the NWTC strategy to provide facilities for aircraft testing with technology not currently available in the United States. These facilities would allow the commercial aviation industry to continue to compete on an international level for the next generation of widebody commercial transportation aircraft.

The United States has built only one major wind tunnel in the past 30 years and while the existing wind tunnels have been upgraded over the years, none has been able to keep pace with the state-of-the-art capability, productivity, and technology of new, modern—and largely foreign-owned—wind tunnels. The United States has recently seen its share of the international commercial transport aircraft market fall from 100 percent to an estimated 65 percent. While we still enjoy a commanding presence in this vital industry, we must now prepare ourselves to be competitive in the future.

Contrast our actions with those of our European competitors who have invested in six new Government-financed wind tunnels over the last 15 years. These investments pay dividends in the commercial aircraft market as can be witnessed by the increasing marketshare of European companies such as Airbus.

The fiscal year 1995 VA–HUD bill provided $400 million as a down-payment to begin construction of these two facilities. This investment follows funding in fiscal year 1994 to study the feasibility of wind tunnels. NASA estimates the final cost of the wind tunnel complexes to be $2.5 billion and has plans for the facilities to be up and running by 2002. I agree with those who are calling for the greater industry involvement in this project and look forward to working with my colleagues and industry officials to help make cost-sharing a reality. I have spoken personally with the CEO's of major commercial aviation manufacturers who all agree with NWTC is needed to ensure their continued competitiveness. Now is not the time to waver in our support for the domestic aircraft industry.

In anticipation of the Administration's continued support of the National Wind Tunnel Complex Program, an industry teaming agreement was signed among Boeing, McDonnel Douglas, Lockheed, Northrup-Grumman, Pratt & Whitney, and General Electric to support the development of the facilities. NASA has been in the process of evaluating feasible sites, including the NASA Ames Research Center located in the San Francisco Bay area. The Ames Research Center, which is currently home to several operational wind tunnels, meets most of the technical criterion NASA is looking for and can be a model of government and private industry working together toward mutual interests.

While the Administration has not met the condition set forth in the fiscal year 1995 VA–HUD bill, they have, in fact, requested that the funds be carried over to allow for a more complete site selection process. I ask my colleagues to agree with the Senate Appropriations Committee's recommendation to grant the administration time to move ahead with this important investment in the future of domestic aviation technology. I oppose the Bumpers amendment to rescind funding for the national wind tunnel complex and urge my colleagues to do the same.

Mr. ROCKEFELLER. Mr. President, I rise to explain why I believe the Senate should reject the amendment offered by the distinguished Senator from Arkansas to cancel funding for wind tunnels.

Before getting into the arguments for proceeding with this program, I want to remind my colleagues of some essential facts about the bill before us. This bill, labeled the Defense supplemental and rescissions appropriations, will cut the Federal deficit.

Its first goal is to replenish critical parts of the Defense Department's budget, and it does that by transferring funds from other areas. That means we are not asking the American taxpayers to borrow.

And because this is an opportunity to shave the Federal budget, this bill also contains $1.5 billion of cuts in Government spending for the sole purpose of reducing the deficit. Here is more proof that one does not need to amend the Constitution to shrink the deficit.

But the Federal budget is always an exercise in setting priorities. Certain needs, from the country's military security to our social fabric, have to guide how we make choices about Government spending. And I would argue that we need to keep planning for the future, especially to invest in opportunities to sustain the country's economic strength and jobs.

That is why I question and oppose the amendment by my friend from Arkansas. Yes, it is tempting to give up on the effort involved in NASA's plan for exploring the potential for building wind tunnels in the United States. But it is the wrong thing to do at the wrong time. It would be a retreat from the future, and another blow to this country's ability to maintain a prosperous commercial aircraft industry.

Since 1915, the National Aeronautics and Space Administration [NASA] and its predecessor agency have worked closely with the country's aircraft industry, providing one another with technical support. And, in turn, that technical support and the entrepreneurship of our airplane manufacturers have made the aircraft industry one of America's great economic successes. America is the world's leader, and the industry generates not only billions of dollars in export sales but also supports tens of thousands of jobs across our country. NASA's aeronautics research program is a proven investment in jobs—good jobs for Americans. And it is particularly important at time when foreign competitors, particularly Airbus, receive major help from their governments.

The subject before us, wind tunnels, are a key part of the NASA Aeronautics Program, and may be a vital tool for keeping our aircraft industry the world's leader. these tunnels are the facilities in which companies test and refine their new designs. New designs can be largely analyzed through computer simulations but in the final analysis companies must test physical models in advanced wind tunnels.

Wind tunnels are also precisely the kind of investment in which a government role is both appropriate and necessary—valuable national facilities that help a range of companies but which are so expensive that no one company or even group of companies can readily fund by themselves.

I want to note that our Government has operated wind tunnels for decades, serving both commercial and defense needs. But there's a very big catch. The tunnels in the United States are mostly 40 years old. In stark contrast, Europe has wind tunnels that are much more modern. Our companies can test its designs on the other side of the ocean, in foreign countries therefore.

That leads to an extremely serious dilemma for American aircraft manufactures—either test their new aircraft designs in less sophisticated facilities here in the United States, or test in Europe where data on the best new American designs would undoubtedly end up in the hands of foreign competitors.

I want to emphasize one important point here: NASA wind tunnels directly support a major U.S. industry—an industry which in turn generates sales, jobs, and I hasten to add, considerable tax revenue. And West Virginia is one of the States with the right conditions to build the wind tunnels. We have the most inexpensive and abundant supply of electricity in the Nation. And along

with our natural and other infrastructure resources, we are a state brimming with talented people ready to forge ahead building and operating this leading edge technology. Pulling the rug out from this initiative, aimed directly at improving this country's economic situation, seems reckless.

The amendment from the Senator of Arkansas would cancel a decision made by Congress last year to devote $400 million to planning just how to overcome this serious gap between America's wind tunnels and those in foreign countries. Because of the high economic stakes involved for our Nation, Congress appropriated the money to begin developing a new pair of state-of-the-art American wind tunnels.

Congress also conditioned that funding on an expectation that the administration would lay out a clearer plan on how to proceed with this effort and how to obtain the necessary commitments from the private sector. NASA is now finishing its assessment of future wind tunnel needs and how much industry is willing to share the costs of new facilities. The administration is asking this body to preserve the money until that study is completed and a full assessment can be made. Again, in light of the stakes—involving jobs and the future of a critical industry—I really think it's more than reasonable to reserve these funds if we are fully convinced they'll be a worthwhile investment.

The Senate should await the results of that assessment before we take rash action today that would bring an end to this initiative and its potential for the country. We should wait for the full facts, and not take precipitous action that risks jeopardizing a vital export industry. For these reasons, I urge my colleagues to oppose this amendment.

Mr. HELMS. Mr. President, I strongly support Senator BUMPERS' amendment because it is reasonable to link further United States funding for technical cooperation with the Russians on the space station with Russia's arrogant sale of nuclear reactors to Iran.

The Bumpers amendment makes the choice for the Russian Government quite simple. On the one hand, the Russians can continue to develop economic relations with the United States and move onward into the 21st century on the cutting edge of space-based technology. Or the Russians ban pursue a dangerous nuclear relationship with Iran one of the world's most reprehensible governments. But Russia cannot have it both ways.

The two greatest threats facing the security of the United States and its allies are Islamic fundamentalism and nuclear proliferation. The proposed Russian sale of nuclear reactors to Iran is an intersection of these threats. Even the Russians must realize the danger this poses to their own nation. I am truly surprised that no reasonable figure of authority in Russia is willing to confront that obvious reality. Despite all the rhetoric that one hears from Moscow about the threat of Islamic fundamentalism to the south of Russia, it appears that short-term profit is the most important interest for the Russian Government.

Recently the head of the Russian Ministry of Nuclear Power compared the profit he could turn from nuclear sales to Iran with the level of assistance that the United States gives to Russia. In essence he said that the funds the United States provides to Russia could easily be replaced by unrestricted worldwide sales of reactors and uranium. This reckless and insulting view of our Nation's efforts to develop a stronger relationship with Russia may have escaped comment by President Clinton, but it will not pass muster in the Senate.

The United States will not join in a bidding war with terrorist countries like Iran for the fickle friendship of the current Russian Government. Our appeal to Russia is broadly based upon reason and principle. While economic assistance has been a feature of the United States' effort to build closer ties with Russia, far exceeding any aid has been our willingness to build closer relations. We have extended an open hand in order to help Russia recover from the wounds of 70 years of totalitarian, Communist government. If bean counting bureaucrats in the Russian Nuclear Power Ministry see more profit by tying Russia's future to Iran—then let them have at it. But they can't—and won't—have it both ways.

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by my friend from Arkansas, Senator BUMPERS. While we share many similar interests and beliefs, it seems that we are usually on opposite sides of the issue when it comes to debating NASA and aerospace issues. In this case, I believe my friend's amendment is misguided and would bring a premature end to what promises to be valuable national facility.

I would also like to congratulate the chairman of the HUD/VA Appropriation Subcommittee, Senator BOND, as well as Senator MIKULSKI for laying out the very convincing arguments for proceeding with this program.

Mr. President, no one can doubt the vital role which wind tunnels play in the design of aircraft and engines. In fact in my earlier career, I had first-hand experience with what can be learned with these type of facilities. I would like to begin my remarks with a short description of how these facilities are actually used.

Wind tunnels are used in two major ways for airplane design. First, they are used to develop and confirm aerodynamically the geometric shape of the airplane and its wings. Improvements in airplane aerodynamics lead to reduced fuel consumption and improved economics. While computer testing, called computational fluid dynamics, is playing an increasingly important role in aircraft design, it has in no way replaced wind tunnel development and testing.

The second major way wind tunnels are used in airplane design is to help predict handling qualities, controllability, aerodynamic loads, fuel consumption, inlet/nozzle/nacelle and such important characteristics as takeoff and landing speeds. Wind tunnel testing provides the most accurate method for predicting crucial airplane characteristics. Wind tunnel test data are used in preflight prediction of drag, weight, and propulsive efficiency.

Mr. President, during the debate on wind tunnels we will hear mentioned two particular parameters used to describe the capability of wind tunnels. The first term is ''Mach number'' and the second is ''Reynolds number.'' Mach number is the more familiar term and is defined as a ratio of vehicle speed to the speed of sound. Determination of Mach number is critical for high-speed flight.

The Reynolds number is defined as the ratio of the inertia forces to the viscous forces that a fluid exerts on a surface as it flows past. The Reynolds number is also related to Mach number.

The National Academy of Sciences has found that ''high productivity, high Reynolds-number subsonic and transonic development wind tunnels * * * [will lead to improved aircraft] cruise and takeoff/landing performance by at least 10 percent each.'' Mr. President, a 10-percent improvement in airplane performance benefits our economy and our environment.

I ask unanimous consent to have printed in the RECORD the executive summary from the aforementioned National Academy study, Aeronautical Facilities: Assessing the National Plan for Aeronautical Ground Test Facilities.

The value of such scientific advances in helping to keep the American aircraft industry in the forefront of international sales is obvious. In fact, had it not been for the outstanding work done over many, many years by our aerodynamicists using the world's most advanced wind tunnels, our leadership in both military and commercial aircraft would never have taken place. Commercial sales of U.S. aircraft would not comprise our largest single factor in balance of payments outside of agriculture. Now we see foreign nations with more modern tunnels than we have, along with an expanding group of scientists and aerodynamicists. This does not bode well for America's future lead in designing and building the finest aircraft in the world. That is important for both our military and commercial aircraft.

Existing U.S. wind tunnels have served us well; and have helped make the U.S. aircraft industry the world leader. In fact much of what has been learned from wind tunnels has occurred in my home State of Ohio, at NASA's Lewis Research Center. Unfortunately the upgrades and improvements to the

existing inventory of wind tunnels have been already been made. Existing U.S. wind tunnels have the following problems: Inadequate capability in Reynolds number; low productivity, with emphasis on research; average of facilities is between 30–40 years, with the associated problems of old technology and high maintenance costs.

In fact, all but two of the U.S. wind tunnels have been operating for more than 30 years, and the two exceptions are low Reynolds number, special purpose facilities used only for light commercial and military airplane development.

Mr. President, most existing U.S. wind tunnels were funded by the Federal Government. And as my colleagues have discussed, the newer facilities in Europe have been built with substantial Government support. While I believe that Senator BUMPERS is correct in pointing out the apparent disparity in the industry's contribution to this facility, I would argue that a final deal has not yet been signed. I would encourage the administration to continue to pursue the best possible sharing of cost.

Mr. President, I will conclude by asking our colleagues to look to the future. In 10–20 years I hope that environmentally acceptable, supersonic commercial airliners and transports will be a practical, economic reality, and will be manufactured in the United States of America.

Mr. President, I encourage my colleagues to vote against the Bumpers amendment.

I ask unanimous consent that the aforementioned summary of the National Academy study be printed in the RECORD.

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

[From the National Academy Press, 1994]

ASSESSING THE NATIONAL PLAN FOR AERONAUTICAL GROUND TEST FACILITIES

EXECUTIVE SUMMARY

At the request of the National Aeronautics and Space Administration and Department of Defense, the Aeronautics and Space Engineering Board (ASEB) of the National Research Council independently reviewed the findings of the interagency National Facilities Study (NFS). In order to make the ASEB report available shortly after the NFS report, the NFS Task Group on Aeronautical R&D Facilities briefed the ASEB periodically during its study. After release of the NFS report, the ASEB held a far-ranging workshop to critique the NFS results. The workshop involved 49 experts in aeronautical technology development; ground test facilities; and, especially, the use and operation of wind tunnels. The purpose of this report is to document and explain the ASEB's assessment of the NFS report, including recommendations for future action.

The conclusions and recommendations of the NFS seem to be supported by factual material wherever it was available, although in some cases they are based on the best judgment of the study participants. The following nine items summarize the ASEB's findings and recommendations. The first five items reinforce key thrusts of the National Facilities Study. The ASEB concurs with each of these items. The last four are recommendations for additional action that go beyond the recommendations of the National Facilities Study.

Recommendations reinforcing the key thrusts of the national facilities study

1. The ASEB agrees with the NFS report that significant aerodynamic performance improvements are achievable, and the nation that excels in the development of these improvements has the opportunity to lead in the global market for commercial and military aircraft.[1] The highest priority facilities for achieving these performance improvements are new high-productivity, high-Reynolds-number subsonic and transonic development wind tunnels.[2] The NFS report estimates that cruise and takeoff/landing performance could be improved by at least 10 percent each. Performance improvements are essential for the U.S. aeronautics industry to maintain or increase market share. Based on the information available to it, the ASEB considers these projected increases in performance to be potentially attainable and believes that the proposed facilities could substantially facilitate such improvements.

These forecast advantages do not include the probable operating and development cost reductions that would accrue to future U.S. military aircraft programs. In addition to direct cost reductions, access to improved ground test facilities would make advanced military aircraft more competitive in the world market, thereby further reducing the defense burden carried by U.S. taxpayers. Foreign sales of U.S. military aircraft result in lower unit costs for U.S. government and foreign purchasers.

2. The ASEB agrees with the NFS report that new high Reynolds number ground test facilities are needed for development testing in both the low speed and transonic regimes to assure the competitiveness of future commercial and military aircraft produced in the United States. The NFS report documents that Reynolds and Mach number performance of the best subsonic and transonic development wind tunnels in the United States and Europe are close to parity.[3] However, the average age of major U.S. tunnels is about 38 years, and many of the older U.S. wind tunnels are subject to costly maintenance and breakdown. Furthermore, there are no adequate domestic alternatives for many older U.S. facilities. For example, during the past several years U.S. manufacturers have conducted a large amount of their low speed testing in European facilities during refurbishment of the Ames Research Center 12-foot subsonic wind tunnel, which is 48 years old.

TABLE ES–1—PROPOSED CAPABILITIES OF NEW LOW SPEED AND TRANSONIC WIND TUNNELS

Tunnel parameter	Low speed tunnel	Transonic tunnel
Reynolds Number	20 million at Mach 0.3 (full span model) 35 million at Mach 0.3 (semi-span model).	28.2 million at Mach 1 (full span model).
Mach Number	0.05–0.6	0.05–1.5.
Productivity	5 polars per occupancy hour*.	8 polars per occupancy hour.
Operating cost	<$1,000/polar	<$2,000/polar.
Operating pressure	5 atmospheres	5 atmospheres.
Total temperature	110°F	110°F at Mach 1.
Maximum power	45 MW	300 MW.
Test Section Size	20 ft × 24 ft	11 ft × 15.5 ft.
Flow quality	Low turbulence	Low turbulence.
Acoustic test capability	Acoustic test chamber.	Not applicable.

*A polar is a single test run consisting of 25 data points (see Appendix

Source: NFS, 1994.

In contrast, European industry has a new government-funded trasonic facility coming on-line during 1994 that is expected to significantly outperform any transonic development facilities in the United States in terms of Reynolds number capability.[4] The NFS report examines this situation in detail with regard to the development of new commercial air transports, which has very high flight Reynolds numbers.

More-capable wind tunnels will facilitate improvements in aircraft performance and producibility. However, as documented by the NFS, no wind tunnel in the world meets or can be affordably modified to meet the goals defined by the NFS for development of future transport and military aircraft (see Table ES–1).[5]

The ASEB agrees with the NFS that building the two tunnels as proposed is likely to enable subscale development testing for more than half of the new commercial transport aircraft projected for the next twenty years or so at flight Reynolds and Mach numbers. However, the flight Reynolds numbers of (1) very large commercial transports, (2) high speed civil transports, (3) high performance military aircraft, and (4) some revolutionary design concepts that might emerge in the future would exceed the capabilities of the proposed tunnels. Thus, the test results for these aircraft would have to be extrapolated to analyze their performance at flight Reynolds number. Nonetheless, this process would generally be more accurate than extrapolations based on data obtained from the less capable tunnels now available. In particular, the new wind tunnels would allow testing models of existing aircraft such as the B–737 and MD–90 at flight Reynolds number. Comparison of wind tunnel and flight data for these aircraft is likely to significantly improve the correlation of wind tunnel and flight data for future designs of conventional aircraft that have flight Reynolds numbers beyond the test limit of the proposed tunnels.

The NFS report recommends taking immediate action to reduce the projected cost ($2.55 billion) and schedule (eight years) of acquiring the proposed low speed and transonic wind tunnels.[6] The ASEB agrees that reducing cost and schedule is an important goal, but it cautions against using management-directed cost and schedule estimates to provide the illusion of achieving this goal.

3. Along with the procurement of new facilities, the ASEB agrees with the NFS that selected upgrades to existing facilities are also essential to adequately support future research and development programs. These upgraded facilities will be important during the interim before new tunnels are operational and, afterwards, to round out the United State's test capabilities matrix. However, facility upgrades cannot alone satisfy future ground test requirements.

In particular, the ASEB endorses the NFS's proposed upgrade to the common 16S/16T drive system at Arnold Engineering Development Center and urges further consideration of additional activities to improve the reliability of the drive-system motors and compressor. In case of failure, major motor repairs could take from four months (to rewind a motor stator) to over three years (for complete motor replacement). Although Arnold Engineering Development Center estimates that motor problems requiring complete replacement are very unlikely, credible accidents such as an electrical arc-over with severe internal motor damage could reduce the operational capability of 16S (and 16T) for up to a year.[7] This would have a severe impact if it occurred at a critical point in an aircraft development program. Additional improvements to the drive system should be carefully considered to reduce the probability of such an occurrence.

[1] Footnotes to appear at end of article.

4. The ASEB agrees with the NFS that the United States should acquire premier development wind tunnels rather than rely on continued use of European facilities. Over the past 25 years, as European aeronautics technology has risen to equal U.S. technology, the United States' market share in transport aircraft has declined 30 percent. Although market share is a function of many factors, if other nations achieve a higher level of aeronautical technology, erosion of the U.S. market share may accelerate, with accompanying reductions in balance of trade and jobs.[8] Continued advances in aerodynamic technology are necessary to avoid this situation. The proposed facilities represent an investment that is only a small fraction of the potential future gain and will provide an opportunity to enhance U.S. technology development. Acquisition of advanced high-productivity wind tunnels in the United States—where U.S. designers can efficiently coordinate their wind tunnel testing, model building, and computational activities—will improve the effectiveness and efficiency of the aircraft design and development process.

When aircraft designers introduce a new product, they must determine how far to push available technology before selecting the final design. The nation with the most efficient design-test-redesign process can achieve either (1) a given level of performance sooner or (2) better performance within a given period of time. Inferior, inefficient design or test processes, on the other hand, allow the competition to produce an equal or better product sooner. Slow design and test methodologies also extend the period that manufacturers must fund product development, increasing the costs of bringing new products to market.

Although U.S. designers have access to European facilities, the ASEB believes that the scheduling constraints faced by U.S. users and the inefficiency of conducting transatlantic design and development efforts inevitably delay the introduction of new products. Conversely, European competitors have greater access to better test facilities and, potentially, to the data generated when U.S. aircraft manufacturers use their wind tunnels. In combination with other improvements that industry is making in its design and manufacturing process, the ASEB believes that the construction of advanced development wind tunnels will be an important contribution to the productivity of the U.S. aeronautics industry.

Because of national security concerns, foreign facilities are especially inappropriate for development of military aircraft. The U.S. defense industry is generally limited to U.S. facilities, even if more-capable facilities are available elsewhere.

The NFS report identifies three options for funding the construction of the proposed subsonic and transonic wind tunnels: industry only; a government/industry consortium; and government only. After assessing these options, the NFS ''envisioned that the facilities will be constructed primarily with government funding,'' and it concluded that ''funding by industry alone is not a viable source of capitalization.'' However, it also determined that the possibility of obtaining funding jointly from government and industry ''could not be ruled out'' and it recommended conducting ''further studies to look at innovative funding approaches and government/industry consortia arrangements.'' The ASEB understands that these studies are underway.

5. The ASEB agrees with the NFS that additional action is necessary to address future requirements for supersonic, hypersonic, and aeropropulsion test facilities. It is not appropriate to immediately proceed with the construction of new supersonic, hypersonic, or aeropropulsion development facilities. Each of these areas, however, will be important to the aeronautics industry of the future. Thus, appropriate action should be taken to ensure that required facilities will be available when necessary.

Supersonic Facilities. The Department of Defense will have continuing needs for supersonic ground testing of new upgraded military flight vehicles and systems, and NASA's High Speed Civil Transport Program will create additional demands for access to supersonic wind tunnels.

Incorporating supersonic laminar flow characteristics into military and commercial aircraft would significantly reduce drag and surface heating and increase fuel efficiency. However, designing a cost-effective supersonic laminar flow facility to conduct development testing is beyond the current state of the art. Solution of the complex problems involved will require a continued program of theoretical and experimental investigation.

In order to partially address shortfalls in U.S. supersonic facilities regarding productivity, reliability, maintainability, and laminar flow test capabilities, the 16S facility at Arnold Engineering Development Center, which would be used to support development of a first-generation high speed civil transport, should be upgraded. In addition, research should continue on supersonic laminar flow technology and facility concepts.

Hypersonic Facilities. More-capable hypersonic ground test facilities are needed to provide the option for future development of hypersonic vehicles. State-of-the-art technology, however, is not adequate to build major new hypersonic facilities that will have the needed capabilities in areas such as model size, run time, pressure, temperature, and velocity. Therefore, near-term efforts should focus on a program of research to select, develop, and demonstrate the most promising hypersonic test facility concepts. Long-term efforts to build hypersonic development facilities will be contingent upon successful completion of the near-term facility research effort and concurrent efforts to validate future requirements for hypersonic vehicles.

Aeropropulsion Facilities. Aeropropulsion test facilities within the United States have the capability to test current air breathing engines under the operating conditions experienced during takeoff, climb, cruise at flight speeds up to Mach 3.8, approach, and landing. Looking to the future over the next 10 to 30 years, air breathing engine test facility requirements will be determined by engine size, type, configuration, and air flow requirements.

The Aeropropulsion System Test Facility at Arnold Engineering Development Center, as currently configured, is adequate for altitude testing of the newest generation of high-bypass engines. However, a 40 percent increase in flow capacity might be required to handle the next generation of ultra-high-bypass, gear-driven propulsor engines such as the PW4000 Advanced Ducted Propulsor. These engines could be certified after the year 2000—if the aircraft manufacturers develop new, larger aircraft requiring such engines. Implementation of facility upgrades for these larger subsonic engines would take four to eight years, so there is time to ''wait and see'' before deciding how to proceed.

Recommendations going beyond those of the national facilities study

As previously indicated, the remaining four items go beyond the recommendations of the National Facilities Study report. These recommendations of the National Facilities Study report. These recommendations will (1) reduce risk associated with carrying out the actions recommended by the NFS and (2) facilitate long-term efforts to provide U.S. users with improved aeronautical ground test facilities.

6. The Wind Tunnel Program Office should conduct trade studies to evaluate design options associated with the proposed new low speed and transonic wind tunnels.[9] Facility configuration trade-off studies conducted by the NFS on Reynolds number, productivity, and life cycle cost appear to be sound. However, additional configuration studies should be conducted during the design phase of the wind tunnel program. These assessments should take into account the differences in tunnel and model parameters between subsonic and transonic wind tunnel testing. They should evaluate the merits of the following design options:

a. Using a single tunnel to test both the low speed and transonic speed regimes. While a single tunnel would be unlikely to offer the same capabilities as two separate tunnels, the extent to which performance and operational costs would be compromised should be evaluated in terms of savings in acquisition costs. This assessment should verify the accuracy of projected utilization rates to determine if a single facility could meet the expected demand for test hours.

b. Making incremental changes to the tunnel operating pressures (e.g., from 5 to 5.5 atmospheres). Increasing wind tunnel operating pressure would allow facility size and cost reductions without sacrificing Reynolds number capability. The extent to which higher pressures could be used without unduly jeopardizing the cost, efficiency, and effectiveness of the overall ground test process is unclear, and the interaction between tunnel pressure and model design should be investigated further for both the transonic and subsonic tunnels. This investigation should take into account the considerable differences that exist between these two flight regimes. In particular, use of higher pressures is likely to be more feasible for subsonic wind tunnels than for transonic wind tunnels because of the differences in dynamic pressures.

c. Including within the baseline design the ability to provide future growth in Reynolds number capability through use of higher operating pressures (up to 8 atmospheres), reduced temperatures (down to about -20 °F), and/or a heavy test gas (such as SF_6). Incorporating these capabilities into the new facilities would add significant cost. There are also technical concerns regarding wind tunnel tests using high pressure or gases such as SF_6. However, it would add only a few percent to the cost of the new facilities to plan ahead for future upgrades that would use one of these capabilities. For example, initially designing the Low Speed Wind Tunnel pressure shell to withstand 8 atmospheres would facilitate subsequent facility upgrades to higher operating pressures. Experience with existing facilities shows that test requirements often evolve beyond the expectations of the original designers. Failure to initially build in growth capability would make future facility upgrades highly unlikely and limit the ability of future facility operators and users to enhance tunnel capabilities. (Appendix D provides more information on how pressure, temperature, and test gas impact wind tunnel performance capabilities.)

d. Improving the robustness of the tunnel designs. Designing selected subsystems and components of the new wind tunnels with margin for growth relative to pressure and operating power could improve system reliability, increase facility lifetime, and reduce the costs of future upgrades.

In addition, the Wind Tunnel Program Office should ensure that the new transonic

and low speed facilities will be able to adequately support development of supersonic aircraft. The importance of low speed and transonic wind tunnels extends beyond their application to subsonic and transonic aircraft. They will also be of special importance to supersonic aircraft such as high speed civil transports that must also operate in lower speed regimes during take-off, acceleration, transonic flight over land, and landing. The design of the proposed new wind tunnels should be compatible with the test requirements of higher speed aircraft to the extent that this additional capability is affordable and does not unacceptably degrade the tunnels' ability to execute the primary mission. The detailed design phase of the new wind tunnels should also ensure that features necessary to adequately accommodate development testing of military aircraft, including stores separation testing, are incorporated into the design of the new wind tunnels as appropriate. Ongoing efforts by the U.S. Air Force to more closely define military requirements for future development wind tunnels will assist in this effort.

7. NASA and the Department of Defense should continue support for facility research in the subsonic and transonic regimes. The highest priority need in the area of low speed and transonic facilities is for new development facilities. Related research, which includes both vehicle- and facility-oriented efforts, is also important to long-term competitiveness. For example, the ability to construct practical development test facilities that use heavy gas (such as SF_6) and/or very high operating pressures (15 atmospheres or more) would (1) greatly reduce facility size and cost and (2) increase Reynolds number test capability. Continued funding of appropriate research is an essential precursor to the development of future generations of ground test facilities and future upgrades of existing and planned facilities.

8. NASA and the Department of Defense should expand coordinated efforts that involve aerodynamic test facilities, computational methods, and flight test capabilities. Computational methods such as computational fluid dynamics are used during the aircraft design process to analyze and predict aerodynamic characteristics in all speed regimes. However, they must be validated by experimental ground and flight tests before they can be relied upon for design or evaluation in any phase of development. Improved aerodynamic wind tunnel testing will provide a better understanding of aircraft fluid dynamics, including Reynolds number and boundary layer effects. This understanding will permit more-accurate scaling of ground test data to in-flight performance. Nonetheless, for the foreseeable future, computational methods will not eliminate the need for highly capable wind tunnels to support development of advanced aircraft. Continued work to improve computational methods and continued flight exploration (e.g., X-planes) are required adjuncts to the acquisition of new and improved wind tunnels. Better scaling methodologies are needed as soon as possible. They will be useful during the interim before new tunnels are available, and, in the long run, they will extend the utility of new tunnels for the design of very large and usually configured future aircraft.

9. NASA and the Department of Defense should develop a continuing mechanism for long-term planning of aeronautical test and evaluation facilities. Assigning the responsibility to study future requirements and conduct long-range planning to a permanently established body would provide greater continuity than the current process of relying on intermittent, ad hoc committees. Experience with current facilities indicates that the service life of major new facilities could easily extend to the middle of the next century. The long-term utility of major new facilities will be greatly enhanced if their designs are based on a broad view of future test requirements.

An overall assessment of Volume II of the NFS report and a complete list of the ASEB's findings and recommendations appear in Chapter 7.

FOOTNOTES

[1] The National Research Council report ''Aeronautical Technologies for the 21st Century'' (NRC, 1992) documents historical trends and projects future gains in aircraft performance as a result of technological advances.

[2] Overall priorities are discussed in more detail in Chapter 6 starting on page 44.

[3] Mach and Reynolds numbers are defined in Appendix D.

[4] The U.S. National Transonic Facility has a Reynolds number capability of 119 million, but its productivity is an order of magnitude less than other large transonic facilities. Thus, even though it has a limited (design-verification) role to play in the development of new aircraft, it is not a ''development'' wind tunnel. Its primary role is as a research facility.

[5] The NFS initially established a Reynolds number test capability of approximately 30 million as a goal for both the low speed and transonic wind tunnels. After assessing the impact of performance goals on facility design and cost, the NFS recommended accomplishing this goal in the low speed regime using semi-span models. Semi-span models include only the left or right half of an airplane. This increases the Reynolds number capability of a given facility relative to tests using full-span models.

[6] The National Facilities Study included a very detailed costing effort, which is documented in Volume II–A of its final report.

[7] Laster, M.L. June 17, 1994. National Aeronautical Test Facilities Study Information Memorandum. Directorate for Plans and Requirements, Arnold Engineering Development Center. Arnold Air Force Base. Tennessee.

[8] For a more thorough discussion of the factors affecting the eroding U.S. position in aeronautics, the necessary but insufficient role that advances in technology play, and specific technology advances that are possible and desirable, see ''Aeronautical Technologies for the Twenty-First Century'' (NRC, 1992), pages 26–34 and the discussions of current industry status, market forecast, and barriers for each of the major speed regimes.

[9] NASA has established a Wind Tunnel Program Office at Lewis Research Center. This office, which reports to the NASA Administrator, is now working with industry to develop an acquisition strategy and conduct design trade studies for two new low speed and transonic wind tunnels, as recommended by the National Facilities Study. Participants in this effort include veteran wind tunnel designers, operators, and users from government and industry. If federal responsibility for development of these facilities is reassigned, then the designated successor should assume responsibility for actions assigned in this report to the Wind Tunnel Program Office.

Mr. BUMPERS. The Senator from Missouri, I think, now wants to offer his amendment, which I have agreed to, as a second-degree amendment.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 332 TO AMENDMENT NO. 330

(Purpose: To provide a limitation on the use of funds for entry with Russia into an agreement on exchange of equipment, technology, and materials)

Mr. BOND. Mr. President, I send an amendment to the desk in the nature of a substitute on behalf of myself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON, proposes an amendment numbered 332 to amendment No. 330.

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

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

The amendment is as follows:

In lieu of the matter proposed to be added, add the following:

SEC. . (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

Mr. BOND. Mr. President, I thank my colleague from Arkansas for working out what would have been a very troubling first-degree amendment that would have held hostage a very important cooperative scientific and space technology venture to address a foreign policy issue which, though widely important, was unrelated to the space station.

The shuttle-MIR rendezvous program was a cooperative effort between NASA and Russia which has important benefits for both nations, and is being paid for by both nations. It is not a paid grant for assistance to Russia. The United States has contracted with the Russian Space Agency for a number of services and activities, excluding the launch and support of an American astronaut to their MIR space station.

As we heard on the news today, the American astronaut has in fact come aboard the Russian space station. Our astronaut will utilize this Russian facility to conduct scientific experiments and will return to Earth aboard the space shuttle when it docks with the MIR space station in June. This mission will provide important experience and understanding of such docking procedures which are critical to the deployment of the international space station.

In addition, the experiments conducted by the astronaut aboard the Russian MIR space station will provide the United States our first opportunity to obtain long-term microgravity scientific data.

The amendment, as originally proposed, therefore attempted to threaten the Russians by saying that unless you

do it as we say, we will shoot ourselves in the foot, which did not make a great deal of sense because we made the mistake when Russia invaded Afghanistan. We punished our own farmers by cutting off grain sales to the Soviet Union. In that case, Russia was free to purchase cheaper foreign grain on the foreign market. Only U.S. producers were hurt. This amendment avoids the temptation to shoot ourselves in the foot again by denying our scientists and engineers the opportunity to utilize the investment made by Russia in the MIR space station.

I am very pleased to say that with the efforts of Senator HUTCHISON, Senator MIKULSKI, and Senator FEINSTEIN, we have worked out a compromise with our colleague from Arkansas. We all share concerns over the potential sale by the Russians of nuclear reactors to Iran. We believe that adequate safeguards against the proliferation of nuclear technology must be secured. The revised amendment, however, targets the Russian Ministry of Atomic Energy for loss of United States assistance should any sale be carried out without adequate nonproliferation guarantees. This, in fact, targets our efforts on the agency which is causing us great concern.

With this modification, the amendment is strengthened, and focuses on the parties in Russia responsible for this sale of the reactor technology. I commend the Senator from Arkansas for calling our attention to this very troubling development.

But I believe the substitute amendment is a good amendment, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I do not want to delay this, because we have agreed to it. But I want to say this is not the sort of amendment that I would normally offer. I very much want the United States and Russia to develop a new cooperative attitude toward each other. I have voted for some funding for Russia, which is not very politically popular in this country. But I want Russian democracy to succeed. But I also want the Russians to show some appreciation for the assistance we have been giving them.

The cooperative space effort which was the subject of my original amendment. I remain very much opposed to it, and I will try to kill it later on this year. But I support giving Russia aid to build housing for their military so they can dismantle their military forces faster, and giving them money so they can dismantle their bombers, nuclear warheads, and launchers. That is all very much in our interest. It is not just to accommodate them; it is in our interest. But then there is this gigantic space cooperation program; which is a jobs program in America, but which does not do anything else for us.

But I want to say that when the Russians cavalierly say we are going to sell nuclear reactors to the biggest renegade nation on this planet, namely, Iran, I belong to the ''Wait-Just-a-Minute Club.'' There is not any question about the fact that more terrorism comes out of Iran than any other country on Earth. So I take very strong exception to the Russians irresponsibly cutting a deal to sell nuclear reactors to Iran, which has more oil than they could possibly put in all the generators they could build through the millennium. Iran can only want nuclear reactors for one thing. That is for a nuclear weapons program.

Mr. President, this amendment is not terribly tough. My first amendment said we will stop all space cooperation for the Russians until the President certifies that the Russians have assured him they will not sell these reactors to Iran. That caused about 10 heart attacks around here in people who are interested in the space station. And, quite frankly, I like to cooperate with the President, who is very much opposed to my amendment.

Finally, I yielded to this particular amendment, which is not totally toothless, because the Russians want our nuclear technology.

They want it very badly. And the head of MINATOM, I think, will get the message. Perhaps the Russians will finally call off this deal to sell reactors to Iran. So now we are saying in this amendment to the Russians and to the President: Mr. President, you need to put all the pressure you can on President Yeltsin and the MINATOM agency, which is very independent, and you need to get a commitment from them. If this is not strong enough medicine, I promise you stronger medicine will follow because here we are spending about $1.5 billion a year trying to help the Russians. And that aid is not popular around this country.

I know what is popular in this country as well as anybody does. I am saying that if we do not get some results out of this amendment, stronger medicine will follow. There is only one thing more irresponsible than the Russians selling nuclear reactors to Iran, and that is for us to sit by and do nothing.

I thank Senators FEINSTEIN, BOND, MIKULSKI, HUTCHISON, and others who worked with me in crafting this amendment, which is quite different from the one I originally offered. I am prepared to now vote on the amendment.

Mrs. FEINSTEIN. Mr. President, I rise in support of the substitute amendment being offered by the senior Senator from Missouri [Mr. BOND], to the Bumpers amendment. I was pleased to work with my colleagues and the administration in helping draft this important amendment.

I support Senator BUMPERS' efforts to block the export of Russian nuclear reactors to Iran. However, the amendment misses the target. It threatens to jeopardize a program of great importance to the United States and other Western countries—the international space station—and it penalizes the Russian Space Agency as opposed to the bad actors in Russia: the Ministry of Atomic Energy, or MINATOM.

The Bumpers amendment would withhold funding for the first stage of the international space station program—the space shuttle-MIR cooperative effort—until the President certifies to Congress that Russia has agreed not to sell nuclear reactor components to Iran.

As many of my colleagues know, the space shuttle-MIR Cooperative effort is a prelude to implementation of the space station program. It consists of seven shuttle flights to the Russian MIR space station that will reduce technical and scientific risks to the assembly and operation of the international space station. In addition, it consists of U.S. participation in the MIR program. Earlier this month, United States astronaut Norm Thagard was launched on a Russian spacecraft to the MIR space station to perform science investigations. Thagard will be aboard MIR for more than 90 days.

The Bumpers amendment, if enacted into law, would put an end to the shuttle-MIR cooperative effort and essentially kill the international space station, a program that, according to NASA, is proceeding smoothly and meeting all cost, technical, and schedule milestones. This amendment would also impact our other international partners in the space station program—Europe, Japan, and Canada—who have already contributed over $8.5 billion to the program.

While I cannot support Senator BUMPERS's amendment because of its impact on the space station program, I, too, am concerned about the Russian export of nuclear reactors to Iran. That is why I am supporting the substitute amendment being offered by Senator BOND, myself, and others. Instead of punishing the Russian Space Agency—who, by the way, has been cooperating with our efforts to halt the proliferation of missile technology around the world—the substitute amendment would target the bad actors in Russia, MINATOM, the organization that signed the nuclear deal and will actually export the reactors to Iran.

While protecting important programs that the United States has with MINATOM—such as the material protection control and counting program, as well as the high enriched uranium contract—the substitute amendment would block any agreement under section 123 of the Atomic Energy Act. A 123 agreement is of great interest to MINATOM because it would give Russia's atomic energy agency broad access to United States nuclear technology and equipment, such as reactors, nuclear fuel, and major components for reactors. A 123 agreement would permit MINATOM to modernize its nuclear reactor program, thus making it more competitive internationally.

This substitute amendment hits the Russian atomic energy agency where it hurts. MINATOM wants a 123 agreement. In fact, it recently submitted a detailed proposal for such an agreement to the U.S. Department of Energy, where it is currently pending.

I also believe that by targeting MINATOM instead of the Russian Space Agency, this substitute amendment will have greater influence over Russia's proposed sale of nuclear reactors to Iran. As the Congressional Research Service points out, MINATOM has a:

* * * tendency to pursue policies independent of President Yeltsin's stated positions. Many officials suspect that MINATOM is more concerned about making money than about controlling nuclear materials * * *. Many view MINATOM as a largely independent, self-interested bureaucracy.

By targeting MINATOM directly, the United States will have greater leverage in trying to block the Russian export. The lack of a 123 agreement could force MINATOM to reconsider the Iranian nuclear reactor deal.

Senator BUMPERS is right that we must do everything practical to stop Iran from becoming a nuclear-capable nation.

Iran is a supporter of state-sponsored terrorism and funnels money to Islamic fundamentalist terrorist groups such as Hezbolah;

Secretary of State Warren Christopher said that Iran is on a crash program to acquire nuclear weapons; and

Though the International Atomic Energy Agency [IAEA] has found no evidence of a nuclear weapons program in Iran, our intelligence agencies believe that Iran is actively pursuing such a program and, according to press reports, is 6 to 8 years away from having a bomb.

A nuclear-capable Iran is a very real threat to the United States and the entire world. Even though the proposed Russian export of nuclear reactors to Iran is allowed within the context of the Nuclear Non-Proliferation Treaty [NPT], and even though the reactors are light-water reactors, I believe that Iran is a reckless country that cannot be trusted with any type of nuclear technology.

The Bond-Feinstein substitute amendment targets the bad actors in Russia that are proceeding with the export of nuclear reactors to Iran. I believe that this amendment will have a much greater influence on the Russians and will do more to encourage MINATOM not to export the nuclear reactors to Iran. In addition, this substitute amendment will not jeopardize a program that is important to California and the entire Nation—the international space station.

I urge my colleagues to support the substitute amendment.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I rise in support of the Bond-Hutchison-Feinstein-Mikulski substitute to the Bumpers amendment. I want to thank the Senator from Arkansas for his cooperation in resolving this issue. Know that I support the policy questions that his original amendment raised, and am appreciative of the fact that when resolving one policy issue related to possible nuclear proliferation, we were not creating damage and havoc in America's space program.

I urge the adoption of the substitute. I thank the Senator from Arkansas for his cooperation.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the substitute amendment of the Senator from Missouri.

The amendment (No. 332) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BOND. Procedurally, Mr. President, do we need to adopt the underlying amendment to which the substitute has just been adopted?

The PRESIDING OFFICER. Yes, that is appropriate at some point. Is there further debate?

Mr. BOND. No.

The PRESIDING OFFICER. We will move to the adoption of the Bumpers amendment, as amended.

The question is on agreeing to the amendment.

The amendment (No. 330), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 333

(Purpose: To rescind funds made available for the construction of wind tunnels)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 333.

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

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

The amendment is as follows:

At the appropriate place in CHAPTER VII of TITLE II of the bill add the following:

''INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for construction of wind tunnels, $400,000,000 are rescinded.''

Mr. BUMPERS. Mr. President, today, the House of Representatives is voting on a very important piece of legislation called rescissions. They are proposing to cut $17 billion out of this year's budget. A good portion of that will be used to pay for California disaster aid. The net reductions in the House rescission is over $11 billion.

As a Democrat, I want to say there are things in that rescission bill with which I disagree. But I applaud the people in the House who are indeed finding some spending cuts that we can make without discommoding this Nation and an awful lot of people. I might say, by way of digression, that I agree with 70 percent of the people in this country who say that every dime of that ought to go on deficit reduction, not for tax cuts.

Further digressing, I am not voting for any tax cuts. I am going to vote for everything that will reduce the deficit of this country and keep faith with the American people. You cannot do that by saying here is a new $200 billion tax cut, and now we are going to start balancing the budget. Not only does that not make sense, it is not even popular. The poor person working on an assembly line will get enough to buy a 13-inch pizza each Friday night out of the tax cuts. Based on the inflation figures coming out, there is a chance he is going to pay more interest on his house and car and on everything he buys on time if we inflate this economy with $200 billion in additional tax cuts.

What in the name of all that is good and holy are we talking about? Tax cuts to generate economic activity? The inflation rate is up this morning to a level that is alarming to everybody, and Alan Greenspan raised interest rates in the last 14 months seven times to dampen economic activity. You have Greenspan on the one hand saying, ''I am raising interest rates to slow economic growth,'' and you have the Republicans in the House saying, ''We are going to give all this tax money to you to stimulate economic growth.'' You cannot have it both ways. You should not. We ought to put this money where everybody in America wants it—on the deficit.

I am going to help the Republicans balance this budget by the year 2002, if they will let me.

That is why I am standing here today. Last year, Mr. President, with no authorization from anybody, the HUD–VA Appropriations Committees in the House and Senate went to conference, and approved $400 million for wind tunnels that was included in the Senate bill. Mr. President, $400 million ain't beanbags.

The Presiding Officer is smiling because he and I have gone after a lot of these boondoggles, from the super collider to the space station, and you name it. And the President, thank goodness, had the good sense to kill the advance neutron source. That is another $3 billion we were getting ready to spend. And now we have wind tunnels.

That is not the best of it. Not only did we go to conference with the House, which had nothing in its budget for wind tunnels, and approve this $400 million for wind tunnels to accommodate the aircraft industry even though it had not been authorized in either House, but here is what they said—and I want every one of my colleagues watching or listening to this in their offices and those on the floor, if they do not hear another word I say, I want them to hear this. Here is the text of the appropriations bill that came out of the conference committee:

For construction of new national wind tunnel facilities, including final design modification of existing facilities, et cetera, the National Aeronautics and Space Administration, $400 million is to remain available to NASA until March 31, 1997, provided—

Listen to this proviso.

that the funds made available under this heading—

Namely this $400 million.

shall be rescinded on July 15, 1995, unless the President, in his budget for 1996, requests the National Aeronautics and Space Administration for continuation of this wind tunnel initiative.

This is what the conference report came back with. This will be rescinded unless the President asks for the money.

Well, the President did not ask for the money in his fiscal year 1996 budget. Now what is the argument? ''Did we ever fool you.'' Is that the argument? ''Boy, did you bite into this one.''

You will never find anything easier to cut than this $400 million.

Let me say to my Republican brethren who want to privatize everything: How can you go around talking about privatizing everything and then say to the aircraft industry, already is getting $60 million to study wind tunnels, how can you say to them, ''We know you would like to have these wind tunnels and we know you don't want to spend your money to do it, so we will spend old Uncle Sucker's money to build these wind tunnels for you.''

You will hear people talking about, ''Oh, this deals with aircraft safety. This deals with aerodynamics. If we don't do it, the European Airbus consortium is going to eat our lunch.''

That is kind of like the superconducting super collider. There is one in Geneva that was going to cost about $1 billion or maybe $2 billion, so we had to build one in Texas about five times as costly.

Somebody is building wind tunnels over there, so we are getting ready to embark, Mr. President, not on a $400 million venture, but somewhere between $2.5 and $3.2 billion. And the project has not been authorized—$3 billion; $400 million of which the conference committee said will be rescinded unless the President asks for it. Now the President is not a piker about asking for money. He surely had some reason not to ask for it.

And so, here we are cutting food stamps, cutting aid to children and homeless mothers—most of which is hardly applauded by the American people—cutting $1.7 billion to give the poorest children a job during the summer months. That is a cut that says, ''You kids hang around the pool hall this summer. We are cutting this program totally, because we have to start this wind tunnel.''

I do not know, technically, how valid the arguments are about the need for these wind tunnels. All I know is we have a pretty healthy aircraft industry in this country and they ought to be doing it.

Do you want to privatize something? Privatize the wind tunnels. It is corporate welfare at its worst.

Mr. President, I do not think we have a time agreement on this.

Is there a time agreement, Mr. President?

The PRESIDING OFFICER. There is an agreement that limits time prior to a motion to table. Under that agreement, it is 45 minutes. The Chair believes that is divided, with 30 minutes reserved to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There are 20 minutes remaining to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, to some of the people around here who profess to be deficit hawks, along with me, let me implore you: Do not vote for this because it is going to be built in somebody's State. Do not vote for it because you want to help the Boeing Corp.

One other point, Mr. President. The private sector is expected to put up 20 percent of the money. Think about this. Mr. President, here is the $64 question. I will let you guess. How much do you think they have committed so far? Oh, I can tell by the look on your face you already know. Zip. Not one penny.

So I plead with my colleagues to be able to go home and say, yes, we took out $400 million, headed for $3 billion, because we believe in the private enterprise system in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator note the absence of a quorum?

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum with the time to be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I will just make one quick point, a very important point that I overlooked. And that is this rescission is in the House version of the defense supplemental we have before us today. So the House has already taken the $400 million out. And in order to avoid any conflicts, any conflicts in the conference with the House we should do the same thing here.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield myself such time as I may need.

Mr. President, our committee has recommended substituting $400 million in public housing new construction funds for rescission rather than the wind tunnel appropriation.

Very simply, this is an effort to get us back on track for transforming the out-of-control Housing and Urban Development policies. We need to stop spending in areas where we cannot spend money wisely, but we also need to save manufacturing jobs. New science and real manufacturing jobs are the things that depend upon this wind tunnel.

My colleague from Arkansas has said, ''Well, we do not want to be in disagreement with the House.'' Mr. President, if we were not in disagreement with the House, life might be a lot simpler around here, but I do not think that we would be earning the trust that the citizens of our States have put in us, because I happen to think that the House, if, in fact, they have rescinded the wind tunnel authorization, has made a major mistake.

The commercial airplane market in the United States is a $40-billion-a-year enterprise which the United States dominated until foreign competition, specifically Airbus, with strong governmental support, weighed in with aggressively priced technically advanced aircraft. Airbus has captured about 30 percent of the market and now increasing competition is expected from Russia, China, Japan, and others.

Critical to the continued U.S. competitive position in this growing market is the development of new technically advanced aircraft. Access to wind tunnels, such as the ones currently under study, are necessary for such development and such facilities do not currently exist in the United States.

Airbus, by contrast, has several facilities available to it in European countries, including a new transonic facility in Germany. The development of these wind tunnels will be a joint venture between the Government and industry, with significant industry financial contributions. NASA and industry participants have underway an extensive study of design configuration of this wind tunnel complex, along with an assessment of financial and legal arrangements for a Government-industry consortium to build and operate the national wind tunnel facility.

These studies began last year and will not be completed until fiscal year 1997. The appropriation of $400 million for the wind tunnel facility was made

last year before the schedule of the ongoing study was determined. The contingency included for this appropriation—which call for further funding in fiscal year 1996—therefore, did not adequately reflect the time necessary to conduct the study.

Only after the analysis is completed will we be in a position to make recommendations on industry participation and further funding the complex. As I noted before, these decisions will be made in fiscal year 1997, and the administration has requested supplemental language to change the previously enacted limitation to extend availabilities of this funding to that fiscal year.

It is the committee's intention to recommend enactment of the administration's requested supplemental language. This item was not appropriate for inclusion in this defense supplemental and recision bill. It will be considered in connection with the next supplemental appropriation bill.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Eleven and one-half minutes remain.

Mr. BOND. Mr. President, I would like to yield 5 minutes to my ranking member of the Appropriations Subcommitee, the Senator from Maryland, Senator MIKULSKI.

After that, I would like to give 2 minutes to the Senator from California [Mrs. BOXER].

Ms. MIKULSKI. Mr. President, I rise in opposition to the proposed amendment and in support of the Committee's recommendation regarding funding for the national wind tunnel complex.

The reason I oppose the amendment is that I believe that in our quest for quick fixes to help ease the budget deficit, that we do not make the kind of shortsighted cuts which will cost us jobs and productivity in the long run.

Wind tunnels are the 21st century test tubes for America's aeronautics industry. No industry defines our country's economy more than commercial aeronautics.

The European aeronautics consortium, Airbus, started just 25 years ago. But since that time, they've gained a 35-percent market share in commercial aviation. The European Airbus consortium now make and sell more commercial planes than McDonnel-Douglas, second only to Boeing. They are gaining ground on us, year by year, and threaten the long-term dominance of the United States in this centerpiece of our manufacturing base.

Mr. President, the commercial market for aircraft is forecast to be in excess of $800 billion in the next 20 years of which almost two-thirds will be sales to foreign airlines. Russia, China, and Japan are weighing entry into this market.

A vital factor in obtaining market share in the next century will be the ability of the U.S. manufacturers to introduce new aircraft that are capable of advanced performance through improved technologies.

The new low-speed transonic wind tunnels will enable U.S. manufacturers to more effectively simulate flight conditions and reduce cycle times in the development of new aircraft and derivatives.

It should come as no surprise that European governments have invested in six major wind tunnels in the last 15 years, which has provided Airbus with a distinct aerodynamic advantage.

Mr. President, U.S. aircraft testing facilities are so far behind the times that American airplane makers must go to Europe to do much of their testing and face the threat of having their most promising technology compromised in the backyard of their biggest competitor.

Commercial aviation is one of the few areas where U.S. preeminence in manufacturing now exists. We export far more than we import. This is one area of our manufacturing base where we still provide high-skilled, high-quality jobs for American workers.

But unless we act to make this industry fit for duty, we run the risk that U.S. commercial aviation may go the way of the VCR, the automobile, the textile industry, or the TV.

Mr. President, the $400 million that was appropriated in the fiscal year 1995 VA-HUD bill was provided to allow the Federal Government to join with the private sector in a cost-shared accelerated effort to develop these wind tunnel facilities. This is a Federal investment in pre-competitive research and development. It is not our intention to have the Federal Government pick winners and losers. We don't subsidize the production of commercial products. With this investment, we are simply making sure that U.S. companies who are up against other countries in this field have the kind of test facilities they need to retain their edge.

Mr. President, if we are not willing to fight for aeronautics, what kind of manufacturing strategy do we have?

It was an attempt to answer that question that persuaded Senator BOND and me to make the recommendation that we did. Rather than sacrifice future productivity and jobs, we elected to reduce funding available for public housing and new construction at HUD. We decided to defer some new starts and, given the administration's proposal to reinvent HUD which the VA-HUD Subcommittee will be addressing in the fiscal year 1996 bill, it makes little sense to add to the existing public housing inventory.

Mr. President, we need this wind tunnel initiative to go forward now. As we noted in the statement of managers that accompanied the fiscal year 1995 VA-HUD appropriations bill, the $400 million appropriated is needed to leverage reliable and resilient cost-sharing from the private sector and State and local governments that will bidding on potential sites for the wind tunnel complex.

The total cost of the national wind tunnel complex is estimated to be between $1.8 and $2.3 billion. This is more than either the Federal Government or private industry can fund alone. What is required is a partnership between the public and private sectors to share costs and technical know-how.

NASA has already established an industry team led by Boeing that includes McDonnell Douglas, Lockheed, Northrop Grumman, Pratt & Whitney, and General Electric. Working with NASA this industry team is developing engineering, performance, cost, financing and site evaluation options needed to lay the groundwork for a comprehensive plan and strategy for the development of the wind tunnels.

Although the administration has not requested additional funding for the national wind tunnel complex in its fiscal year 1996 budget request, the President is proposing that the $400 million appropriated in fiscal year 1995 remain available until fiscal year 1997 to allow for the completion of the comprehensive study. Guided by this study, construction of the wind tunnels can begin in fiscal year 1996, provided that funding provided in fiscal year 1995 is available.

There might be those in America who say, why does the U.S. Senate want to advocate more wind tunnels? The whole Senate is a wind tunnel.

Well, Mr. President, I know how they feel. Very often more gets said than gets done. What we did when we advocated the building of a national wind tunnel complex—this is the new infrastructure that enables the United States of America to be competitive in terms of developing the new aviation technologies that we need to have in order to have the new aeronautic aviation designs for the new planes of the 21st century.

The reason I oppose this amendment is that I do not believe in our quest for quick fixes. Those kind of one-liners we can put out on talk rodeo or radio are so shortsighted that we think if we knock something out like this, we can grab onto how we cut out $400 million and saved a little muffin at the school lunch program, then we have been doing something.

Mr. President, we need to have a future. We need to have jobs in manufacturing. The most important source of jobs in manufacturing right now are in our aviation industry, and yet we are being beaten to death in the new world market.

Our competitors abroad have government-financed wind tunnels that are helping them develop the new technologies of the 21st century. That is what these wind tunnels are. They are test tubes for America's aviation industry.

My colleague has spoken to the aeronautics consortium, Airbus, that started 25 years ago. With all the big bucks subsidies they get they have now gained a 35 percent market share in commercial aviation. The commercial

market for aircraft is forecast to be over $800 billion in the next 20 years. Russia, China, and Japan are talking about getting into this market.

Mr. President, keep in mind that the European Airbus consortium began in 1972 and by 1980 had a 20-percent share of the commercial market. By 1990, Airbus controlled 30 percent market share by the year 2005.

So we will have competition from fortress Europe and we will have competition from the juggernauts on the Pacific rim. This is why we need to develop this technology, so that we can continue to make sure we are not on a glidepath and heading into a crash when it comes to our aviation industry.

This is a partnership with the private sector. We are not picking winners and losers. We are paying for the previous competitive infrastructure with cooperation from the private sector. The private sector will pay to use wind tunnels.

We cannot afford further delay. We cannot continue to allow U.S. market share in aviation to erode. Make no mistake. The issues here are jobs today and jobs tomorrow. Jobs in manufacturing that employ everyone from high-tech engineers to highly skilled people in manufacturing.

I believe the best social program is a job. I want America to continue to be ahead in aviation. This investment is what will help the United States be able to stay there and develop the products necessary. I urge my colleagues to vote to table the BUMPERS amendment and to support the committee recommendation.

The PRESIDING OFFICER. As of the previous request of the Senator from Missouri, the gentle Senator from California is recognized.

Mrs. BOXER. Thank you, Mr. President, for calling me a gentle Senator. I will, in fact, try to be one.

While I agree with my friend from Arkansas on so many things, I think that this amendment is shortsighted for the economic future of our Nation.

I think people listening to this debate would wonder, what is a wind tunnel, anyway? A wind tunnel is a place where we can test an aircraft, a new aircraft design, before it is fully built. We can simulate the impact of flying that newly designed aircraft. It is very important to the aerospace industry. We are talking here about civil aviation.

As a matter of fact, a prominent NASA official has said, ''Wind tunnels and computers are the two most important tools in the research and development of new aircraft.'' Everyone would say immediately, of course, computers are critical. So are wind tunnels. I hope we will not lose that point.

The U.S. aircraft manufacturing industry is critical to our economy, as the Senator from Maryland has said, and to our balance of trade. I certainly know that, representing the great State of California. It is also important to our country's technological leadership.

Now, it is true that the industry is facing many challenges, and I want to point out why I think this amendment is off the mark. When my friend from Arkansas says that the companies can do this on their own, I would point out that is not so. Currently, our competitors in Europe are getting enormous subsidies from their host countries. Already, because they are building more state-of-the-art wind tunnels, we are losing market share to them.

Mr. President, I do not think I need to go into too many details. The time is short. I ask unanimous consent that a letter that I wrote to Dan Goldin, the Administrator of NASA, back in September 1993, be printed in the RECORD at this time.

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

U.S. SENATE,
HART SENATE OFFICE BUILDING,
Washington, DC, September 29, 1993.

DANIEL S. GOLDIN,
Administrator, National Aeronautics and Space Administration, Washington, DC.

DEAR DAN: The purpose of this letter is to underscore yet again the importance of the NASA National Wind Tunnel Facility to the State of California. I understand that NASA is preparing its long-range budget request for submission on Friday to the Office of Management and Budget, and I urge you to include in that request funds for new wind tunnel construction.

It is no secret that California is experiencing economic hard times. Our aerospace industry, with its preeminent technological base, highly-skilled workforce, and historic ties to defense production, has been particularly hard hit, with 128,000 jobs lost in the last several years alone. The latest round of base closures portends even more job loss and hardship throughout the state of California.

The wind tunnel project is essential to continued U.S. leadership in aviation technology. As you know, the complexity of modern aircraft and the pressure of international competition have created a critical need for increased domestic productivity and improved simulation requirements—and no current wind tunnel satisfies these requirements. However, such improvements are possible through construction of the new NASA wind tunnels.

It is my understanding that the new wind tunnels would support primarily civilian/commercial aircraft research and development. I understand further that commercial aircraft manufacturers would pay NASA for use of the wind tunnels, offsetting over time some initial construction costs and ongoing operating expenses.

Sincerely,

BARBARA BOXER,
U.S. Senator.

Mrs. BOXER. Mr. President, I would say to my friend from Missouri, thank you for leading this debate. I think this would be very foolish in the long run. Yes, in the short run we could save some dollars, but in the long run if we fall behind here it means the loss of jobs. Our economy cannot afford that kind of hit. I yield the floor.

Mr. BUMPERS. Mr. President, I yield the Senator from Nebraska 5 minutes.

Mr. EXON. Mr. President, I thank my friend and colleague from Arkansas for yielding.

Mr. President, first, I am pleased to learn that even distantly we are reaching a point when we will move ahead and dispose of the remaining amendments and hopefully, pass the defense supplemental defense bill today.

It is critical that we get moving on this. I am glad to see that the Senate has finally arrived at the position where they recognize we have to move on this bill.

As I understand it, we will have a vote on this today. I have been listening with great interest, Mr. President, to the remarks of my two colleagues who have spoken before me. They made some very excellent points that I think the U.S. Senate should take a very close and very hard look at.

In another time, in another day, I would be persuaded by the arguments made by the Senator from Maryland and the Senator from California. But the facts of the matter are this is a new day, this is a different day.

We are going to be deluged, I say, Mr. President, all of us on all sides of various issues that are going to be upcoming with trying to do something about the United States of America continuing to spend more money than it takes in, however worthy.

I will simply say that regardless of the excellent points that have been made by the two previous speakers, I must support wholeheartedly the effort to reduce these types of expenditures regardless of how worthy, given the situation that confronts us today.

Mr. President, all of these things are good. The question is, can we afford them? If we are talking about programs like this, then that is just one more deep bite of the knife or the machete—call it what you will—into programs for the elderly, the poor, the School Lunch Program, Women, Infants and Children, and all of these other things that we think are tremendously important.

I simply say that if we cannot make savings in programs like this that have already been zeroed out by the House of Representatives, then I suspect that we are going to have even more and more difficulty than we thought we had with regard to doing something constructively and thoughtfully about the deficit of the United States of America and the ever-skyrocketing national debt that is eating our economy alive.

Therefore, I say notwithstanding the good, valuable, articulate, and well-thought out recommendations by those who are opposing the Bumpers amendment, I simply say that I must at this time not only vote for the Bumpers amendment, but I hope that the Senate on this occasion will rise to the occasion and do what I think we must under the circumstances that confront us, and that is to approve the Bumpers amendment.

I yield back the remainder of my time to my colleague from Arkansas, and I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The Senator has 13½ minutes. The Senator from Missouri has 2 minutes 41 seconds.

Mr. BOND. How much?

The PRESIDING OFFICER. Two minutes forty-one seconds.

Mr. BUMPERS. Mr. President, I want to reiterate that I voted for an appropriations bill last year that had language in it saying that this money was going to be rescinded, and the House kept their word and they rescinded it. We are reneging on something we voted to do last year.

I just, frankly, cringe when I see us putting $400 million into a program like this. The Senator from Maryland a moment ago listed the people this is designed to help. Can you believe this? Listen: Lockheed, General Electric, Boeing, McDonnell Douglas, Martin Marietta, Northrup, and Pratt & Whitney.

The kids who hang around the pool hall this summer, because we killed summer jobs, can fend for themselves, but we have to put $400 million in this year headed, listen to this, Mr. President, headed from somewhere between $2.5 billion and $3.2 billion for wind tunnels to assist seven of the biggest corporations in America.

You know, Bob Reich hit a tender spot with me when he started talking about corporate welfare. How in the name of all that is good and holy can the U.S. Senate even consider going down this path toward a $3 billion expenditure because Airbus—because Airbus—is building a good airplane?

I heard the same arguments in the early seventies, in the late seventies that I just heard from my good friend and colleague from Maryland when the Japanese were eating the American automobile industry's lunch. The American automobile industry said, ''Well, people are not going to like those little old minicars, they are going to quit buying them.'' They did not quit buying them, and shortly, the American automobile industry was on its haunches, losing money hand over fist. We did not give them $3 billion, and they are at this moment the most viable industry in America because they sucked it up, pulled up their pants and did whatever they knew they had to do: Build a better automobile.

But now we are saying to these seven corporate giants who have at this moment not committed one penny—they say, ''We'll put up 20 percent of the money.'' You have not heard anybody say they have done it or offered to do it.

So I am simply saying, you will never get a chance to save $400 million easier, and if we are going to go through this laborious process this year of cutting virtually everything in sight, for God's sake, let us cut this.

I yield the floor, Mr. President.

Ms. MIKULSKI. Will the Senator yield for just a question?

Mr. BUMPERS. Yes.

Ms. MIKULSKI. Is the Senator aware that the administration strongly supports the retention of the $400 million request?

Mr. BUMPERS. Mr. President, I am not familiar with the fact they strongly support it, and I am familiar with the fact they have asked for the study to be completed before they ask for any more funds for this project. But they are not committed and they are not proposing to be committed until the present study is completed and you will have plenty of time after that to decide and the Senate will, too. But for the time being, I am saying we ought to torpedo this misguided appropriation.

Ms. MIKULSKI. I am surprised the way the Senator characterizes this.

Mr. BUMPERS. Well, I will change it in the RECORD.

Ms. MIKULSKI. I know they do it in the House all the time. I would hope we would not get into that in the Senate.

If you yield the floor then, I would just like to bring to the attention of the Senator from Missouri that the administration has submitted a letter in support of the wind tunnel. I ask unanimous consent that it be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, March 16, 1995.

Hon. BARBARA MIKULSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MIKULSKI: The Administration strongly supports the retention of the $400 million appropriated in FY 1995 to build the National Wind Tunnel Complex and reiterates its request that the funds remain available until a decision whether to proceed can be made during the FY 1997 budget process.

NASA, its government partners, and an industry team need to continue to study and refine the wind tunnel concept and financing options to support a well-informed decision on proceeding with the project. At the completion of the current contract, preliminary design will be complete and government/industry shares of cost and risk will be negotiated. Until the study data can be carefully evaluated, it would be premature to either rescind or augment the current funding.

The Administration remains very concerned with the significant erosion of the United States' share of the global commercial aircraft market over the last 25 years. Several recent studies, including the NASA Federal Laboratory Review, have recommended construction of these highly productive and capable wind tunnels to maintain the world-class capability of the Nation's aeronautics industry. The Administration believes that the timing of this critical decision requires retention of the $400 million appropriation and we would appreciate your support in this matter.

Sincerely,

JOHN H. GIBBONS,
Assistant to the President for Science and Technology.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Maryland. I was going to ask that this letter dated March 16 from the science adviser to the President, which says ''The administration strongly supports the retention of the $400 million appropriated in FY 1995 to build the National Wind Tunnel Complex and reiterates its request that the funds remain available until a decision whether to proceed can be made during the FY 1997 budget process,'' be printed in the RECORD. If this is the same letter dated March 16, if it is already printed, I will not need to ask for its printing.

Mr. President, might I ask the distinguished Senator from Arkansas if he would be so be kind as to yield us 5 minutes of the time he has remaining. His wonderful oratory has brought forth far more speakers than we had envisioned. If the Senator could allocate us some of his time.

Mr. BUMPERS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes 48 seconds.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to yield 4 minutes to the distinguished Senator from Missouri for such allocation as he chooses.

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

Mr. BOND. I thank the Senator. Let me first begin by allocating 1 minute to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I rise in opposition to the amendment of the Senator from Arkansas which rescinds funds for the construction of new national wind tunnel facilities.

This next generation of research facilities is absolutely essential for the maintenance of the competitive advantage of the United States that it currently enjoys in the field of commercial aviation. This will be a national and an international resource. The development of these facilities is absolutely critical to maintaining this position.

I commend Senator BOND and Senator MIKULSKI for recognizing the importance of the U.S. aircraft manufacturing facility as spelled out in this wind tunnel and restoring these important funds.

I thank the Chair.

Mr. BOND. Mr. President, I allocate 1 minute of time to the Senator from Texas [Mrs. HUTCHISON].

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. Mr. President, I wish to add my remarks to those of the

Senator from Missouri and those of the Senator from Tennessee and the great Senator from the State of Maryland.

This is exactly what responsible budgeting is. We have made a decision in the committee that as a priority we should be looking at the science projects that are going to create the new technologies that keep the new jobs in America.

Mr. President, HUD is in a state of flux. We have been spending $86,000 per housing unit to construct housing under HUD. Once constructed, it costs $4,000 to $5,000 per year to maintain. There are great questions if that is the best use of taxpayer dollars. I think it is most responsible to take money from housing construction when we think we are going to go into vouchers, which are going to work better, and we put that money into big science which creates jobs for the future.

Mr. President, that is what we are doing. We should table the Bumpers amendment and do what is responsible for the future of our country.

I thank the Chair.

Mr. BOND. Mr. President, I yield the time remaining with the exception of 30 seconds, which I reserve to offer a tabling motion, to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 2 minutes.

Mr. BURNS. Mr. President, I wish to first thank the ranking member and the manager of this bill for this time, and I especially wish to thank my friend from Arkansas for allowing me just a couple extra minutes. I appreciate that very much. He feels very strongly about this, as a lot of us on the other side of the issue feel very strongly about it. But one has to look at what it is all about, because in 1994 we appropriated $74 million for this program, and then in 1995 we appropriated another $400 million for the testing and related costs to move this program forward.

Now, that move forward had a certain number of conditions to it. Now, if those conditions are not met, then by July 1 this $400 million will be automatically rescinded. That was the condition of the appropriation. But if they are met, then this money carries over into the 1996 appropriations and to further on develop the wind tunnels.

We have to remember that as far as industrial wind tunnels in this country, we are not in very good shape. And once we go into the supersonic aircraft—and that is going to be the next generation of commercial aircraft for civil aeronautics—we are going to need the facility. Right now, 25 percent of the cost of your airplanes in this country goes to Europe for the use of their wind tunnels.

I do not know how long it takes before we finally work out this whole problem, but basically let us be very up front about this because if the conditions are not met by July 1, this $400 million is automatically rescinded. There were conditions put on this appropriation. I am chairman of the authorizing committee.

So what we are doing, we are allowing the administration and NASA to work out the details of how much private money is going to go into this program. It is going to be a mix.

The PRESIDING OFFICER. The Chair would advise the Senator his time has expired.

Mr. BURNS. I appreciate that. I have nothing to submit for the RECORD, but I would say this is going to be a commingled fund. I appreciate the time.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am prepared to close the debate and get a vote on this amendment.

Let me reiterate that this is corporate welfare, pure and simple. You heard the list of seven of the biggest corporations in America. They said they would put up 20 percent of the money for this. They have not committed one nickel—not a dime. If we cannot cut this $400 million, I shudder to think what is going to happen in this body the rest of this year.

The American people have a right to demand that those people who said, ''I will be as careful with your money as I would if it were my own,'' will do just that. They have a legitimate nonnegotiable demand that you fulfill that promise. You cannot get it all out of welfare programs. You cannot get it out of food stamps. You can get some of it from those places. But now we are going to start on a $3 billion program to accommodate GE and Lockheed and Boeing and McDonnell Douglas, Pratt & Whitney, and Northrop. We are starting down the road with a $3 billion expenditure because they do not want to do it. The automobile industry did it. The aircraft industry could do it, too. If we start down that road of corporate welfare, I shudder to think where we are going to wind up with the deficit this year and next.

So I plead with my colleagues, keep your commitment. Vote to cut spending.

I yield the floor and yield back such time as I may have remaining.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleagues from Montana, from Texas, and from Tennessee for their very strong arguments in favor of the wind tunnel. It is extremely important for the commercial development of aeronautics. It is vitally important that we keep this technology and our developments on our shores. Because of the military applications, the distinguished ranking member and chairman of the subcommittee on defense also support the wind tunnels. Our future and our children's future in this area of science and technology depends on that.

I now move to table and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The PRESIDING OFFICER. The legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, have the yeas and nays been ordered on the motion to table?

The PRESIDING OFFICER. That is correct.

PROGRAM

Mr. DOLE. Mr. President, I just wanted to announce before the vote started that at 12:30, we will be honored by the presence of King Hassan II of the Kingdom of Morocco. The King has been a loyal friend and ally of the United States, and I urge all of my colleagues to greet His Majesty and welcome him to the floor of the U.S. Senate.

At this very moment, he is in a meeting in S–207 which will conclude at about 12:30. So if you can stay for a few moments after voting, I know he will appreciate very much meeting you.

I thank the Chair.

VOTE ON MOTION TO TABLE AMENDMENT NO. 333

The PRESIDING OFFICER. The question occurs on the motion to table the amendment offered by the Senator from Arkansas, amendment No. 333.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

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

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—64

Abraham	Frist	Lieberman
Akaka	Glenn	Lott
Ashcroft	Gorton	Lugar
Bennett	Graham	Mack
Bingaman	Gramm	McConnell
Bond	Grams	Mikulski
Boxer	Grassley	Moynihan
Breaux	Gregg	Murkowski
Burns	Hatch	Murray
Campbell	Hatfield	Pressler
Chafee	Heflin	Rockefeller
Cochran	Helms	Santorum
Cohen	Hollings	Sarbanes
Coverdell	Hutchison	Shelby
Craig	Inhofe	Simpson
D'Amato	Inouye	Stevens
Daschle	Johnston	Thomas
DeWine	Kassebaum	Thompson
Dodd	Kempthorne	Thurmond
Dole	Kerrey	Warner
Faircloth	Kyl	
Feinstein	Leahy	

NAYS—35

Baucus	Ford	Packwood
Biden	Harkin	Pell
Brown	Jeffords	Pryor
Bryan	Kennedy	Reid
Bumpers	Kerry	Robb
Byrd	Kohl	Roth
Coats	Lautenberg	Simon
Conrad	Levin	Smith
Domenici	McCain	Snowe
Dorgan	Moseley-Braun	Specter
Exon	Nickles	Wellstone
Feingold	Nunn	

NOT VOTING—1

Bradley

So the moton to lay on the table the amendment (No. 333) was agreed to.

Mr. INOUYE. 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.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 334

(Purpose: To express the sense of the Senate that a member of the Armed Forces sentenced by a court-martial to confinement and a punitive discharge or dismissal should not receive pay and allowances)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 334.

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

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

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

Mrs. BOXER. Mr. President, I have an amendment that we will take a very short time on. It has been agreed to on both sides. We are expressing the sense of the Senate that a member of the armed services sentenced by a court martial to confinement and a punitive discharge or dismissal should not receive full pay and allowances.

Mr. President, I will take but a moment to explain why this is such an important amendment and to express my gratitude to both sides of the aisle for agreeing to it.

We know that, in the month of June 1994 alone, the Department of Defense spent more than $1 million on the salaries of 680 convicts. I want to point out that among those were 58 rapists, 164 child molesters, and 7 murderers, among others. I know that every single man and woman in this Chamber wants to put an end to that kind of a practice. I have legislation, and many Members on both sides of the aisle are cosponsors of that legislation that would put an end to paying these convicted felons with taxpayer dollars.

That statute that I have authored is being considered in the Armed Services Committee today. I am very hopeful that it will move forward and become law. In the meantime, I think it is important on this bill that the Senate go on record as saying we oppose the military giving full pay to these convicted felons.

In closing, I want to give you just one example. In California, a marine, a lance corporal, who beat his 13-month-old daughter to death almost 2 years ago still receives $1,000 each month, or about $20,000 since his conviction. He spends his days in the brig at Camp Pendleton and does not pay a dime of child support and has managed to pack away this $25,000. I spoke with the murdered child's grandmother. She was totally shocked. She has not received a penny of support for the other living child that he still has. I know we all want to put an end to this.

At this point, I will yield the floor and thank my colleagues on both sides for including this sense of the Senate.

I ask unanimous consent that Senator BRADLEY be added as a cosponsor of this amendment.

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

MILITARY PAY FOR MILITARY PRISONERS FACING PUNITIVE DISCHARGES

Mr. NUNN. Mr. President, I want to commend Senator BOXER for her sense-of-the-Senate amendment concerning the anomalous situation in which some military prisoners facing punitive discharges continue to receive substantial amounts of military pay while in confinement.

The amendment would express the sense of the Senate that:

First, Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced to a punitive discharge.

Second, that the legislation should provide for restoration of pay in the event that the punitive discharge is set aside.

Third, that the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces whose pay is terminated in such legislation.

Mr. President, I would briefly like to outline the background of this issue.

Under the Uniform Code of Military Justice, a court-martial has great discretion over the sentence. Depending on the maximum punishment authorized for an offense, a sentence can include a punitive discharge—bad-conduct of dishonorable—or dismissal of an officer, confinement, a reduction in rank, and forfeiture of pay. Although many individuals sentenced to a punitive discharge and confinement also are sentenced to total forfeiture of pay, there are exceptions.

Recent new stories have highlighted the fact that some persons with substantial confinement and punitive discharges continue to receive military pay. On January 11, Senator BOXER introduced S. 205 with the goal of ending pay for such individuals.

I support the purposes of the Boxer bill, and I congratulate her for initiating legislation to close this loophole. There are a number of technical questions which must be addressed by the Armed Services Committee with respect to the drafting of this legislation. These include:

First, should the restriction on pay also apply to prisoners sentenced to substantial periods of confinement even though the sentence does not include a punitive discharge?

Second, should the restriction apply at the time the sentence is announced by a military judge or at the time the sentence is approved by the commander who convened the court-martial?

Third, what should be the impact of a commander's decision to suspend the effect of a punitive discharge?

Fourth, how do we address the problem of prisoners who are currently receiving pay without violating the ex post facto clause of the Constitution (Art. I, sec. 9, cl. 3)?

Fifth, how do we address the transitional issues that face innocent spouses and children of such prisoners who are stationed overseas or far from their home of record without creating an expensive entitlement?

I have discussed these matters with Senator BOXER and have specifically addressed the questions to the Under Secretary of Defense for Personnel and Readiness, Edwin Dorn. Secretary Dorn has advised me that the Department of Defense is very close to completing a legislative proposal that would address my questions.

Mr. President, I am confident that we can close this loophole. I look forward to working with Senator BOXER, and with Senator COATS and Senator BYRD, the chairman and ranking member of the Subcommittee on Personnel of the Armed Services Committee, in addressing this issue.

Mr. HATFIELD. Mr. President, the amendment offered by the Senator from California has been cleared at our Appropriations Subcommittee on Defense and by the authorizers.

Mr. INOUYE. Mr. President, I am pleased to advise the Senate that the Senate Armed Services Committee is in favor of this amendment, and there is no objection on our side.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to amendment No. 334 offered by the Senator from California.

The amendment (No. 334) was agreed to.

Mrs. BOXER. 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.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 335

(Purpose: To rescind funds for military construction projects at installations recommended for closure or realignment by the Secretary of Defense in the 1995 round of the base closure process)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. BRADLEY, proposes an amendment numbered 335.

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

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

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,544,000.

Military Construction, Air Force, $6,500,000.

Military Construction, Army National Guard, $1,800,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term ''base closure Act'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

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

Mr. MCCAIN. Yes.

Mr. HATFIELD. Can the Senator agree to a time?

Mr. MCCAIN. I will not take more than 10 minutes. I would be glad to have a 20- or 30-minute time agreement.

Mr. HATFIELD. I would like to propound that request.

Mr. MCCAIN. I yield to the Senator for that purpose.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time on the McCain amendment be limited to 30 minutes, to be equally divided in the usual form.

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

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the purpose of this amendment is to rescind $19.9 million of the fiscal year 1995 military construction funds for projects located on installations that have been recommended for closure by the Secretary of Defense. It provides for an automatic rescission of military construction funds for additional bases that would be recommended for closure or realigned by the BRAC commission. It also delays the effect of the rescissions until the President submits the final BRAC recommendations by July 15, 1995. And it would permit retention of these funds if the bases are removed from the list by the BRAC.

Mr. President, let me say at the outset that all I am seeking here is that we not spend military construction money on bases that are on the closure list. I am befuddled, frankly, why there would be some opposition to this. I am not saying that we should do what I recommended some time ago, and that is, to have rescinded $6 billion worth of unneeded military spending. This is narrowly targeted to only those bases that are on the closure list.

The net effect of this amendment would be to save hundreds of millions of dollars by eliminating unnecessary constructions at military bases that are being closed, not those that are being opened. I want to restate that. This is nothing to do with bases that are not either scheduled to be closed or will be scheduled to be closed as a result of the BRAC commission or the BRAC process.

Spending scarce defense dollars on a project that stands a strong chance of becoming unnecessary due to the BRAC's action, in my view, is a senseless waste of money.

Last December, I asked the President to defer spending on nearly $8 billion in wasteful and unnecessary defense spending in the fiscal year 1995 appropriations bill until shortfalls and readiness and other high priority military requirements were reviewed and addressed. I included nearly $1 billion that was in the military construction appropriations bill that were unrequested by the military and were on that list. Then, in January, I wrote to Secretary Perry asking that he defer obligation of funding for all military construction projects at least until the base closure recommendations were released on March 1. That letter was ignored.

On its own, the Navy recognized the illogic of staring construction at bases that might be closed, and voluntarily deferred obligating its military construction funds. To my knowledge, though, the other Services did not take similar action.

Finally, when the Secretary of Defense base closure list was released, I again wrote to him, suggesting that he defer spending on military construction projects slated to occur at closing bases or bases undergoing realignment. I listed about $150 million in projects at the bases included on the Secretary's recommendations. Of these projects, over $100 million was unrequested in the fiscal year 1995 budget.

And finally, I wrote to the chairman of the Appropriations Committee, asking that he include in this bill rescissions of congressional add-ons for military construction.

I also suggested that the committee rescind over $6 billion in wasteful spending in the fiscal year 1995 defense budget, and reallocate the funds to higher priority defense needs.

Mr. President, I ask unanimous consent that the text of those letters that I mentioned be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 23, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: As you know, I wrote to President Clinton on December 5, 1994, asking that he defer obligation of nearly $8 billion in defense spending for programs which contribute little, if anything, to national defense. While that request is still pending at the White House, I am writing to you today to ask your assistance in a related effort.

By March 1, you will release the final Department of Defense recommendation for base closures and realignments. In view of

the expected magnitude of the changes, it is inevitable that construction projects will be under way on at least some of the bases recommended for closure in this round. This is an egregious waste of millions, or even billions, of taxpayer dollars.

In my view, a fiscally responsible approach would be to defer the obligation of funding for all military construction projects approved for Fiscal Year 1995 until the results of the Commission's deliberations are known. I urge you to contact the President and request formal deferral of all military construction projects until July 1 of this year. In this way, we will avoid spending scarce defense dollars for unnecessary construction at closing military facilities.

I look forward to hearing from you at your earliest opportunity.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 28, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon,
Washington, DC.

DEAR MR. SECRETARY: With the release this morning of your recommendations for base closures and realignments, I believe it is imperative to act immediately to forestall the initiation of any military construction projects at bases slated for closure, as well as at facilities scheduled to be realigned to other locations.

As you may recall, I wrote to you on January 23, 1995, to ask that you seek deferral of all military construction projects until your base closure recommendations were publicly released. While I am not aware that you or the President formally undertook such action, I understand that the Navy may have voluntarily undertaken to defer obligation of military construction funds because of the uncertainty of the base closure process. I hope other Services recognized the fiscal responsibility of waiting to initiate construction projects until the base closure list was available.

For your information, I have included a listing of military construction projects, funded in the FY 1995 Military Construction Appropriations Act, at bases which are recommended for closure or realignment. This list totals $150 million in FY 1995 appropriations. At a minimum, I urge you to ensure that none of the projects which would be affected by your base closure or realignment recommendations are undertaken until the BRAC Commission has completed its review and submitted a final list to the President.

As always, I appreciate your consideration of my views. I look forward to hearing from you.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

FISCAL YEAR 1995 MILITARY CONSTRUCTION APPROPRIATIONS

[For projects at bases recommended for closure or realignment by the Secretary of Defense, March 1 1995]

MILCON projects at bases recommended for closure:

Texas: Brooks AFB, for directed energy facility	6,500,000
Pennsylvania: Fort Indiantown Gap:	
Replace underground storage tanks	1,800,000
Electrical targeting system upgrade	770,000
Flight simulator and aeromedical complex ...	4,584,000
Total MILCON at bases recommended for closure	13,654,000

MILCON projects at bases recommended for realignment:

California: Defense contract management office west	5,100,000
Florida:	
Eglin AFB:	
Climatic test chamber .	20,000,000
Aquatic training facility	2,900,000
HC–130 parking apron ..	7,500,000
MC–130 nose dock/AMU	5,000,000
Airman dining facility	2,650,000
Homestead AFB:	
Hydrant and hot pit refueling system	2,000,000
Mobility processing facility	1,150,000
Renovate barracks	2,550,000
Repair physical fitness center	1,400,000
Georgia: Warner-Robbins (realign):	
Weapon system support center	4,700,000
J–STARS add to integrated support facility	3,100,000
J–STARS dormitory	5,525,000
J–STARS expanded flight kitchen	1,850,000
J–STARS utilities/miscellaneous support	3,825,000
Upgrade drainage system	2,200,000
Montana: Malstrom AFB:	
Underground fuel storage tanks	1,500,000
Underground fuel storage tanks minuteman FACS	4,000,000
New Mexico: Kirtland AFB:	
Underground fuel storage tanks	3,200,000
Child care center	3,500,000
Base support center	3,500,000
Repair water distribution center	8,800,000
Upgrade electrical distribution system	3,000,000
Replace underground fuel storage tanks	900,000
Oklahoma:	
Corrosion control facility [DBOF]	8,400,000
Extend and upgrade alternate runway	10,800,000
Storm drainage system ..	1,243,000
Virginia: Fort Lee:	
Repair electrical distribution	11,000,000
Soldiers ''One Stop Center''	4,600,000
Total MILCON appropriated for realigned bases	135,893,000

U.S. SENATE,
Washington, DC, March 1, 1995.

Hon. MARK HATFIELD,
Senate Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: I understand that the Senate Appropriations Committee will soon consider legislation to provide supplemental appropriations for FY 1995 and to offset additional spending with certain rescissions.

I wanted to raise with you my concerns and suggestions regarding a dangerous shortfall in defense funding. As you know, the defense budget has been declining since 1985, with a cumulative real reduction of nearly 45 percent by 1999.

This severe reduction has made it imperative that we work together to ensure that scarce defense dollars are spent only for the highest priority military requirements, namely, readiness, quality of life, and modernization. Therefore, I strongly believe that supplemental appropriations should be provided to restore the $2.55 billion diverted to peacekeeping purposes as well as to redress, as best we can, shortfalls in the FY 1995 appropriated level for military readiness.

I also believe that we have a fiscal obligation to offset these supplemental appropriations with spending rescissions in order to avoid any increase in the deficit. To this end, as you review the FY 1995 supplemental appropriations and rescission legislation, I urge you to consider for rescission unobligated funds for programs included on the attached list (Tab A).

This list represents nearly $6.3 billion in defense budget authority, and my rough estimate is that the outlay savings in FY 1995 achievable by rescinding these funds would be approximately $2.5 billion.

The programs I have listed do not, in my view, contribute directly to the readiness and capability of our Armed Forces. They represent wasteful, earmarked, non-defense, or otherwise low-priority programs which should not be funded at the expense of readiness within the constraints of the declining defense budget.

I should note an important caveat to my rescission recommendations. The list in Tab A is comprised primarily of programs which were added by Congress in an attempt to circumvent the funding priorities and procedures established by the military Services. Some of these programs could possibly represent military requirements which were only identified by the Services after the Administration's budget request was submitted to Congress. Such items could still be funded in competition with other priorities within the Pentagon's existing budget, but should not remain as earmarked add-ons.

The rescission of low-priority funding I've recommended should be used to offset the Administration's request for supplemental appropriations. As I said, however, even if the cost of these unbudgeted operations is fully restored to the appropriate accounts, readiness would remain seriously underfunded in FY 1995. Therefore, I urge you to support efforts to increase the amount of supplemental appropriations made available to the Department of Defense to fully redress the deleterious impact of declining defense budgets on military readiness. Accordingly, programs not essential to defense should be further reviewed to determine whether additional rescissions could be made and the funds redirected for high-priority military requirements.

I submit that a number of the defense programs suggested for rescission, such as most of the medical and university research activities, more appropriately belong in domestic, not defense appropriations bills, and should compete for funding with those accounts. I have provided a list (Tab B) of FY 1995 appropriations in the non-defense bills which could be rescinded in order to make funding available for any high-priority activities which were mistakenly funded in the defense budget last year.

In addition, I wish to express my support for the President's $2.4 billion in FY 1995 rescissions. I believe the Committee and the Senate should approve these rescissions, and that the monies should be dedicated to deficit reduction.

Of course, I know that the Committee may have its own rescissions in mind, and I understand that the House will soon pass a rescission bill offering additional opportunities which should be considered by the committee to fund readiness, higher spending priorities and deficit reduction.

I know you have a very difficult task and I appreciate your consideration of my views and request.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

DEFENSE APPROPRIATIONS TO BE CONSIDERED FOR RESCISSION AND REALLOCATION TO HIGH PRIORITY DEFENSE PROGRAMS

Fiscal Year 1995	Amount
Major programs:	
B–2 bomber industrial base set-aside	$125M
Industrial base set-asides, including $35 million for tank engines and $1 million for nuclear submarine main steam condensers	36M
Unrequested military construction Congressional add-ons	987M
Unrequested Congressional add-ons for excess Guard and Reserve equipment, including $505 million for C–130 transport aircraft	800M
C–21/C–XX aircraft	11M
Terminate Technology Reinvestment Program	550M
Former Soviet Union threat reduction	80M
National security education trust fund	14M
DOD support for Olympics and other celebrations	15.4M
Dual-use and conversion programs, including manufacturing technology, advanced simulation, etc.	1.5B
Medical and university research	1.5B
Personnel:	
Homeporting of 2 LST ships at Pearl Harbor to transfer Navy reservists from Oahu to Hawaii	10.0M
Manning of additional C–130 units (see O&M)	3.6M
O&M:	
National Center for Toxicological Research in Jefferson, AR (bill)	5.8M
Schofield barracks, Hawaii easement (bill)	9.5
National Guard Outreach Program in Los Angeles school district (bill—changed in conference to eliminate authorization requirement)	10.0M
Additional C–130 operational support for units in California, Kentucky, West Virginia, Louisiana, Tennessee, South Carolina, and Ohio (bill and report)	31.6
For Pacific Missile Range Facility, Hawaii, from O&M funds (bill)	45.9
Directed allocation of child development funds to Pacific region	15.0
National Training Center, George AFB	2.0
Wild horse roundup, White Sands Missile Range, New Mexico	1.5
OSCAR project at Letterkenny Army depot	1.9
Presidio of San Francisco, CA, infrastructure improvements	10.0
New Orleans NAS RPM backlog	6.0
Charleston naval complex	6.0
Establish Chester W. Nimitz Center	3.0
Establish Joint Warfare Analysis Program at Naval Post Graduate School	1.5
Transport LCU ship to American Samoa	.85
MacDill AFB operations	5.5
Electrical service upgrades at McClellan AFB, CA	1.65
Modification of Air Force Plan No. 3, Tulsa, OK	10.0
Natural gas study and infrastructure planning	2.2
Anchorage, AK fuel center	.5
Establish land management training center	2.5
Washington Square, Philadelphia, PA renovation	2.6
Cannon AFB dormitory and runway repairs	2.2
Improvement of navigational charts for Lower Mississippi River	1.0
To return excess medical supplies and equipment from Europe to the U.S. for ''use by Native Americans, local governments, and other deserving groups''	5.0
RPM for reserve centers in Cambria and Indiana Counties, PA	.3
Navy LST's in Pearl Harbor	7.0
C–130 operational support, Youngstown, OH	10.0
WC–130 weather reconnaissance activities	2.0
Los Angeles School District Youth Program	10.0
Calumet, MI, armory repairs	.12
Valparaiso, Gary, and Hammond, IN armory repairs	.4
California armory repairs	1.2
Distance learning regional training network in West Virginia, Pennsylvania, Virginia, Maryland, and District of Columbia	7.5
Establish continuity of operations center for Navy	13.0
New Orleans F. Edward Hebert complex	5.0
Procurement:	
Pacific Missile Range Facility, HI, from procurement funds (bill)	23.9
Natural gas utilization	2.5
Switch expansion at Schofield Barracks, HI	.5
Procurement of industrial process and information systems equipment for industrial operations facility at Tobyhanna Army Depot	12.0
Joint training analysis and simulation center	10.5
Laser articulating and robotic system, Philadelphia Naval Shipyard, PA	6.9
Natural gas vehicles	10.0
Electric vehicles	10.0
R&D:	
Research on ocean acoustics at National Center for Physical Acoustics, provided as a grant to the Mississippi Resource Development Corp. including $250,000 for purchase of unspecified ''special equipment as may be required for particular projects'' (bill)	1.0M
For seismic research at Incorporated Research Institutions for Seismology (bill)	12.0
National Center for Manufacturing Sciences (bill)	20.0
Establish an image information processing center supporting the Air Force Maui space surveillance site (bill)	13.0

DEFENSE APPROPRIATIONS TO BE CONSIDERED FOR RESCISSION AND REALLOCATION TO HIGH PRIORITY DEFENSE PROGRAMS—Continued

Fiscal Year 1995	Amount
Transfer to Department of Energy for ''Center for Bioenvironmental Research'' (bill)	15.0
Experimental Program to Stimulate Competitive Research (EPSCOR) (bill)	20.0
Los Alamos Meson facility	20.0
Naval Surface Warfare Center, Crane Division	.167
Jefferson Proving Ground, unexploded ordnance	5.0
Joint Agriculture/DOD project	4.5
Hawaii Small Business Development Center	5.4
Saltsburg Remediation Technology	1.0
Longhorn Army ammunition plant, TX	8.0
For first phase of $28.5 million project to establish shallow water range capability at Barking Sands, HI	11.0
C–130J development	5.0
Maui supercomputer	13.0
Maritime Technology Office	12.0
Electric vehicles	15.0
Maui High Performance Computing Center	7.0
Institute for Advanced Flexible Manufacturing Systems	4.0
Kauai, HI test facility	4.0
Increase in defense research funds set aside for historically black colleges and minority institutions, including minority women's institutions specializing in science, math, and engineering, and tribal colleges	10.0
Prototype disaster preparedness center in Hawaii	5.0
Other DOD programs:	
For nursing research (bill)	5.0M
Requiring continued operation of Plattsburgh AFB hospital in New York (bill)	3.0
Transfer to Navy Mil Con for ROTHR in Puerto Rico (bill)	10.0
Police Research Institute (not in either bill)	1.0
Southwestern Oregon Narcotics Task Force (not in either bill)	1.0
General provisions:	
Incentive payments to subcontractors under Indian Financing Act (bill Sec. 8025A)	8.0M
Mental health care dmonstration project at Fort Bragg, NC, with open-ended price and program growth clause (bill Sec. 8037)	18.5
Protection of 53d Weather Reconnaissance Squadron of Air Force Reserve (bill Sec. 8047)	.651
For independent cost effectiveness study of Air Force bomber programs (bill Sec. 8101)	4.5
For nuclear testing damage to Rongelap Atoll, for transfer to resettlement trust fund managed by Department of Interior (bill Sec. 8112)	5.0
Requirement to contract within 60 days of enactment for procurement of AN/USH–42 mission recorders on S–3B aircraft (bill Sec. 8133)	39.8
Utility reconfiguration project at Philadelphia Naval Shipyard (bill Sec. 8150)	14.2
Direction to award contract to sole U.S. supplier of nuclear steam generator tubing for aircraft carriers (bill Sec. 8151)	17.5
Fiscal Year 1994	
Technology Reinvestment Program	77M

DOMESTIC RESCISSION PROPOSALS

WASTEWATER EARMARKS

Over $1.2 billion dollars was earmarked for wastewater treatment grants in the FY95 HUD/VA Appropriation bill. Very few if any of these projects were authorized. A number of these were not properly studied before the funding levels were set and that some of the projects may have been funded above the 50% cost share required under the Clean Water Act. With this mind you I propose that we rescind funding for these projects which were not authorized, and/or have not been properly scoped and cost-shared. We have asked the Environmental Protection Agency to provide a list of the projects that meet this criteria and the dollar amount eligible for rescission.

HIGHWAY DEMONSTRATION PROJECTS

$352 million was appropriated for earmarked surface transportation projects which do not necessarily represent either federal, state or local priorities. We should rescind any unobligated monies. Projects not yet commenced should compete for selection among other priorities by state transportation authorities through the applicable process. The Department of Transportation is providing a list of the project eligible for rescission.

SPECIAL PURPOSE GRANTS

The VA/HUD Appropriation bill for Fiscal Year 1995 included $290 million in special purpose grants. According to estimates, only $7 million of this funding has been properly authorized. Examples of projects funded in the bill include:

$450,000 for the construction of the Center for Political Participation at the University of Maryland College Park;

$750,000 for the Scitrek Science Museum to create a mezzanine level in its building to increase exhibit space in downtown Atlanta;

$1.45 million to the College of Notre Dame in Baltimore, MD for capitol costs including equipping and outfitting activities, connected to the renovation of the Knott Science Center; and $2 million for Depaul University's library to provide direct services and partnerships with community organizations, schools, and individuals in North Carolina.

All of the unauthorized earmarks for which money has not been obligation should be rescinded. HUD is preparing a list of the projects which meet this criteria.

ELLIS ISLAND

The Department of Transportation's Fiscal Year 1992 Appropriation bill provided $15 million for the construction of a bridge to Ellis Island. The Park Services opposes the bridge. In a 1991 study on the construction of the bridge they wrote ''The permanent establishment of a bridge to the island represents an adverse effect to the cultural resources of the park, a National Register and World Heritage resource.'' The funding for this project has not been obligated and should also be rescinded.

Mr. MCCAIN. Mr. President, the bill reported by the Senate Appropriations Committee that we are now considering does rescind some of the programs I recommended, including a small cut in TRP and the other research and defense conversion programs. On the domestic side, the bill includes rescissions in highway trust fund demonstration projects.

But the committee-reported bill does not touch the many earmarks for special interest projects added by Congress. It does not rescind industrial base set-asides. It does not cut funding for DOD support to the Olympics and other international sporting events. It does not touch congressional add-ons for excess Guard and Reserve equipment. And it leaves intact several billion dollars for dual-use, defense conversion, and medical and university research programs that were earmarked.

Further, the bill does not rescind any military construction funds. It does not rescind any of the nearly $1 billion in congressionally-added military construction projects, much less funding for projects on bases slated for closure in this BRAC round.

The projects which would be affected by this amendment should not be built anyway. No responsible DOD official would continue a construction project at any base which has been ordered to be closed.

I think it is time to send a signal to the American people that we will not do this kind of thing anymore.

Mr. President, I believe that the opposition's argument against this proposition will be that it is in reaction to an action triggered by the executive branch in the form of the recommendations of base closing.

Mr. President, as we know, the BRAC is a nonpartisan commission that was

confirmed by Congress and the President must accept all of their recommendations or none. If this money is going to be rescinded anyway, then this amendment is redundant. The argument will be the rescission should be applied to all other accounts. Perhaps so.

But, Mr. President, I hope that this amendment would be accepted. I see no reason, frankly, for it to be opposed. I would be glad to work with the committee in order to see that it is acceptable. I cannot imagine—I cannot imagine—any Member of this body seeking to continue a military construction project on a base that is going to be closed. It is beyond me.

So I certainly look forward to the response of the managers of the bill. And, Mr. President, very reluctantly, very reluctantly, I may have to ask for the yeas and nays because of the clarity of this issue.

Mr. President, I reserve the remainder of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that time be charged equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 335, AS MODIFIED

Mr. MCCAIN. Mr. President, I ask unanimous consent to modify my amendment by striking lines 5 and 6 on page 2 of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 335), as modified, is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,554,000.

Military Construction, Air Force, $6,500,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provisions of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term ''base closure Act'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

Mr. MCCAIN. Mr. President, that would eliminate the placement money which was necessary for underground storage tanks at Fort Indiantown Gap and that would make this amendment more closely defined in that it only targets new construction—new construction—at this base which is earmarked for closure.

I reserve the balance of my time.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, with the time equally divided.

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

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I have sought recognition for a moment just to be sure that I understand the thrust of the amendment of the distinguished Senator from Arizona. If I might have the attention of my colleague, Senator MCCAIN, for just a moment. He and I were just talking briefly, and I wanted to be sure——

The PRESIDING OFFICER. I advise the Senator from Pennsylvania that the time of the Senator from Arizona has expired. The Senator from Oregon has 5 minutes remaining.

Mr. INOUYE. I ask unanimous consent that the Senator from Arizona be granted 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania may proceed.

Mr. SPECTER. I thank the Chair, and I thank my colleague from Arizona.

As I understand the thrust of the amendment, the provisions which would strike $1,800,000 to replace underground storage tanks has been deleted from the amendment because that change or that work may be necessary in any event; is that correct?

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. And the items on electrical targeting systems upgrade, $770,000, and flight simulator and air medical complex, $4,584,000, and barracks, $6,200,000, will be reinstated in the event Fort Indiantown Gap remains open by proceedings under the Base Closing Commission.

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. Of course, I make these inquiries because of the concern which I have, and I know that my colleague from Pennsylvania, Senator SANTORUM, shares these concerns. We believe Fort Indiantown Gap is an important installation militarily, and we intend to fight the matter before the Base Closing Commission. So the net effect of this amendment, which I understand the managers are prepared to accept without a vote, would leave Fort Indiantown Gap unharmed in the event that it remains open.

Mr. MCCAIN. The Senator is correct.

Mr. SPECTER. I thank my colleague from Arizona.

Mr. MCCAIN. Mr. President, I want to thank the Senator from Pennsylvania. I am aware how sensitive and difficult the issue of base closures are. I think it is well known to all of us that no one fought harder or continues to fight harder on behalf of the Philadelphia Naval Shipyard than my colleague from Pennsylvania. He understandably is committed to preserving jobs and the military presence in his State, and I thank the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Arizona for those generous remarks. I have not made a comment about the Philadelphia Navy Yard for a long time on the Senate floor. I said enough in the past that there really is not a need to say very much more.

I would just make a couple of comments. That battle was lost in the Supreme Court of the United States on a very complex legal argument. Interestingly, the Harvard Law Review published an extensive review of that case, Dalton versus Arlen Specter, and came to the conclusion that the Court was wrong on its analysis of separation of powers. It is a very complicated constitutional issue as to how Congress may delegate to the President or executive agency authority to take action without sufficient standards.

The thrust of my argument had been that the Navy actually concealed evidence from certain admirals that the yard should be kept open. But there were many other complex legal issues, and it was at least some satisfaction to

win the case in the Harvard Law Review if not in the Supreme Court.

We got one interesting comment before the decision was reached. NBC television said that it was the ultimate in constituent service. We all say, ''I'm going to take that case to the Supreme Court of the United States.'' Well, we did.

I thank my colleague for mentioning it and giving me an opportunity for that brief rejoinder.

Mr. MCCAIN. Mr. President, when I heard that the Senator from Pennsylvania was going to the U.S. Supreme Court in this case, I never had a doubt that he was correct. It is, however, heartening to know that the Harvard Law Review corroborates that conclusion that all of his colleagues reached.

But seriously, it is the ultimate in constituent service and, I think, is an indication of the dedication that the Senator from Pennsylvania had to preserving the very livelihood of many of the residents of his State in the Philadelphia area. I know that he has their eternal gratitude for his herculean efforts.

Mr. SPECTER. I thank again my colleague, and I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Oregon has 5 minutes. The Senator from Arizona has 30 seconds.

Mr. HATFIELD. Does the Senator from Montana wish any further time?

Mr. BURNS. Just about 1 minute.

Mr. HATFIELD. I yield 1 minute to the Senator from Montana.

Mr. BURNS. Mr. President, I thank my chairman, and I thank the Chair.

I am going to oppose and ask that this amendment be tabled. I think what we have here when we start looking at the BRAC, the Base Realignment and Closure Commission, we are all at once starting to send wrong messages before the process is even complete on those that are now being considered. I think probably the construction will not go on, especially new construction, on bases that are being considered now. I do not think that is going to happen.

So I know where my friend from Arizona is coming from and what he wants to try to do. But I think as chairman of that committee, I would like to see the funds at least stay there, have a possibility of letting that Commission complete its duty, and then rescind that money. I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. How much time do I have?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. MCCAIN. I ask unanimous consent for an additional minute.

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

Mr. MCCAIN. Mr. President, I am confused by the comments of the Senator from Montana. He says the money is not going to be spent, that it would be restored if the base was off the list, and that is exactly what the amendment says.

In all due respect to the Senator from Montana, I am confused by the fact that he would oppose an amendment that says that the money would not be spent, but if the base is off the rescission list, then it will be spent.

I can only surmise that this is some kind of turf problem, but, Mr. President, as the chairman of the Military Readiness and Defense Infrastructure Subcommittee, I do not look kindly on spending money for military construction projects which are on a base closing list and should not be spent, with a provision that the money would be spent if the base was off the list.

So, Mr. President, I will expend no more time and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. I yield back the remainder of my time. I just think it sends the wrong message at this particular time in the process of BRAC. But I have no further comment.

Mr. REID. Mr. President, I oppose the amendment from the Senator from Arizona because it is premature and unnecessary. Moreover, it can have unintended effects, which might result in forcing later expenditures that would wipe out any savings he might anticipate if the amendment were to be passed.

First, Mr. President, the cuts he has anticipated in his amendment are premature and could affect the final decisions of the Base Closure Commission, prejudice the living conditions and rights of the people serving on those bases now and the communities which are associated with them. That would be unfair.

Second, the amendment assumes that the committees charged with authorizing and appropriating funds for military construction projects have not anticipated or are adequately providing for savings resulting from the BRAC process. That is just not the case. Mr. President, if you look at last year's conference report on military construction appropriations you will find a reduction in the President's request of some $135 million, split evenly among the services, and some taken from defense-wide programs. This was in anticipation of the fiscal year 1996 BRAC decisions, and we took a large sum because we anticipated a larger BRAC round, more closures, than actually have been recommended by the services and DOD than has in fact been recommended.

Third, it is unclear why the Senator feels it unnecessary to amend this appropriations measure. The Appropriations Committee has followed the guidance of the authorizing committee and only funded those projects which have been authorized. Why not wait until the authorization bill is crafted and the result of the BRAC Commission are known, rather than guess now, send confusing signals to the communities which have been identified for possible action by the Commission.

Does the Senator just want to penalize military communities further, in the name of spending cuts in this area?

Fourth, DOD is not asleep at the switch on this matter. The Department is not going to allow spending for fiscal year 1995 military construction projects that are recommended for closure.

So, Mr. President, I believe that both the Department of Defense, the authorization and appropriations committees are well aware of the need to reduce unnecessary construction programs resulting from the BRAC process, and have proven that they will take the action needed, in the framework of the BRAC decisionmaking process set up. No one wants to spend construction funds unnecessarily, and so I feel the amendment just jumps the gun, is not helpful, and prejudices the process that has worked well.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 335 offered by the Senator from Arizona.

Mr. SPECTER. Mr. President, will the Chair desist on that matter for another matter which has just been called to my attention by my colleague, Senator Santorum? And that is an issue—if we may clarify, if we can have just a minute to do that—an issue which arises in the event that Fort Indiantown Gap is realigned instead of closed, that whatever the consequence is, I just want to understand the intent of the Senator from Arizona that these funds will be reinstated if the function of Fort Indiantown Gap continues, even if it is called a realignment.

Mr. MCCAIN. Mr. President, if I may respond, if there is a realignment which keeps that base open, then this rescission would not apply.

Mr. SANTORUM. If I can, if the base remains open as a Guard unit, which is what will happen, but is designated as closed by the BRAC because all active units will be pulled out, does that still maintain these programs?

Mr. MCCAIN. They do not. If it is a Guard installation, then we go through the regular functions, provisions for Guard units.

The PRESIDING OFFICER. I would remind Senators all time has expired and all time was yielded back.

The question occurs on agreeing to amendment No. 335 offered by the Senator from Arizona.

The amendment (No. 335) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 336

(Purpose: To rescind fiscal year 1995 funding for listing of species as threatened or endangered and for designation of critical habitat under the Endangered Species Act of 1973)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 336.

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

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

The amendment is as follows:

On page 28, between lines 14 and 15, insert the following:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCES MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,00 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentences.

Mr. HATFIELD. Mr. President, will the Senator yield——

Mrs. HUTCHISON. I will be happy to yield, Mr. President.

Mr. HATFIELD. On an understanding to the amendment.

I now ask unanimous consent that the Hutchison amendment be limited to 40 minutes to be equally divided in the usual form.

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

The amendment rescinds $1.5 million in funds for new listings of endangered or threatened species or designation of critical habitat through the end of the fiscal year, which is a little more than 6 months from now. It provides that remaining funds may not be used for final listings of endangered or threatened species or final designation of critical habitat.

The amendment does permit downlistings, changing a species from endangered status to threatened status. In H.R. 4350, the House regulatory moratorium bill, the House passed a moratorium on new listings or designations until the earlier reauthorization of the Endangered Species Act or December 31, 1996. Rescinding funds for a more limited time period will provide a time out from new listings controversies and will provide the momentum necessary for reauthorization of the Endangered Species Act.

Mr. President, as many of us in this body know, we have a critical situation with the Endangered Species Act implementation. I do not think one Member of this body does not support the concept of protecting endangered species.

What has happened is, I think, the regulators have really gone far beyond congressional intent, and we have found ourselves in many States across our country having endangered species declarations for baitfish. In the Panhandle of Texas, we have baitfish now being looked at to be put on the endangered species list.

Now, I would not mind baitfish being on the list if it did not encroach on private property rights and the use of water. Water is very important for the farmers and ranchers in the panhandle. It is very important to the people of Amarillo. They rely on the water sources. So when you start saying to the people of this country we are going to take away water rights from people who are farming and ranching and making their living off the land, when you say we are going to take water rights from cities that need the drinking water supply, then you set up a choice. Then you say, OK, what is more important than water rights and private property rights of individuals?

Well, I do not think it is a baitfish. I think we might have some instances in which it would be worth saving some sort of specie that was in imminent danger of being extinct with some economic damage, but, Mr. President, that is not what is happening.

Let me take another example in my State of Texas. The jaguar is to be put on the endangered or threatened list. Now, the last time someone saw a jaguar in south Texas was sometime in the 1940's. There are no jaguars in Texas. Maybe one wandered up from Mexico during the Second World War, but when you are talking about taking private property rights because a jaguar appeared 30 years ago and has not been seen since, we once again have a crucial decision: What is right and best for the private property owners, for the taxpayers of our country, and for the endangered species and the preservation of nature.

I just want common sense to come into the equation, and that is the issue here. My amendment will say time out. The time has come for us to look at the policies. And we are going to take up the reauthorization of the Endangered Species Act. When we do that, we are going to be able to look at scientific bases. How are we going to determine what is really endangered? The fact that the Tipton kangaroo rat has feet 1 millimeter longer than the Herman rat, does that make the Tipton kangaroo rat take precedence over a farmer in California who was arrested and is now looking at a $300,000 fine and a year in prison because he might have run over a Tipton kangaroo rat, when the Herman rat, which is the same except the feet are one millimeter shorter, is not on the endangered species list?

So we are going to be able to take that up in the Endangered Species Act reauthorization. We are going to be able to take up cost-benefit analysis. We are going to be able to look at the people who might lose jobs like the logging industry in the northwest part of our country, where people were put out of jobs that had been in families for generations to save a spotted owl.

We are going to look at alternative habitats. We are going to look at the possibility that we could have taken spotted owls and put them in nearby public lands without any cost to the taxpayers and without the breaking down of the logging industry in the northwest part of our country, and most certainly without causing these people such disruption in their lives by losing their livelihood and their jobs. These people are being retrained. It is costing the taxpayers of America $250 million as the result of a bill we passed in 1993 to retrain workers who did not want to leave their jobs to save a spotted owl. So these are some of the things we are going to be able to take up in the Endangered Species Act reauthorization.

Mr. President, you and I have talked about the importance of having full hearings on the Endangered Species Act, to hear from everyone, from the Fish and Wildlife Department, from people who are involved in saving the environment, from people who are involved in saving animals, and from private property owners and people who believe that the Constitution, the fifth amendment for private property rights, is in fact a part of the Constitution and is intact.

So we know that it is going to take time to do that. But I wish to make sure, Mr. President, that we do not do something between now and the time of reauthorization or in this case until the end of the fiscal year that would put the rights of a baitfish above the farmers and ranchers in the Panhandle of Texas. We want to make sure that between now and the end of the fiscal year we do not have a jaguar that

would take away the leasing rights to many counties in south Texas. We want to make sure that things that go beyond the realm of reason do not happen in this country while we wait and do the Endangered Species Act reauthorization in the right way. That is what I wish to make sure, Mr. President, we are able to do.

So I appreciate the opportunity. I wish to reserve the remainder of my time in case someone would speak against this amendment. I realize it would be hard to speak against this wonderful amendment, but nevertheless if someone decides to do it, I would like to be able to reserve the remainder of my time to respond.

The PRESIDING OFFICER. Who yields time?

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I yield whatever time we may have up to 5 minutes to my colleague from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, the amendment proposed by the Senator from Texas is, I think, constructive and vitally important to people in many parts of the United States. With each passing month we learn more about the distortions in the lives of our people caused by the application of the present Endangered Species Act. A mere finding of threatened or endangered status for any species subject to listing automatically results in restrictions on the use of property, restrictions in economic activity, and in cultural, social, and community disruptions. This amendment will give both the country and the Congress breathing space for a period of approximately 6 months during which the Endangered Species Act itself can be examined, as it will be, by a subcommittee headed by the present Presiding Officer presiding over this body.

I know he and I and the Senator from Texas all believe the Endangered Species Act should be continued, as it represents a real value held by all Americans, but that it must be changed so factors and values other than the species itself must be considered. Human values, people's jobs, their communities, their society, their culture must be weighed as we come up with balanced solutions to Endangered Species Act findings. That is not possible today under the act. The breathing space which will be imposed by the amendment of the Senator from Texas will allow that careful consideration to take place in this body. It will restore a degree of balance which is presently lost.

This is not and has not been asserted by the Senator from Texas to be a long-term or full solution to the necessity of balancing human and other interests in our environment. It is a step to allow that process to take place in a more careful and rational and thoughtful manner. As such, to protect our people and our communities for a 6-month period while we discuss the Endangered Species Act, the amendment proposed by the Senator from Texas is valuable, I may say vital, and I hope it will be adopted by this body.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate the Senator from Washington working with me on this amendment. He and I had been discussing the impact of these regulatory excesses on the economies of our respective States and he has been a valuable resource to me in putting this amendment forward. We are going to do everything we can to move in a positive direction to make sure we do what is right for this country, protecting private property rights and the abilities of our farmers and ranchers, while at the same time taking the time to reauthorize the protection of endangered species in a judicious and timely manner.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Texas has 12 seconds remaining. The Senator from Hawaii has 15 minutes and 3 seconds.

Mr. INOUYE. Mr. President, I am pleased to yield whatever time the gracious lady from California requires.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am pleased to be here to stand up in opposition to this amendment. The Senator from Texas had put forward a moratorium on the Endangered Species Act as a separate bill, and appeared before a committee on which I served, the Environment and Public Works Committee, and, Mr. President, you are an able member of that committee and chaired the particular subcommittee before which the Senator from Texas appeared.

We had a very long, complicated, and involved hearing on the wisdom of putting forward a moratorium on the Endangered Species Act. I have to say to you, Mr. President—and it is my very strong view—that in this U.S. Senate, with all the experience we bring to these issues, with all the expertise we bring to these issues, it seems to me to essentially stop the Endangered Species Act in its tracks, which is really what this amendment would do, is not the proper way to legislate. It is an abdication of our responsibility.

I am very pleased that the ranking member of our committee has come to join this debate. I say to him that I will be finished with my comments in about 3 or 4 minutes. I am very pleased that he is here to lead this fight because it is quite appropriate that he do so.

I do not know anyone in the U.S. Senate who is perfectly satisfied with the Endangered Species Act, who feels that it is perfect, who feels that it does not need to be fixed, who feels that we cannot improve it. And we are all quite dedicated to improving it. The chairman of the Environment and Public Works Committee, Senator CHAFEE, is a really great leader in this U.S. Senate. He, working along with our ranking member, last year proposed a new reauthorization of the Endangered Species Act. And together, in a bipartisan fashion, I have great confidence that they will lead this fight.

I think to come on this floor in the U.S. Senate and to add an amendment to a defense emergency supplemental bill that deals with a very important and sensitive environmental issue is simply not the right way to legislate.

Mr. President, 77 percent of Americans support maintaining or strengthening the Endangered Species Act, according to a May 1994 Times-Mirror survey. Interestingly, even 72 percent of Texans support maintaining or strengthening the act.

I have to say again that to torpedo the Endangered Species Act because there may be a problem in Texas is not the right way to legislate. I have been in Congress for awhile. I was 10 years in the House of Representatives, where I served very proudly, and 2 years here, where I am trying to do the best I can. When I have a problem that is local in nature, I do not bring it to the floor of the U.S. Senate and expect my colleagues to overturn an act that is supported by the American people. I will call in the various bureaucrats. I will sit them down around the table, and I will work with them.

I know that my friend from Texas is an excellent Senator and works very hard and knows what she needs to do for her people. I strongly advise that she withdraw this amendment and handle her problems in Texas, because I frankly do not want to see us gamble with this.

Let me explain what I mean. During the hearing that we held on the Senator's amendment, I asked her if she had ever heard of a Pacific yew tree. She said yes, she had heard of it, but she was not exactly sure what it had to do. I explained to her that the drug Taxal, which is in fact the one and only hope for curing ovarian cancer that we have at this time, and hopefully for preventing breast cancer, came from the Pacific yew tree. By the way, the Pacific yew tree was being used for its bark and was in danger of disappearing, and no one knew its value.

Why do I raise this issue for my colleagues to hear? It is because, on average, endangered plant species have fewer than 120 individual plants by the time they are listed. The fact of the matter is, when we get down to a point because of this moratorium that we

lose that last plant that could hold the secret for the cure of Alzheimer's, or the secret of a cure for prostate cancer, what is the good of that type of legislation? I say it is very harmful.

So in closing, Mr. President, I hope that we will all vote against this amendment. I do not think it has a place on a defense supplemental appropriations bill. If anything, we not only endanger species in this bill, we endanger ourselves if we vote for this amendment because we could, unwittingly, voting for this amendment, wipe out the last plant that holds the cure for some disease. We could wipe out the last animal. I know what I am talking about because we do not have grizzly bears anymore in California. The California grizzly is off the face of the Earth because we did not act in time.

I think that the Environment and Public Works Committee, under the able leadership of Senator CHAFEE and Senator BAUCUS as ranking member, and you, Mr. President, as the very important chair of the subcommittee that will deal with it—I have my faith in you. And I hope we will defeat this amendment and get on with our job of reauthorizing the Endangered Species Act in due course, in due time, and with due diligence.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, parliamentary inquiry: How much time is remaining?

The PRESIDING OFFICER. The Senator from Hawaii controls 8 minutes and 44 seconds; the Senator from Texas controls approximately 7 minutes.

Mr. INOUYE. Mr. President, I am pleased to yield all of my time to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. I thank my good friend, Senator INOUYE from Hawaii.

Mr. President, as ranking Democrat on the Environment and Public Works Committee, I must oppose the Hutchison amendment. The reason is really very simple. It is because the Endangered Species Act needs to be improved. That is the reason, so that farmers, ranchers, homeowners, and others have an easier time coping with the requirements of the act. But this is no way to fix it.

At best, the Hutchison amendment is a makeshift stopgap measure that does not really solve the underlying problem. Let me repeat that: It does not solve the underlying problem. Once it expires, we are still faced with the problem. And worse, the amendment actually undermines our ability to make the act work while the situation deteriorates, deteriorates into false hope and false promises that things are going to be OK. Let me remind Senators of where things stand.

In the last Congress, we held a series of hearings, an extensive series of hearings on the Endangered Species Act. We heard from a wide variety of people that were having problems from the act. We heard representatives of the national interest groups, all the way to individuals, individual landowners and homeowners, who had to cope with the designation of their property as critical habitat.

I remember a hearing we held in Ronan, MT. Ronan is in the middle of grizzly habitat—the grizzly, an endangered species. Several hundred people packed the school gymnasium. The hearing lasted all day—a long, hot day, let me tell you, hot because of the physical temperature, not because of the emotion of people in the room.

We made a lot of progress. We identified reforms that can significantly improve the act while continuing to protect against the extinction of the species. Reforms, like peer review of listing species, an outside panel of peer reviews of scientists, outside peer review panels that can give us outside advice, and a larger role for States.

I think States, particularly State fish and game departments, who have to manage fish and wildlife in their State, should have a greater role, a greater reliance on incentives that have punishments, incentives for landowners, and particularly incentives for private landowners.

I must say that the bill I introduced had the support of both the western Governors and the environmental community. There were significant major changes in that legislation, and had we been able to finish our work last year, I think a lot of the problems we are now talking about here today would have been solved. We would not be talking about them at all.

This Congress, and the chairman of the Environment and Public Works Committee, Senator CHAFEE, and the chairman of the relevant subcommittee, Senator KEMPTHORNE, the Presiding Officer, have indicated that they intend to reauthorize the act. We are going to reauthorize the act.

Senator REID and other Democrats on this subcommittee have made it crystal clear that they are prepared to cooperate and work to pass a reauthorization bill this year. They want to pass a bill this year. The opposition to the moratorium is not opposition to reform. It is for reform.

The fundamental point I want to make here is if we are going to serve our people, let us reform the act. Let us not mislead them by passing a moratorium which does not address the underlying problems of the act. That, in my mind, is the best way to proceed.

Otherwise, we all know what will happen. A floor amendment here, an appropriations rider there, a waiver, a moratorium, an exemption, a carveout—what is the result? We wind up responding to the crisis of the moment. We do too much of that around here and we never get around to the basic issues that must be resolved if we are really going to improve the act.

So, I believe, Mr. President, that the Hutchison amendment is a diversion. It is also more than that. The amendment cuts out money for species that are on the brink of extinction. That will make a bad situation worse. Some other species may be lost; others will survive, but, in the meantime, the population will have declined. As a result, our options will be more limited. Recovery will be more expensive. It will be more burdensome, not less.

I am reminded, Mr. President, of the problem with the owl. The main reason the Pacific Northwest faced a critical problem with the spotted owl in old growth forests is because neither the State of Oregon nor the State of Washington nor the U.S. Congress, nor Presidents heeded warning signals to do something about the potential extinction of the spotted owl. Ten, 15 years ago, agencies concerned with this issue sent us warning signals. What did we do? We all ignored them. We swept them under the rug and did not address the issue. I say that is going to be the consequence here—isolated individual problems. As I said, the more we delay, the more our options are limited and the greater the problem becomes and the more expensive the solutions.

Instead of shutting down the process, I believe we should be promoting efforts to go ahead, to conserve species before they are on the brink of extinction when greater flexibility exists to accommodate the legitimate needs of private landowners. This amendment would only affect the Fish and Wildlife Service's ability to list additional species. It does little or nothing to address the needs of private landowners who are affected by species already on the list. It does nothing about that. As a result, it is not only a shortsighted solution, but an incomplete one. It does not do what it purports to do.

Mr. President, there are legitimate problems with the act. I believe we should sit down, work together, find ways to minimize the burden the act imposes on all landowners, and we should not adopt this amendment.

At the appropriate time I will move to table this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Texas controls 7 minutes 6 seconds. The Senator from Hawaii controls 1 minute 52 seconds.

Mrs. HUTCHISON. Mr. President, I would like to yield up to 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Texas for offering this amendment and bringing to the floor of this Senate for the first time in this session what I think will

be part of a very critical debate that I hope we will resolve.

Let me say that there is nothing wrong with this amendment and it ought to be enacted. We ought to vote to support a moratorium on further listings until the Senator from Montana, the Senators from Oregon and Idaho, and the Senator from Texas, have a chance to resolve a very bad law that needs dramatic fixing at this moment.

We have heard rhetoric on this floor for the last 5 years that the Endangered Species Act is not working. It is costing hundreds of millions of dollars of lost economy and lost jobs, and we have done nothing about it. And now on the doorstep of an opportunity to change it, what is wrong with just stopping for a moment, stepping back from this administration's rush to judgment and in a panic throe list thousands of species simply because they think the Senate and the House are now going to change a law that has needed to be changed?

So I applaud the Senator from Texas for offering this amendment. We have heard arguments on the floor to say, well, that is a local issue, that the Senator from Texas does not understand she has a local problem, so why does she not deal with it locally? It is not legal in Idaho, Washington, Oregon, and Montana, for this very act at this moment is dislocating people, economies, farmers, ranchers and business people with the cavalier attitude on the part of the implementing agencies that ''so be it.'' It is all in the name of the species, and to heck with people.

I think it is time that this Congress resolve the issue, and do it quickly, first of all, with a moratorium and, secondly, with the responsible authorizing committees' handling of a reauthorization of the act. The chairman of the Appropriations Committee, yesterday, hosted a hearing on the very viability of a regional power system that is now being directly threatened by the impact of a decision and a proposed management plan by a Federal agency on the Endangered Species Act. That regional power organization has spent over $1.5 billion trying to save a variety of species of fish in the Columbian Snake River system. The process has been driven more by politics than by the good science that ought to make the decisions. If it is politics that is listing species instead of science, what is wrong with the amendment of the Senator from Texas?

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

Mr. CRAIG. Let us support the amendment and bring about a moratorium and stop this rush to judgment.

Mr. INOUYE. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Hawaii has 1 minute 52 seconds remaining. The Senator from Texas has 3 minutes 56 seconds.

Mr. INOUYE. I ask unanimous consent that 8 additional minutes be allocated to the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Reserving the right to object. You are asking for 8 minutes in addition to the 2 minutes? Are you asking for 10 minutes?

Mr. INOUYE. Yes, Mr. President. This is to accommodate the Senator from Nevada and the Senator from New Jersey. Would you like to have an additional 8 minutes?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I would want an additional amount of time that would equalize it. I think we have set a time agreement here and perhaps we could accommodate to some degree, but perhaps not for 10 more minutes.

Mr. INOUYE. Five?

Mrs. HUTCHISON. I think that would be fine.

Mr. INOUYE. I ask unanimous consent that 10 additional minutes be allocated for this debate, 5 minutes under the control of the Senator from Texas and 5 minutes to the Senator from Montana.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I yield 4 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague from Montana for allowing me just a few minutes to make some remarks, because I must say, because I come from New Jersey, the most densely populated State in the country, it does not mean that we have less of an interest about species that are in jeopardy, be they animal or flora fauna, than do they in the more remote parts of the country. And this debate, I think, ought to be taking place at a different pace and a different time. We just went through a hearing and a markup on Tuesday in the EPW Committee. It was carried and was going to be presented on the floor. Instead, I have to say that I am surprised that the Senator from Texas, after having won an agreement from the subcommittee to pass the amendment along, suddenly now it is attached to a rescission bill.

What is the urgency, Mr. President, of moving this so quickly? Are we willing to say today that we do not want to continue preserving those species that may save lives, that may interest our children and our grandchildren in a particular type of fish, or a particular type of bird, or particular type of animal? I am on the Environment Committee, as is the Senator from Texas. One of the things that I did when we had the oil spill up in Alaska a few years ago was to get up there very quickly and talk to the people in the communities.

They were heartbroken because of the threat to the abundant species that existed there, including bald eagles, including sea otters, including seals; grief stricken, Mr. President, grief stricken because it may be the end of a salmon run or a herring run or another bit of marine life around which whole cultures and whole communities were built.

So the madness, the urge to get this done so quickly, is something, frankly, I do not understand. And to come along, after we have had a full discussion—and if not full enough, we can continue it—but to rush at this moment into a moratorium that says we cannot do anything, tie the hands behind your back—we had a $2 million rescission; no, let us increase it by another $1 million.

I do not know exactly what the Senator from Texas has in mind, but I cannot believe that she or the proponents of this amendment would want to diminish the opportunity to protect a species that might, as we heard from the distinguished Senator from California, aid in fighting breast cancer or another type of disease.

I know that there are trees that produce a bark that is used medicinally and very effectively.

Mr. President, I rise today to express my dismay and unhappiness with the amendment offered by Senator HUTCHISON to increase the rescission of Fish and Wildlife funding and to restrict any remaining appropriated funds for making any final determinations that a species is endangered or that its habitat is critical.

The $2 million rescission already included in the bill will severely jeopardize the Fish and Wildlife Service's activities to administer the Endangered Species Act. It will diminish their ability to protect and recover species, to increase public involvement and to comply with existing court orders.

But this amendment, Mr. President, would effectively paralyze them.

I must say when I saw this amendment come to the floor, I was very surprised.

Just 2 days ago, our subcommittee held an expedited hearing on S. 191, Senator HUTCHISON's bill, which would put a hold on administration of the Endangered Species Act until it is reauthorized.

We expedited that hearing and agreed on holding a markup in good faith, even though some of us on the committee are philosophically opposed to this proposed legislation.

Now it appears that the Senator has decided to bypass the committee, despite our willingness to work with her, and bring her proposal straight to the floor.

I know that this act is not perfect. It has not been administered in the most effective manner. And we want to fix those problems.

But Senator HUTCHISON's efforts to freeze the Agency in its tracks is no solution.

The solution is to do what we began in committee on Tuesday: to seriously review what's right with the act, what's wrong, and what we can do to make it better.

Mr. President, the American people support this act. A recent poll found that 77 percent of Americans want to maintain the ESA or even strengthen it. The American people understand that the ESA enables us to take proactive steps before the decline of a vulnerable species is irreversible.

They want to save endangered species before key components of our ecosystem are relegated to the walls of natural history museums. we have a moral responsibility to make sure that does not happen.

The listing of an imperiled species is necessary to ensure that it receives the protections of the ESA. Each time a species is listed, it sends out a warning signal that the ecosystem is in decline.

There are currently 118 species that have been proposed for ESA listing. Senator HUTCHISON's amendment would render us powerless to protect the future of these 118 threatened species.

And for those who might not care about that, I would point out that it also would effectively prevent the Fish and Wildlife Service from meeting with landowners and resolving their concerns about the way current policies affect their lives.

Mr. President, this amendment accomplishes nothing. Our endangered species will continue to be endangered. The costs of recovery will continue to mount. And the Fish and Wildlife Service will find itself paralyzed to effect any improvements in the administration of this act.

Those of us who serve on the subcommittee want to work together in a bipartisan manner to implement real reforms in the Endangered Species Act.

Every Member who spoke at our committee's recent hearing on the Endangered Species Act, including the Senator from Texas, said as much. The general consensus following that hearing was that we would try to accomplish that goal—in the spirit of good faith and cooperation.

Mr. President, this amendment coming between the subcommittee's positive action on the Senator's bill and the full committee markup expected next Thursday, would make it very difficult—if not impossible—to operate in that spirit.

I urge my colleagues to table this amendment, and to support the Environment Committee's efforts to craft a more effective endangered species program.

Mr. President, I would have to say I am amused by good friends and colleagues who stand on the floor talking about rhetoric. As the decibels increase and the pace increases, we are talking about perhaps major changes in the ecology of our society. I would not treat this quite this lightly. I hope that we are able to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has 3 minutes and 12 seconds remaining; and the Senator from Texas, 9 minutes.

Mr. BURNS. Mr. President, I rise to support the amendment offered by Senator HUTCHISON of Texas. It is about time this Congress begin to put a little bit of common sense back into the Endangered Species Act.

Currently, there are about 60 listed or candidate species in Montana. And, there always seems to be a new species that some group wants listed or placed on the candidate list. The recent efforts by a group based out of Colorado who want the black-tailed prairie dog placed on the candidates list is an example of this.

This amendment would rescind $1.5 million for the Endangered Species Act for the new listings and habitat. That's a good place to start this debate. Let's put this moratorium in place, and then let us reauthorize the Endangered Species Act to include common sense and protect species and habitat.

The State of Montana needs this amendment, and I urge its adoption.

Mr. DOMENICI. Mr. President, I rise to state my cosponsorship of and support for the amendment offered by the Senator from Texas to rescind $1.5 million in fiscal year 1995 funding for certain new actions under the Endangered Species Act. I support this amendment for two reasons. First, it is generally acknowledged that the Endangered Species Act in its present form simply is not working as it should. Second, there is every indication the act will be thoroughly revised by this Congress. Consequently, this amendment will put a halt to spending more money on certain aspects of a program that all agree is broken and that will soon be fixed.

There is little question that the Endangered Species Act is broken. The act was passed in 1973 with the noble goal of saving threatened and endangered species from extinction, and having fought long and hard over the years to protect my State's precious natural resources, I fully support the ideals underlying the act. Twenty years of experience, however, have revealed that the act is fundamentally flawed in its practical application. Specifically, the act allows those who administer it to create social and economic chaos among communities unfortunate enough to be located anywhere near a listed species.

Let me give you an example of the chaos created by the act in my home State. The San Juan River runs through the northwestern part of New Mexico. Along the San Juan there is a dam, Navajo Dam, which has quite literally provided life to the residents of that part of the State. The dam ensures that the citizens in the surrounding cities and towns—cities like Farmington, Aztec, and Bloomfield, towns like Turley and Blanco—have adequate supplies of water for domestic use all year round. The dam powers a 30,000 kilowatt hydroelectric plant which provides electric power to all of the area's homes and businesses. The dam supplies water to the many rural irrigation ditches in the area, thus allowing agriculture to flourish. The dam has created one of the most beautiful recreational lakes in the State, Lake Navajo. And the dam provides water for, what I am proud to say, is some of the best trout fishing in the United States; as a consequence it provides jobs for no less than 20 world-class fishing guide services as well as jobs for the accompanying tourist industry. So this one dam does it all; it provides food, water, electricity, jobs, and recreation for all of the citizens of that region.

Living in the Colorado and San Juan Rivers, however, is a minnow known as the Colorado squawfish. This minnow has been listed under the act as an endangered species. Unfortunately for the people of northwestern New Mexico, a very small population of this minnow, a population which has never been recorded at more than 30 fish, is found in the area around Navajo Dam. As a result of this listing under the act, a committee was established to study how the squawfish might increase its numbers. As a part of this study, the committee would like to see what effects, if any, the historic, pre-dam flow of the San Juan River would have on the squawfish. To emulate this natural flow, the releases from Navajo Dam would have to be lowered to half of their current output for 4 months at the end of this year, and the committee has proposed that the Bureau of Reclamation do exactly that. Mr. President, this sounds to me as if we are using the people of the area as guinea pigs to study the squawfish.

Needless to day, this proposal has both terrified and infuriated the residents of the Navajo Dam area. They are terrified because, if adopted, the proposal will leave them with completely inadequate water supplies, will greatly increase the cost of electricity, and will wipe out many of the fishing and tourist jobs upon which they depend. They are infuriated because this possible social and economic upheaval will occur solely for the academic exercise of determining whether or not a historic flow on the San Juan River will benefit the squawfish. Although I commend the Bureau of Reclamation for conducting town meetings to determine what effects the proposal will have on the people of the area, I believe that the fact that the proposal is being seriously considered at all indicates just how out of control the Endangered Species Act has become.

Unfortunately, this is just one example of how economically and socially destructive the act can be and has been

on the people of my State. I could speak at great length about how listings have decimated the timber industries in small towns such as Reserve, NM. I suspect that most of the Members of this Chamber have been confronted with similar stories.

These situations, however, have generated widespread recognition that the act has failed miserably to protect citizens from the social and economic burdens it creates. Just recently, in fact, even Interior Secretary Babbitt, long a defender of the act, recognized that the current listing process can produce ''unnecessary social and economic impacts upon private property and the regulated public.''

Therefore, as I said at the outset, the Endangered Species Act is, in fact, broken. Fortunately, this new Congress, and Senators CHAFEE and KEMPTHORNE in particular, have made revision of the act a top priority, and I am sure that they will do an outstanding job in this regard. It is for this reason that I am cosponsoring this amendment. Rather than allowing the continuation of a process that fails in practical effect to protect communities from social and economic devastation, this amendment will prevent moneys from being spent on new listings of threatened or endangered species and on new designations of critical habitat for the rest of fiscal year 1995. As I believe it only makes sense that we stop spending money on something that is broken and that will soon be fixed, I fully support this amendment, and I urge my colleagues to do the same.

Mr. BAUCUS. Mr. President, might I ask the Senator from Texas, in terms of proceeding here, if she might want to speak now so we can even out the remaining time?

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I will be happy to do that, if the Senator from Montana will agree to let me finish on my own amendment.

Mr. BAUCUS. Yes.

Mrs. HUTCHISON. Will the Chair please notify me, then, when the time is equal?

The PRESIDING OFFICER. The Senator from Texas will have 6 minutes, approximately, but she will be notified.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator GRAMM be added as a cosponsor of this amendment.

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

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

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

The yeas and nays were ordered.

Mrs. HUTCHISON. Mr. President, I want to respond to some of the things that have been said, because I think we have to put this in perspective.

The Endangered Species Act expired in September 1992. It has not been reauthorized, although we have appropriated money for its implementation. So, essentially, today what we are doing is saying, no longer are we going to fully fund the implementation of this act that expired 2 years ago.

We are not wiping out the implementation. I want to put this in perspective. We are taking out $1.5 million out of approximately $4.9 million in the act. So there will be $3.4 million for the biologists and the workers at the agencies to continue doing their job.

But what we are trying to do is say the time has come for us to put parameters around the implementation of this act because it has gone so far beyond reason.

Senator BOXER and Senator BAUCUS have both agreed that no one is completely satisfied with the Endangered Species Act implementation. That is absolutely true, which is why we should stop doing it now, so that we can reauthorize it and tell the people who have gone so far beyond congressional intent exactly what Congress intended; that we intended to protect species, but that we most certainly intend to have common sense in the equation; that we are not going to put baitfish ahead of the water rights of farmers and ranchers; that we are not going to put the jaguar over the leasing rights of the ranchers in south Texas when nobody has seen a jaguar in Texas; that the golden-cheeked warbler is not going to take precedence over the farmers and ranchers and people in the area of Austin, TX. That is what we are trying to do.

The Senator from California indicated that this might be sort of a local bill, and why do we not just take care of Texas and let everyone else fend for themselves.

Well, I would just mention that California now has 74 potential listings, any one of which could possibly go on the endangered or threatened endangered species list—74. I do not think this is local.

In fact, I met with the leaders of the Los Angeles business community a few weeks ago when I was out in Los Angeles, and they told me of their two top issues, one is the overzealous regulation in the Endangered Species Act. I hear that from Arizona, I hear it from Idaho, I hear it from Montana, I hear it from New Mexico. This is not a local issue. Everyone agrees we have to do something.

What I want to do is reauthorize it in a timely and judicious manner, and I want to have the time to do that.

The Senator from New Jersey says, ''Why the rush? Why the rush?''

The rush is not there. I introduced the bill to put a moratorium on the Endangered Species Act on January 7 of this year. It was March 7 before we had a hearing in the subcommittee. The markup is scheduled for March 23. So will this bill be able to be acted on before the April recess? I do not know. I hope so, because we still need the moratorium bill because we need to stop the overzealous regulation of this act by every possible means until we can reauthorize the act with all of the players at the table.

So this is not rushing. This is trying to keep a disaster from happening. It is trying to keep people from losing their jobs while we are taking this bill up in due course.

It was mentioned that the Pacific yew tree is being used to be a part of a medicine that helps cure breast cancer. And I certainly am supportive of that. As the Senator from California knows, she and I agree on the need for more research for breast cancer.

But, in fact, I think we have to understand that the Pacific yew tree is now being harvested by Bristol-Myers. That is one of the good things that can happen. When we do discover that there is a plant that can be used to help cure disease or keep us from having more disease, then we have the ability to harvest that tree, and that is exactly what is happening.

The PRESIDING OFFICER. The Senator is notified that she now has an equal amount of time as the Senator from Montana.

Mrs. HUTCHISON. I reserve the remainder of my time.

Mr. BAUCUS. I yield 2 minutes to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. REID. Mr. President, I serve as the ranking member of one of the subcommittees of the Environment and Public Works Committee, over which there is jurisdiction of the bill introduced by the Senator from Texas.

I, in good faith, dealt with the chairman of the full committee and the chairman the subcommittee to work out a procedure to have hearings on her legislation. I was afraid something like this would happen, and it appears it has.

If this is how we are going to do business, I am going to be real upset in the future in entering into any agreements on the Environment Committee of which I have any dealings. I am going to be as mischievous as I can on this floor.

I dealt with the full committee chairman and the subcommittee chairman so that we could expedite a hearing on the bill of the Senator from Texas, have a full committee markup, and report this to the floor.

Now if we, probably because of the procedure set up here, do not have the votes to table this, I personally am going to get as many of my colleagues as I can, if this amendment is adopted to this bill, as important as it is, I am going to do everything within my power to get the President to veto this bill so that we can come back here and do things the right way.

I have stated numerous times that I believe the Endangered Species Act needs some work done on it. The State of Nevada is affected as much as any

other State. We are fourth in line as to endangered species listings.

But this is not the way to treat a very important matter. I am very upset. I am going to do everything that I can to make sure that the President—if, in fact, this bill passes—will veto it so we can start conducting business as ladies and gentleman.

Mr. BAUCUS. Mr. President, I yield the rest of our time to the Senator from Florida, Senator GRAHAM.

The PRESIDING OFFICER. The remaining time is 1 minute 20 seconds.

Mr. GRAHAM. Mr. President, the distinguished Presiding Officer and I, in the last Congress, were ranking member and chair of the subcommittee which had jurisdiction over the Endangered Species Act.

As the Presiding Officer knows, we were preparing to hold a series of hearings on this act with the goal of reauthorization in 1995. That is a goal which I hope we will continue to meet. I think it is important that we reauthorize this legislation.

During the course of my chairmanship of that subcommittee, I learned some important things about the Endangered Species Act, and I would just briefly in my remaining seconds like to enumerate some of the things I learned.

First, that the focus should not be so much on individual species as it should be on the habitat of those species. In many ways, the endangerment of a species is a signal of more fundamental problems in the habitat, problems which can have serious ramifications to the humans who occupy that habitat.

Second, in many cases the charges made against the Endangered Species Act were actually the responsibility of some other Federal, State, or local action for which the endangered species became the scapegoat.

Finally, Mr. President, I believe that we need to consider the reauthorization of this act. It certainly is in need of reform, but not the kind of amputation that is being proposed by this amendment.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I certainly understand when people have legitimate disagreements over the rights of private property owners versus the rights of animals and the concern that we have for protecting habitat.

I do object to the characterization that this is somehow an inappropriate amendment. I do not think we can say that. We have had expedited procedures on the bill that would put the moratorium in place—a bill that was introduced in January, that had 29 signatures on the request for a hearing in late January, that was very much worked on and compromised to accommodate the concerns of people who were legitimately interested in this bill—until we finally got a hearing on March 7.

We have not had a markup in committee. I think we can see from some of the concerns that have been raised that we may not be able to get this bill on the floor before April. I really do not think it is a fair thing to say that we have had expedited treatment of this bill.

I think what is important is that we put some common sense into the implementation of the Endangered Species Act. Congress passed the bill. It has expired. In fact, we have not been able to reauthorize it because the concerns are so great and the disagreements are so large.

So, we are going to take our time and we are going to reauthorize the bills, I hope, in a judicious way. The main thing we are going to have to do is put common sense into the equation.

What I am trying to prevent today is the use of the next 6 months while we are taking this up in a rational way so that everyone can have their side aired and their view aired. I am trying to say, ''time out,'' so that silly things will not happen, so that bait fish and golden cheeked warblers and jaguars and salmon that are running the wrong way in a stream will not take precedence over the rights of farmers and ranchers who have toiled on their land and who are working for a living and providing the food for citizens to eat in this country.

So I am very concerned that we act immediately. I think this is a great first step. I think it is a reasonable first step. I did not wipe out the whole agency. I just took $1.5 million out of $4.9 million. There is $3.5 million left. We are not going to lay people off. People will still be able to work. I think it is quite reasonable, and I did compromise with the chairman of the committee.

I want to thank Senator CHAFEE for working with me on this amendment and for working with me in a fair way to try to get this bill heard. Thank you.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I move to table the Hutchison amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—38

Akaka	Harkin	Moseley-Braun
Baucus	Heflin	Moynihan
Biden	Hollings	Murray
Bingaman	Inouye	Nunn
Boxer	Johnston	Pell
Bryan	Kennedy	Pryor
Bumpers	Kerrey	Reid
Byrd	Kerry	Robb
Daschle	Kohl	Rockefeller
Dodd	Lautenberg	Sarbanes
Feingold	Leahy	Simon
Glenn	Levin	Wellstone
Graham	Lieberman	

NAYS—60

Abraham	Exon	Lugar
Ashcroft	Faircloth	Mack
Bennett	Feinstein	McCain
Bond	Ford	McConnell
Breaux	Frist	Murkowski
Brown	Gorton	Nickles
Burns	Gramm	Packwood
Campbell	Grams	Pressler
Chafee	Grassley	Roth
Coats	Gregg	Santorum
Cochran	Hatch	Shelby
Cohen	Hatfield	Simpson
Conrad	Helms	Smith
Coverdell	Hutchison	Snowe
Craig	Inhofe	Specter
D'Amato	Jeffords	Stevens
DeWine	Kassebaum	Thomas
Dole	Kempthorne	Thompson
Domenici	Kyl	Thurmond
Dorgan	Lott	Warner

NOT VOTING—2

Bradley	Mikulski

So the motion to lay on the table the amendment (No. 336) was rejected.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. Gregg). The Senator from Nevada.

Mr. REID. Mr. President, I make a point of order that the amendment violates rule XVI of the Standing Rules of the Senate and is legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is well taken. The Chair sustains the point of order.

Mrs. HUTCHISON. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. The Senator from Texas appeals the ruling of the Chair.

The question now before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE DECISION OF THE CHAIR

The PRESIDING OFFICER. The question now before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

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

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—42

Akaka	Ford	Lieberman
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Breaux	Inouye	Nunn
Bryan	Johnston	Pell
Bumpers	Kennedy	Pryor
Byrd	Kerrey	Reid
Daschle	Kerry	Robb
Dodd	Kohl	Rockefeller
Exon	Lautenberg	Sarbanes
Feingold	Leahy	Simon
Feinstein	Levin	Wellstone

NAYS—57

Abraham	Faircloth	Mack
Ashcroft	Frist	McCain
Bennett	Gorton	McConnell
Bond	Gramm	Murkowski
Brown	Grams	Nickles
Burns	Grassley	Packwood
Campbell	Gregg	Pressler
Chafee	Hatch	Roth
Coats	Hatfield	Santorum
Cochran	Helms	Shelby
Cohen	Hollings	Simpson
Conrad	Hutchison	Smith
Coverdell	Inhofe	Snowe
Craig	Jeffords	Specter
D'Amato	Kassebaum	Stevens
DeWine	Kempthorne	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Warner

NOT VOTING—1

Bradley

So, the ruling of the Chair was rejected as the judgment of the Senate.

Mrs. HUTCHISON. I ask unanimous consent that the yeas and nays be vitiated on the Hutchison amendment and that Senators GORTON and DOMENICI be added as original cosponsors.

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

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

The amendment (No. 336) was agreed to.

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

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

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I ask unanimous consent to substitute the word ''item'' for the word ''time'' in amendment No. 329 agreed to on Wednesday, March 8. It corrects a typographical error. This has been cleared on both sides.

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

Mr. HATFIELD. Mr. President, I would like to indicate that in the next sequence of amendments, we will have the Leahy-Jeffords amendment, which will take perhaps a minute, and that will then be followed by a Roth-Glenn amendment which, again, will not call for a rollcall, according to the authors of the bill.

We are now down to about two amendments left. We understand agreements have been worked out on the Republican side and we have about the same number—three amendments—on the Democratic side. I understand that those have been worked out.

So we should be at a point where we will be wrapping up the long list of amendments and moving toward final passage. I just want to indicate that any Member who has an amendment to be handled in any form here on the floor, please contact us. We have about five or six that have been cleared on both sides. At an appropriate moment, we will use as a wrap-up those agreed to.

Mr. INOUYE. Mr. President, will the chairman yield?

Mr. HATFIELD. Yes.

Mr. INOUYE. Are we now prepared to have a time certain for final passage?

Mr. HATFIELD. I am unable to say that, based upon the fact that on two amendments 20 minutes to half an hour has been requested for discussion—the Brown amendment and the SPECTER amendment. I am sure they will not require a great length of time. But I hope that perhaps in the next hour we will be able to reach final passage. I would be hesitant to set a time certain.

Mr. INOUYE. I yield the floor.

AMENDMENT NO. 337

(Purpose: To authorize the Secretary of Transportation to issue a Certificate of documentation for the vessel *L.R. Beattie*)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. JEFFORDS, proposes an amendment numbered 337.

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

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

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —MISCELLANEOUS

SEC. 01.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

Mr. LEAHY. Mr. President, I strongly support the amendment introduced today with my friend from Vermont, Senator JEFFORDS. This amendment would authorize the Secretary of Transportation to issue a certificate of documentation to grant coasting rights to the vessel *L.R. Beattie.* This certificate is commonly known as a Jones Act waiver.

The *L.R. Beattie*, a 500 passenger, triple deck cruise boat, was originally built and flagged in the United States. The ship was later brought by a Canadian company, although it was never flagged in Canada. It has since been sold to a U.S. company and was bought last year by Lake Champlain Shorelines Cruises of Burlington, VT.

Lake Champlain Shorelines Cruises bought the *L.R. Beattie* to operate tours on Lake Champlain and plans to rename it the *Spirit of Ethan Allen II.* This boat will be the showcase of a flourishing cruise industry on Lake Champlain. This boat will support over 30 Vermonters working on these cruises. But before this boat may begin carrying passengers on Lake Champlain, Congress must pass a Jones Act waiver for the *L.R. Beattie* because of its brief history under Canadian ownership.

A Jones Act waiver is a routine and noncontroversial bill. It does not cost U.S. taxpayers a penny. It simply authorizes the Secretary of Transportation to issue a certificate of documentation to allow a vessel to operate on U.S. waters.

But a Jones Act waiver for the *L.R. Beattie* has languished in Congress for more than a year. The Oceans Act of 1994, H.R. 4852, which reauthorized Coast Guard operations, contained a Jones Act waiver for the *L.R. Beattie.* The House of Representatives easily passed this bill. Unfortunately, it died in the Senate at the end of last year's session.

This year, Senator JEFFORDS and I introduced legislation, S. 172, to allow the *L.R. Beattie* to receive a Jones Act waiver. The Senate Commerce Committee will soon consider this bill with other Jones Act waivers. The time table for final passage of these Jones Act waivers, however, may be too late for Lake Champlain Shoreline Cruises because of the fast-approaching cruise season. Without this simple, noncontroversial Jones Act waiver, this small business in Vermont could go out of business, throwing over 30 Vermonters out of work.

Senator JEFFORDS and I have authored this amendment to respond to the special circumstances surrounding a Jones Act waiver for the *L.R. Beattie.*

I want to thank Senator HOLLINGS, the ranking member of the Senate Commerce Committee, and Senator PRESSLER, the chairman of the Senate Commerce Committee, for their invaluable cooperation on this amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I join my senior Senator in this amendment, which will help make Vermont summers on Lake Champlain a little bit better.

Mr. President, I wish to thank the managers of this legislation for accepting this important amendment. I would especially like to thank the chairman of the Commerce Committee, Senator PRESSLER, and the ranking member, Senator HOLLINGS, for their assistance with this measure.

Mr. President, included in the Merchant Marine Act of 1920, Jones Act waivers allow for vessels transporting

cargo within U.S. waters which are not U.S. built, owned, and manned be given the right to do so. With the passage of this amendment, the *Spirit of Ethan Ellan II*, which was built in the United States and operated under Canadian ownership for a short time, will be able to resume operations as a United States vessel on Lake Champlain in time for the summer tourist season. The *Spirit of Ethan Allen II* will provide an invaluable service to Vermonters and tourists who come to appreciate Vermont's beautiful setting. I can think of no better way to view this beautiful and historic lake.

This vessel will be the only one of its kind in Vermont, offering scenic cruises, wedding and prom receptions, and dinner parties. In addition, the *Spirit of Ethan Allen II* will be active in charity fundraisers and a program called Education on the Lake, informing young people of the geological and historical character of the Lake Champlain area.

In addition, the *Spirit of Ethan Allen II* will host events for visiting conferences and conventions in the Burlington area, enhancing the experience of those who stay in the area's hotels and inns. Lake Champlain Shoreline Cruises will employ over 25 people to operate the vessel, making a significant contribution to the continuing development of the Burlington waterfront area.

I am pleased that this legislation will ensure that the *Spirit of Ethan Allen II* begins operating in time for the summer tourist season.

I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 337) was agreed to.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 338

(Purpose: To state the sense of the Senate that indefinite and unconditional extension of the Nuclear Non-Proliferation Treaty is essential for furthering the security interests of the United States and all the countries of the world)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. GLENN, Mr. HELMS, Mr. LEVIN, Mr. MCCAIN, and Mr. NUNN, proposes an amendment numbered 338.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the appropriate point, insert the following:

The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, herein after referred to as the NPT, is the cornerstone of the global nuclear non-proliferation regime;

That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history:

That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race as brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible;

That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT;

That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT.

Now, therefore, it is the sense of the Senate that:

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear non-proliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT.

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear non-proliferation regime and global security at risk.

Mr. ROTH. Mr. President, I rise today to propose an amendment on behalf of myself and Senators GLENN, HELMS, LEVIN, MCCAIN, and NUNN, which calls for the indefinite and unconditional extension of the Nuclear Non-Proliferation Treaty.

In only 4 weeks, the parties to the NPT will gather in New York to decide the future of this critical agreement. This resolution sends an unequivocal message to all the countries of the world that this body regards making the NPT permanent as absolutely essential. It also sends a clear signal to any country opposing indefinite and unconditional extension of the treaty that that nation is acting against not only against its own interest, but also against the interest of the United States and indeed of the people of the entire world, because their position places the nuclear non-proliferation regime and global security at risk.

March 5 marked the 25th anniversary of the entry into force of the NPT. That treaty is universally regarded as the the single most important component of the international effort to prevent the spread of nuclear weapons. Indeed, it is the very foundation upon which the entire global nuclear nonproliferation regime was constructed.

When the five declared nuclear weapons states ratified the NPT, they pledged to end the nuclear arms race, to undertake measures toward nuclear disarmament and not in any way to assist nonnuclear weapon states in gaining nuclear weapons.

For their part, the nonnuclear parties to the treaty pledged not to acquire nuclear weapons and to accept a system of safeguards to verify their compliance. Thus, in joining the NPT, these countries transformed the acquisition of nuclear weapons from an act of national pride to a violation of international law.

Those who negotiated the NPT never expected that the treaty alone would end the global nuclear proliferation threat. Yet, I think even they could be surprised by its successes toward that end. Today, there remain only 5 declared nuclear weapons states—not the 20 or 30, many experts had once projected. There are also only three so-called ''threshold'' states.

The NPT has provided the overarching structure to end the nuclear arms race. With the ratification of START I, and the ongoing work of my able and distinguished colleagues in the Foreign Relations Committee on START II, the race now is to bring down the number of nuclear weapons as quickly, safely and securely as possible.

Another indicator of treaty's success has been the steady increase of its membership. Today, with more than 170 parties, the NPT has the widest adherence of any arms control agreement in history. When backed by strong nonproliferation policies and verification measures including international safeguards, the NPT curbs inclinations countries may have in believing they need the bomb for safety. Thus, it advances the security of all the world's nations.

Unfortunately, the NPT was established with a limited life-span. The treaty provides that 25 years after its entrance into force, a conference of the parties will be convened to decide whether the NPT will remain in force indefinitely, for one fixed period of time or for a series of fixed periods. The treaty further provides that the decision on extension will be made by majority of parties to the treaty. The result will be legally binding for all parties, whatever vote they cast.

I believe it is beyond question that indefinite extension is essential. The NPT must be made permanent if we are to contain the terrible threat posed to all nations by the proliferation of nuclear weapons.

Anything short of indefinite extension would deal a major blow to the global nuclear nonproliferation regime because at the end of any specified extension period, the treaty could be undermined. The global norm prohibiting the further acquisition of nuclear weapons would thus be destroyed.

We must never allow such an outcome that would jeopardize the entire nuclear nonproliferation regime—so

painstakingly crafted over the past quarter century.

In the aftermath of the cold war, the decisions we make today about global security will dramatically affect the lives of generations to come. No decision is more important than the one the world faces next month on the future of the NPT.

Despite the critical need for making the NPT permanent, a number of countries are actively opposing indefinite extension. Most troubling to me are the strongly negative positions taken by Mexico and Egypt—two nations which have received so much support from the United States over the years.

Some of the countries opposing the U.S. position say that indefinite and unconditional extension of the NPT should be made contingent on the ratification of a comprehensive test ban treaty or an agreement to cap the amount of material available for nuclear explosives. Others seek universal membership in the NPT or a timetable for complete nuclear disarmament.

By holding the NPT's future hostage to such goals, these countries undermine the likelihood of the treaty's indefinite extension. What they do not seem to realize, ironically, is that in doing so they also jeopardize the very framework critical to the achievement of their own goals.

Indefinite extension of the NPT does not preclude adjustments to the nuclear nonproliferation regime. In fact, it would make permanent the climate of trust conducive to more restrictive controls over weapons-grade nuclear materials and related technologies and activities.

Given the narrow focus of the NPT conference next month, the only question treaty parties should ask is whether the world is a safer place with the treaty in force. I believe that the answer to that question is unambiguously ''yes''. Indefinite and unconditional extension is thus the only choice that makes sense.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I ask unanimous consent to include my name as a cosponsor of the amendment offered by my colleague and friend from Delaware, the chairman of the Governmental Affairs Committee, Senator ROTH, expressing the sense of the Senate on the future of the Treaty on the Non-Proliferation of Nuclear Weapons, better known as NPT, which entered into force on March 5, 1970.

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

Mr. GLENN. Mr. President, next month, representatives of the 173 members of the NPT will gather in New York to determine how long the treaty shall remain in force.

I support this amendment because I believe that the NPT, despite some shortcomings—and it has been far from perfect—still continues to advance U.S. national security interests and a peaceful world order.

Accordingly, I urge all my colleagues to join in a sense of the Senate in favor of an indefinite and unconditional extension of the NPT. The NPT has come under attack over the years for not having fully halted the global spread of nuclear weapons, particularly in the case of certain NPT parties, with Iraq, Iran, and North Korea being the most celebrated examples.

Some critics say the NPT gives too much emphasis on promoting peaceful uses of nuclear technology and not enough on its safeguards system. This argument has been directed specifically at the enforcement of the primary goal of safeguards; namely, the timely detection—timely detection—of the diversion of a significant quantity of special nuclear material for nuclear explosive uses. Simply put, the more countries come to engage in large-scale commercial uses of bomb-usable materials, the more likely it will be that some such materials will wind up in the hands of black marketeers or terrorists or nations bent on proliferation and getting their own nuclear weapons capability.

Other criticisms, particularly coming from certain developing countries, have alleged that the NPT focuses too much on preventing the global spread of nuclear weapons and not enough on promoting nuclear disarmament. Anti-NPT propagandists have condemned the treaty's alleged system of atomic apartheid and its hidden purpose of, as they say, disarming the unarmed.

Other critics have found fault with the treaty's easy exit clause, permitting a State to leave the treaty on 90 days' notice. The treaty does not define certain key terms like nuclear explosive device and manufacture. Nor does it prohibit exports of sensitive nuclear weapons-related technology.

Mr. President, I ask unanimous consent to insert in the RECORD at the end of my remarks an analysis prepared by Dr. Leonard Weiss, the staff director for the minority of the Committee on Governmental Affairs, which describes and assesses these and several additional criticisms of the NPT.

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

(See exhibit 1.)

Mr. GLENN. Mr. President, why should the United States press for an indefinite extension of such an imperfect treaty?

Rather than rebut all of the allegations made by the treaty's critics, or recount all of the many arguments used on behalf of the treaty by its proponents, I would like to summarize briefly my own views on why the NPT should be extended indefinitely.

First, to the ends. The world community needs a formal legal instrument to give form and substance to the international effort to reduce and eliminate nuclear weapons. Given its near-universal support in the world community, the NPT helps to delegitimize the further proliferation—and, ultimately, the possession—of nuclear weapons. It contributes to a global nonproliferation ethic that is invaluable to international security. Any short-term extension or extensions would only weaken the incentives of the nuclear-weapon states to expedite their nuclear disarmament activities. Such short-term extension options amount, in my opinion, to NPT confidence-reduction measures.

Now, as to the means. The NPT was never intended as a silver bullet, as something magic. Nobody expects the NPT to act as a panacea to the global nuclear weapons proliferation threat. The NPT works best when it is supported by complementary national policies of its parties. For example, the United States, the United Kingdom, France, Russia, and China have undertaken binding legal obligations that they will not in any way assist the proliferation of nuclear weapons. Each of these nuclear-weapon states must promulgate domestic laws and regulations to ensure this commitment is being upheld. At a time when each of these countries—including most particularly our own country—is experiencing great pressure to relax export controls under the false flag of economic competitiveness, now is not the time to abandon or weaken an obligation that serves to preserve responsible national systems of sanctions and export controls. Without the NPT, the world nuclear market would become a free-for-all—the new motto of the so-called post-cold war world order would soon become, ''Sell what you can while you can. At the same time prepare for the worst.''

As to fairness, the NPT involves reciprocal duties on the parts of the nuclear-weapon states and the non-nuclear-weapon states. The former have no choice. They must not assist other countries to get the bomb, they must negotiate in good faith to curb the nuclear arms race, pursue nuclear disarmament, and work toward a treaty on general and complete disarmament. The latter also have no choice: they must not acquire the bomb, they must agree to safeguards over the full scope of their activities involving nuclear material, and also pursue global disarmament objectives. Though these are very different types of obligations, it is not correct to condemn the treaty as simply discriminatory. I doubt that this treaty would have 173 parties, 173 nations all signed up, if those nations truly believed that this treaty was discriminatory. If the treaty—backed by strong national nonproliferation policies—helps to prevent the spread of nuclear weapons, all nations stand to gain the freedom from fear of regional or global nuclear wars.

Now what are our next steps? The NPT is not a quick fix. It must be supplemented by strong national leadership and international cooperation. Here are just a few suggestions of some

specific initiatives that are needed to complement the NPT regime.

No. 1. Increased efforts by all countries to integrate fundamental NPT obligations into domestic laws and regulations of all states party to the treaty. I have proposed legislation in our own country here and sent a bill, S. 102, that seeks to bring U.S. controls over exports of nuclear dual-use goods into line with U.S. obligations under the NPT and nuclear supplier guidelines. Now, I urge my colleagues to support this effort and to examine very closely the various pending proposals to reauthorize the Export Administration Act to ensure that these bills will advance rather than undercut our international nonproliferation commitments.

For those who may think my use of the term ''undercut'' is a bit harsh, I would encourage them to read a report prepared last year by the General Accounting Office at my request. The report is entitled ''Export Licensing Procedures for Dual-Use Items Need to be Strengthened.''

No. 2. Pursuit of an international moratorium, preferably a ban, on the commercial sale, production, or use of separated plutonium or highly enriched uranium. In other words, bomb-rich material. A partial ban on the production of such materials for weapons or outside of safeguards is—assuming for now that it would not amount to a license to produce such materials under safeguards—a useful first step but is by no means a substitute for this more important goal. We cannot for long sustain an international arrangement that smiles upon large-scale commercial uses of such materials in certain privileged states while frowning upon such activities elsewhere. In other words, we need consistency of our policy.

No. 3. Reaffirmation by the nuclear weapon states of their intention to live up to their obligation under article 6 of the NPT. In particular, we need rapid progress both on START II and on further reciprocal and verifiable cuts of strategic nuclear arsenals around the world, including those of France, the United Kingdom, and China. The nuclear-weapon states must devote less effort to attacking the basic goal of nuclear disarmament and more effort to exploring the means by which this objective can be achieved.

No. 4. Negotiation at the earliest possible date of a verifiable—underline verifiable—permanent comprehensive ban on the testing of nuclear explosive devices, with emphasis on those words ''verifiable,'' ''permanent,'' ''comprehensive,'' and ''ban.''

No. 5. Increased transparency both of the size and disposition of existing nuclear arsenals around the world, along with the size and disposition of existing stockpiles of weapons-usable nuclear material, including so-called civilian material. The ability of the United States to monitor the ultimate disposition of its own nuclear materials in international commerce is badly in need of improvement, as the GAO recently concluded in its report ''U.S. International Materials Tracking Capabilities are Limited.'' That report was prepared at my request, also. The longer such shortcomings are permitted to exist, the sooner the NPT will find itself in the position of the emperor with no clothes.

No. 6. Strengthen both the capabilities and finances of safeguards implemented under the NPT. The Nuclear Proliferation Prevention Act, enacted last year as title 8 of the foreign Relations Authorization Act for fiscal years 1994 and 1995, Public Law 103–236, contains a sense of the Congress urging 24 specific improvements in these safeguards. As the author of those provisions, I intend to monitor closely U.S. efforts to advance these much-needed reforms in the months ahead.

No. 7. Reaffirmation of the prevention, not management, of proliferation as the foremost goal of U.S. nonproliferation policy.

I see a great deal of attention being directed to implementing military responses to proliferation. The more I see of these efforts, however, the more convinced I become that the best defense against such weapons is to redouble our efforts to prevent their proliferation in the first place. One single attack using a biological or nuclear weapon could destroy virtually any city anywhere, regardless of the best of defenses. Stopping proliferation is somewhat analogous to fighting cancer: A few ounces of prevention will yield many kilograms of cure.

Mr. President, in conclusion, even if these and other proposals were to be implemented today and even if the NPT is finally extended indefinitely, we will still have to live with a global nuclear weapons proliferation threat. I would prefer to address this threat, however, having a permanent NPT and these supplementary measures in my diplomatic tool kit rather than not having them.

Accordingly, I hope that all my colleagues will join me in supporting the amendment of my distinguished colleague from Delaware on behalf of an indefinite extension of the NPT. Let us just get on with the business of nonproliferation.

Mr. President, one additional remark. If we did not have the NPT, I think we would have to invent it. This is a group of 173 nations that gradually, over a series of 5 years, since back in the early 1970's, has come together to say that they forswear the development of nuclear weapons in return for our cooperation in the peaceful uses of nuclear energy. We have supported that. We have been actively pursuing that.

I do not believe that we need any more of these 5-year period reviews. I would like to see this extended indefinitely, and that is what the U.S. policy is trying to do as the 173 nations meet at the U.N. in New York next month, and I hope that they pass this as an indefinite extension of the NPT to show we are truly serious about this matter.

Mr. President, I yield back the remainder of my time and yield the floor.

EXHIBIT 1

THE NUCLEAR NON-PROLIFERATION TREATY: STRENGTHS AND GAPS

(By Leonard Weiss)

I. INTRODUCTION

The evolution of a strong nonproliferation ethic in the world is, ultimately, the best stable long-term tool to prevent the spread of nuclear weapons. Such an ethic can stimulate, and is, in turn, stimulated by the creation of international institutions incorporating the notion of nonproliferation at their core. The Nuclear Non-Proliferation Treaty[1] (NPT), despite the confused philosophy of its provenance, has become such an institution and has demonstrated its value especially during the past few years. It remains, however, a flawed institution that requires considerable tending to, including constant efforts to obtain a consensus of its parties concerning evolving interpretations of its provisions in order to maintain its effectiveness as a nonproliferation tool, if not its survival altogether.

It should not come as a surprise that the Treaty is an imperfect nonproliferation instrument. It was created in response to nonproliferation concerns arising from burgeoning nuclear trade accelerated by a misguided atoms-for-peace policy, trade promoted aggressively by nuclear policymakers, technocrats, and diplomats whose visions of nuclear technology-generated prosperity obscured the very real national and international security problems being created. Those problems, when they emerged, seem to have been viewed as much in terms of the threat to future nuclear commerce as they were in terms of the threat of life. Accordingly, the Treaty was designed to endorse and encourage the spread of nuclear technology for peaceful purposes at the time it was to constrain, indeed prevent, the development and manufacture of nuclear weapons.

The incompatibility of these aims became apparent after the Treaty went into effect in 1970 as some nuclear suppliers, particularly Germany and France (one an NPT party and the other pledged at the time to act as an NPT party) prepared to export technology and equipment for production of fissionable material, albeit under safeguards administered by the International Atomic Energy Agency (IAEA), to countries that either were not NPT parties and were embarked on secret military programs to develop nuclear weapons (Pakistan and Brazil) or were NPT parties whose nonproliferation credentials were suspect at the time (South Korea).

What followed over the next few years, and is continuing today, was the development of other institutions outside NPT designed to patch the omissions, ambiguities, ill-conceived constraints and other flaws in the Treaty. Thus, we now have nuclear supplier agreements, bilateral agreements, national and multinational export controls, national technical means of surveillance and international intelligence links, and positive and negative security assurances to assist us in keeping genie in the bottle. These tools, along with the NPT and the associated IAEA safeguards system, are referred to, collectively, as the nuclear nonproliferation regime, a regime that is still evolving in the direction of greater effectiveness, but is not yet at the point where any of the nuclear weapon states would be prepared to put their nuclear arsenals aside with confidence.

Footnotes at end of article.

Why is this so, and why has it been necessary to create all these auxiliary tools to combat proliferation? What have we learned over the past 25 years that, had we known it in the 1960s, would have enabled us to construct a better NPT and a better safeguards system? And, in the end, does it matter, i.e., would a stronger NPT enable us to rely for our security on this institution?

II. A REVIEW OF THE MAJOR ELEMENTS OF THE TREATY

A. Articles I and II

Article I mandates that each nuclear-weapon-State Party to the Treaty may not transfer to any recipient nuclear weapons explosive devices or control over such weapons or explosive devices directly or indirectly; and may not in any way assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or to obtain control over such weapons or explosive devices. Article II prohibits non-nuclear-weapon-States from receiving those things which weapon-States are prohibited in Article I from giving, and are specifically prohibited from manufacturing or otherwise acquiring nuclear explosive devices.

The first problem with Articles I and II is that it is unclear what constitutes ''assistance'', ''encouragement'', or ''inducement'' to a non-nuclear-weapon-State; the second problem is that it is unclear what constitutes ''manufacture'' of a device; the third problem is that it is unclear what constitutes a nuclear device because there is no consensus on the definition of a nuclear explosion; and the fourth problem is that there is no prohibition on a non-weapon-State assisting another non-nuclear-weapon-State to acquire nuclear weapons.

George Bunn and Roland Timerbaev, who were among the negotiators of the text of the NPT, have written on the question of what constitutes ''manufacture''[2], and quote the testimony of the Chief of the American delegation, William C. Foster, before the Senate Foreign Relations Committee. Foster said that ''the construction of an experimental or prototype nuclear explosive device would not be covered by the term 'manufacture' as would be the production of components which could only have relevance to a nuclear explosive device''. He also made reference to ''activities'' by a non-weapon-State that would ''tend'' to put the Party in noncompliance of Article II if the purpose of those activities was the acquisition of a nuclear explosive device.[3]

In order to allay concerns about how one would determine the purpose of certain fuel cycle activities that could be peaceful or weapons-related, Foster added that: ''Neither Uranium enrichment nor the stockpiling of fissionable material in connection with a peaceful program would violate Article II so long as those activities were safeguarded.'' The reference to safeguards in his statement is immaterial, because if a program is, indeed, peaceful, then there is no violation of Article II even if the activity is unsafeguarded. (In that case, the Party would be in noncompliance with Article III, but that is another matter). This points up a problem that runs throughout the NPT—lack of definitive interpretation. Bunn/Timmerbaev write that the Foster criteria for manufacture have generally been accepted as authoritative interpretations by historians of the NPT negotiations, but whether all current Parties to the NPT would agree with those interpretations is unclear. It is important to note that until the Iraq situation arose, there was no indication that many of the Parties to the NPT viewed the International Atomic Energy Agency as an appropriate verification instrument to ensure that non-nuclear weaponization activities weren't being carried out. Indeed, there were debates in the past as to whether IAEA inspectors were obligated to report any untoward activities they observed (e.g., noting the presence of bomb components such as machined hemispherical metal shells somewhere on the premises) that were unrelated to the negotiated safeguards agreement.

However, the Iraq situation and the South African decision to abandon its nuclear weapons program has allowed the IAEA to put its toe in the water on non-nuclear weaponization activities. In the case of Iraq, the agency has been provided information by the U.N. Special Commission (UNSCOM) regarding the Iraqi program and in the case of South Africa, the IAEA was invited to examine with full transparency the scope, nature, and facilities of the weapon program after dismantlement. This included some non-nuclear weapon components. This coupled with the acceptance by the NPT members of the IAEA's ability to do ''special inspections'' in the wake of the Gulf War is a start toward significant reform.

By contrast, one may also note that the U.S./North Korea Framework Agreement makes no mention of any non nuclear weaponization activities or the disposition of any weapon components that North Korea may have manufactured, and the IAEA considers North Korea not in compliance with its safeguards obligations because of its failure to allow inspection of two nuclear waste sites. Ostensibly, if North Korea were to allow these inspections and the result were to show that all the plutonium in North Korea can be accounted for, North Korea would then be considered by the IAEA an NPT Party in good standing since there are not other allegations officially pending regarding its NPT commitments.

Since the existence of a North Korean nuclear weapons program in an assumption shared by most observers of the scene, it is hard to believe that some weapon components have not been manufactured by North Korea. However, it appears that the IAEA will ignore this possible violation of the NPT, at least for the time being, until it can account for all the nuclear material in North Korea.

Another issue concerning manufacture is that of R & D, particularly design information. Japan, in 1975, submitted a paper to the Geneva Disarmament Conference arguing that the NPT does not explicitly prohibit weapons-oriented R & D short of actual production of nuclear explosive devices.[4] In rebuttal, much has been made of a statement made by the drafters during the NPT negotiations that receipt by a non-weapon-State of ''information on design'' of nuclear explosives is barred by virtue of the probibition on assistance in the ''manufacture'' of such explosives[5]; however, it is unclear whether this can be extended to prohibit a non-weapon-State from doing its own design without external assistance.

It is a stretch to argue that the Foster criteria barred such activity based on an assumption that the only purpose of design is to acquire a nuclear explosive device. Some years ago, Los Alamos asked some recently hired young physicists with no weapons background to design a weapon based on the open literature to see if it could be done and thereby to gauge the possible extent of proliferation by this route. The purpose of the activity was not to manufacture nuclear weapons. The Treaty's vague language on ''manufacture'', unless appropriately interpreted, would appear to allow anyone to design weapons using the Los Alamos experiment and rationale without violating the Treaty.

Once again, however, even if the Treaty were to be air tight on this issue, verification of compliance would be virtually impossible.

It is evident the Foster criteria do not settle the question of what constitutes ''manufacturing''. The criteria also don't settle some other important questions that arise from consideration of the safeguards regime. Such consideration will also reflect on the question of what constitutes direct or indirect assistance or encouragement to manufacture or otherwise acquire nuclear weapons which are discussed in a later section.

B. Article III

Article III has four parts. Article III.1 begins by requiring Non-weapon-State Parties to accept safeguards, ''as set forth in an agreement to be negotiated and concluded'' with the IAEA in accordance with the IAEA's statute and safeguards system, ''for the exclusive purpose of verification of the Parties' NPT obligations with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons''.

The remainder of Article III.1 states that safeguards procedures shall be followed with respect to all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction, or carried out under its control anywhere.

Note that while there is nothing in this language explicitly referring to the effectiveness of safeguards, effectiveness is to be inferred from the context. That is because the Treaty cannot be an effective non-proliferation instrument if it allows equipment, material, and technology that could be used for nuclear explosive purposes to be transferred with ineffective safeguards attached. Unfortunately, this point was not explicitly addressed by the drafters, and the question of the relationship of trade to effectiveness of safeguards (as opposed to the mere attachment of safeguards) has accordingly become a contentious issue.

In their deconstruction of the language of Article III.1, Bunn/Timerbaev argued that Article III.1 authorizes the IAEA to verify that non-nuclear components for nuclear weapons are not being manufactured.[6] It would not be a difficult case to make if the Article did not contain so much emphasis in connecting safeguards to nuclear materials rather than equipment (either nuclear or non-nuclear). As a result, Bunn and Timerbaev lean part of their argument on an interpretation of the phrase stating the purpose of safeguards as ''verification of the fulfillment of (the State's) obligations assumed under this Treaty with a view to preventing diversion of nuclear energy * * *'' Bunn and Timerbaev connect the clause ''with a view to preventing diversion * * *'' to the State's obligations under the Treaty not to manufacture weapons, but an equally if not more plausible interpretation is that the antecedent of this clause is safeguards, and that the clause has been added to provide focus as to how safeguards relate in a practical way to the State's NPT obligations. (Indeed, under the Bunn/Timerbaev interpretation, Article III.1 would put States under an NPT obligation to establish effective physical security over nuclear materials. That it does not was recognized and remedied by the voluntary (!) Physical Security Convention developed by the IAEA and adopted by many (NPT and non-NPT) countries with nuclear programs).

This is not to say that a case can't be made for safeguards applying to non-nuclear weaponization activities, and Bunn/Timerbaev have made the best case possible. It is just that the emphasis in Article III on material safeguards along with the history

of safeguard negotiations and agreements provide no confidence that a majority of members of the IAEA that are State Parties to the NPT share this broad view of safeguards. Taking the broadest view of the stated purpose of safeguards as ''verification of the fulfillment of a (Non-weapon-State's) obligations'' under the NPT could arguably subject to inspection the agreements and arrangements by which non-weapon-States allow weapon-States to place nuclear weapons on their territory (Inspections of the agreements could ensure that there were no protocols under which transfer of authority or control over the weapons could take place). Whether the weapon-States would agree to have the IAEA inspectors examine these arrangements is, one suspects, more than problematical.

Article III.2

This Article provides that suppliers Party to the Treaty shall not provide nuclear materials or equipment for processing, use or production of such materials to a non-weapon-State unless safeguards are attached. Over a period of years, it became apparent that a more detailed and finer screen for nuclear transfers than this had to be devised in order to ensure uniformity of compliance by suppliers. The result was the so-called ''Zangger'' list of nuclear items to which safeguards must be attached, and, more recently, a list of dual-use items requiring safeguards as well. In addition, the Nuclear Suppliers Group (NSG) has identified nuclear export items requiring consideration of ''restraint'' and ''consultation'' before the item is sent.[7]

Article III.3

This Article is designed to ensure that safeguards arrangements will not intrude on the ability of non-weapon-States to obtain assistance for or otherwise develop their nuclear energy activities. It references Article IV which has been the basis for many complaints over the years regarding the policies of the suppliers, particularly the U.S. Article III.3 reflects the mindset of the nuclear establishments and the non-weapon-States at the time of the drafting of the Treaty, which was that the Treaty was also to be an instrument for facilitating international nuclear commerce. This mindset resulted in a safeguards system that was designed more for its nonintrusiveness than for its effectiveness. This is still a problem despite the improvements in the wake of the Gulf War.

Article III.4

Provides for a timetable by which States Party to the Treaty must enter into appropriate safeguards arrangements. This timetable has not been met many times in the past, but the most egregious example was that of North Korea, which took six years to enter into a safeguards agreement with the IAEA. No sanction was imposed on North Korea or other violators of this provision.

The Safeguards System of the IAEA

The IAEA was established in 1957 in the wake of the U.S. Atoms-for-Peace initiative and began operating an inspection program in the early 60's designed to detect diversions of significant quantities of nuclear material. The NPT expanded the scope of the agency's work significantly, and in response, the IAEA developed a model safeguards agreement for NPT Parties contained in the document INFCIRC/153.

In this document, the IAEA states that the goal of safeguards is the prevention of proliferation by ''the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other explosive devices or for purposes unknown, and the deterrence of such diversion by the risk of detection''.

This was adopted in 1970 at a meeting of the so-called Committee of the Whole which deliberated for 11 months before the text of INFCIRC/153 was approved. Mr. Rudolph Rometsch was the head of the IAEA's Department of Safeguards at the time, and he was recently quoted in an interview saying that the 1970 Committee meeting led to ''a sort of dogma for field work—if not to a taboo. It was a question whether inspection should be designed also to detect undeclared facilities. The conclusion was clear at the time: looking for clandestine activities was out of the question and the inspection system was designed accordingly''[8].

Thus, inspectors paid attention only to activities or structures within defined strategic points, and were discouraged from asking questions about anything else lest they become persona-non-grata with the State (which had the right to refuse an inspector) and perhaps ultimately at IAEA headquarters.

INFCIRC/153, in addition to laying out the obligation on the part of the State to have safeguards apply to all its peaceful nuclear activities (so-called ''full scope safeguards''), also stresses the importance of protecting industrial and commercial secrets, not interfering in peaceful nuclear activities, and not hampering economic and technological development in the safeguarded state. This is in keeping with the Agency's dual role. Its charter makes it a promoter of nuclear energy at the same time it is to verify that no diversions have taken place.

As a result, much negotiation follows the signing of the main Safeguards Agreement between the IAEA and the State to be inspected. The main agreement is followed (ostensibly within 90 days) by Subsidiary Arrangements that specify what the Agency and the State have to do in order for safeguards to be applied. Nuclear installations must be listed, and requirements for reporting to the Agency are specified in negotiated detail. These subsidiary arrangements are not published.

The most specific safeguards documents are the facility attachments to the Subsidiary Arrangements. These state exactly what will be done at each facility containing nuclear material, and lay out the ''Material Balance Areas'' the Agency will establish for accounting purposes. The flow of nuclear material across these areas must be reported to the Agency. The facility attachments also specify the points at which measurements can be taken or samples withdrawn, the installation of cameras, the access to be afforded to inspectors, the records to be kept, and the anticipated frequency of inspections. These negotiated arrangements are also not published.[9]

Some years ago, the Agency developed internally a set of technical objectives that provide a guideline for determining the level of inspection and reporting that would ensure that, at least for declared facilities in an NPT State, the goal of timely detection by any diversion of a significant quantity of nuclear materials would be met. Concern by inspected States about intrusiveness has resulted in negotiated safeguards agreements that do not come close to meeting these technical objectives, and therefore cannot be said to be producing effective safeguards by any objective criterion. Inspected States have also leaned on the Agency to not even exercise its full rights under the Agreements. In some cases, the Agency itself refrains from exercising its full rights in order to conserve resources.

This is a basic problem in that the IAEA's safeguards agreements do not provide for the agency to inspect any location—declared or undeclared—at any time (outside of regularly scheduled routine inspections) without some evidence that the site should be subject to inspection. Nor do the agreements provide for IAEA inspectors to verify use of any material formally exempted from safeguards. Thus, when inspectors doing a routine inspection in Iraq before the war were asked about buildings adjacent to an Iraqi reactor, they were told it was used for nonnuclear research. Since they were undeclared sites and IAEA had no evidence of suspect activity, the agency had no basis to inspect the building, which, as it turned out, contained a radiochemical laboratory used for research on plutonium separation.

Furthermore, the safeguards agreements ensure that there is no such thing as a surprise inspection, even though, in principle, IAEA has the right to make ''unannounced'' or short-notice inspections. Routine inspections must provide the state with at least 24 hours notice, and IAEA must advise the State periodically of its general program of announced and unannounced inspections, specifying the general period when inspections are foreseen. Hence, States generally know when and where inspections will occur, and in any case, have control over the timing of admission of inspectors to the country and to the facility.

The Gulf War has produced a situation where the IAEA has successfully used its authority to conduct special inspections in Iraq backed up by U.N. authority, and has received voluntary offers from a number of states to allow such inspections of declared or undeclared facilities. One of those states was North Korea, which afterward withdrew its offer after the agency demanded to inspect two sites the North Koreans didn't want inspected. Those sites will be inspected at some time in the future (at least 5 years) under the U.S./North Korea framework agreement, which has the unfortunate effect of leaving the agency holding the bag despite its claims of access.

The IAEA has also not resolved the problem that it cannot verify the peaceful use of nuclear materials exempted by the agency from inspection. Such materials may involve (1) special fissionable material in gram quantities used for instrumentation; (2) nuclear material for production of alloys or ceramics in non-nuclear applications; (3) plutonium (Pu) of a certain isotope concentration (e.g., high in Pu–238); or (4) limited quantities ranging from 1kgm of Pu to 20 tons of depleted uranium. Iraq used an exemption for a spent fuel assembly to conduct research on separating plutonium without informing the agency. The agency had no authority to routinely verify what Iraq said it was doing with the spent fuel assembly.

It should be emphasized that the IAEA's problems are not only with the Iraqs of the world. It has problems with many states who are not suspected of weapons development. As Lawrence Scheinman has pointed out; ''Over the past twenty years, the Agency has experienced restraints on its right of access, on the intensity and frequency of inspection efforts, and even on the extent to which it could exercise its discretionary judgment in planning, scheduling, and conducting inspection''[10].

To this should be added that the Agency's technical objectives are themselves unrealistic because they are based on ''significant quantities'' of fissionable material that are at least twice as large as the amounts that a non-weapon-State might need to construct its first nuclear explosive device.

Why doesn't the IAEA lower the amount it considers a ''significant quantity''? Because inspections would then have to be more frequent and more intrusive, and the agency

currently has neither the financial nor the political support to make this move.

Raising the financial question exposes the agency's ''dirty little secret''. Because safeguards are supposed to be applied nondiscriminatively, much of the Agency's safeguards budget goes to safeguards in Germany, Japan, and Canada, while the largest current proliferation concerns are elsewhere. The agency, which has been on a zero-growth budget for the better part of a decade, attempts to address its budget problems by slacking off on some inspections of facilities it considers not of proliferation concern. But in so doing it converts its nondiscriminatory character to the status of myth and risks internal political turmoil. It cannot help this because the cost of safeguarding bulk-handling nuclear facilities such as enrichment, reprocessing, or fuel fabrication plants is enormous, requiring, in most cases, on-site location of inspectors and much better instrumentation and measurements. While the IAEA has only been required to safeguard small reprocessing plants thus far, the ability of the agency to safeguard effectively (leaving aside the expense) a commercial scale reprocessing plant, such as the one being built at Rokkasho in Japan, has been called into question by many people over the years. A very interesting analysis done by Marvin Miller[11] for the Nuclear Control Institute shows that, for a reprocessing plant with an 800 tonne/yr. capacity and an average plutonium content of 0.9%, with a (±1)% uncertainty in the input measurement of plutonium (and assuming this dominates the error in measuring MUF); and with a material balance calculation done once a year, the absolute value of the MUF variance (i.e., the error in measuring MUF) will be 72 kgm/yr. In that case, the minimum amount of diverted plutonium that could be distinguished form this measurement ''noise'' with detection and false alarm probabilities of 95% and 5% respectively is 246 kgm or more than 30 significant quantities.

No other conclusion is admissible than that ''timely detection'' of plutonium diversion from a reprocessing plant is an oxymoron. This problem was recognized during consideration of the Nuclear Non-Proliferation Act (NNPA) of 1978 where the concept of ''timely detection'' of a diversion was translated into the concept of ''timely warning'' of weapons development or construction. The intent of the authors was that, from a technical point of view, timely warning was unavailable in the case of plutonium diversion if it is assumed that the non-nuclear elements of the bomb have been constructed or assembled a priori. The NNPA provided that the President could still allow U.S.-origin spent fuel to be reprocessed in a foreign country if political factors make the risk of proliferation sufficiently low even though ''timely warning'' of weapons construction would not be available to the United States. Not wanting to admit that reprocessing, especially commercial scale reprocessing, was a dangerous, not effectively safeguardable, activity, Reagan Administration officials boldly and falsely interpreted the NNPA language as incorporating political factors into the definition of timely warning, thereby depriving the concept of any objective meaning. (See [12] for a full discussion of the history of the ''timely warning'' criterion in the NNPA).

In like manner, the IAEA insists that bulk-handling facilities can be effectively safeguarded, but Miller's analysis shows that this is not the case, and if the definition of a ''significant quantity'' of plutonium were to be changed (i.e., the amount lowered), the inability to do ''timely detection'' would become still worse.

The response to these practical problems from within the agency has been dismaying. Some have advocated lowering the technical objectives, i.e., moving the goalposts so that effectiveness of safeguards couldn't be so easily challenged.

To be sure, the agency has been chastened by its Iraq experience, and is currently crafting a new safeguard approach that aims to detect tiny amounts of fissile material through environmental monitoring techniques such as wall swabs and water samples. This will undoubtedly raise the cost of safeguards and it remains to be seen how well these proposals will be received by the members of the IAEA and the signatories of the NPT.

Back in 1981, when the Reagan Administration was formulating its non-proliferation policy, the Department of Defense, in an interagency memo, expressed concern about the IAEA's ''susceptibility to Third World * * * politics, its lack of an intelligence capability and the limits of its scope and jurisdiction''. While some of this complaint is being addressed in the wake of the Gulf War (the IAEA is considering how to use intelligence information brought to it by member States), the Pentagon's 1981 warning ''against undue reliance on the IAEA by those responsible for national security'' within the U.S. government has as much resonance today as in 1981 and will continue especially for as long as production of fissile materials continues.

C. Article IV

This article incorporates, in paragraph 2, one aspect of ''the NPT bargain'' in which non-weapon-States Party to the Treaty, in return for their adherence, ''have the right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful use of nuclear energy''. The same paragraph also calls on parties of the Treaty to cooperate in contributing ''to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world''.

In past years, the major complaints about the NPT by non-weapon-States have centered on this Article. these complaints range from a generic one that the technologically advanced States have not provided technical assistance or have not sufficiently shared their nuclear know-how with others, to specific complaints that the Nuclear Suppliers Group, and especially the United States, in seeking to control nuclear and dual-use exports or to exercise consent rights in nuclear agreements, are engaged in willful and systematic violation of Article IV.

There are a number of things to say about this. First, Article IV does not modify the requirements of Articles I and II not to assist or receive assistance respectively in the manufacture of nuclear explosive devices. Second, as indicated earlier, verification of NPT obligations under Article III ''with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons'', cannot be effectively carried out at this time for enrichment and reprocessing facilities under the safeguards system that is the instrument for the implementation of Article III.

Accordingly, the transfer of facilities, equipment, or technology to a non-weapon-State for the production of highly enriched uranium or plutonium should be interpreted as not in keeping with Article III's implicit qualification that effective safeguards must be applied to all peaceful nuclear activities. Otherwise, nuclear-weapon-States making such transfers could find themselves in violation of Article I, and the NPT would become an instrument for proliferation.

Indeed, it is apparent that some States—Iraq, Libya among them—signed the NPT because they saw Article IV as a possible route to obtaining nuclear weapons-related technology and equipment.

To date, there has been no formal resolution of the argument over Article IV, but one can interpret the Nuclear Suppliers Agreement to exercise restraint in nuclear trade involving export of reprocessing or enrichment technology as recognition that Article IV should not be interpreted as liberally as it appears to read. Unfortunately, the potential recipients of such trade do not accept this tightened interpretation, and were it not for the fact that the economics of the back end of the fuel cycle have become so egregious, the argument might well be as loud today as it was in 1977 when the Carter Administration began moving away from the earlier policy of relatively unrestricted nuclear trade.

It is ironic that the Carter Administration and the U.S. Congress were roundly denounced in 1978 for requiring, in the NNPA, that Full Scope Safeguards be a nuclear export criterion. With few exceptions, the nuclear suppliers refused to go along despite the inferral that their opposition meant they put export profits above support for the NPT. Eventually all came around and adopted the criterion themselves, but it took the Gulf War to do it.

Finally, it is unfortunate, if understandable, that Article IV is so fixated on nuclear technology cooperation. Assuming the need for tangible incentives to produce NPT signatories in the first place a much better NPT would have resulted if Article IV had made cooperation in every development (not just nuclear) the quid pro quo for an NPT signature. That way, the fight over Article IV might have been avoided, and it would have made the phrase ''with due consideration for the *needs* (emphasis added) of the developing'' world more trenchant.

D. Article VI

Article VI expresses the second part of the ''NPT bargain'' (Article IV expresses the first part). In this Article, ''each of the Parties to the Treaty (especially including the weapon-States)'' undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament under strict and effective international control''.

Let us begin by noting that, at least in quantitative terms, the nuclear arms race, as usually defined, that included the U.S., the Former Soviet Union, Great Britain, and France is over. None of these countries is increasing their stockpile of nuclear arms (that may also be true of China, but evidence is not forthcoming). If one defines the nuclear arms race as including weapons modernization, even if the numbers aren't going up, then the race may not yet be over. It is to this issue that a Comprehensive Test Ban Treaty (CTBT) is most relevant, not to mention the fact that a CTBT is referenced in the Preamble to the NPT. Without testing, radical new designs of nuclear weapons are problematical, although simulation codes are now very highly advanced. Therefore, the insistence by some non-weapon-State Parties of the NPT that a CTBT be a short-term goal of the NPT weapon states to fulfill part of their Article VI responsibilities is not unreasonable. A CTBT would have other non-proliferation benefits in that it would raise the political barriers to overt testing by nuclear states not Party to the NPT. Thus, the NPT is playing a useful role by providing a forum

and a rationale for those countries interested in having a CTBT to push the weapon-States, particularly the U.S., into a serious negotiation to formalize the current moratorium. Some members of the Treaty are taking the position that they will refuse to vote for indefinite extension unless and until further progress is made toward nuclear disarmament. Despite this threat, it is hard to escape the conclusion that if the Cold War hadn't ended, the prospect of a CTBT being completed in the near future, let alone substantial progress toward nuclear disarmament, would be poor despite the pressure on the weapon-States stemming from their desire for an indefinite extension of the NPT when the decision comes up at the 25-year Review Conference in April, 1995.

But the Cold War is over, and the U.S. now finds itself in the ironic position of possibly being outvoted on the extension issue by a group of countries who want progress in nuclear disarmament, perhaps don't mind at the same time discomfiting the weapon-States, and perhaps also enjoy the fact that many of them were asked by the U.S. to sign the NPT during the 80s despite their having no nuclear energy program or prospects whatsoever.

Could the NPT unravel over this issue? Hardly. There is no serious current prospect of any NPT Party leaving the Treaty or organizing a movement to terminate the Treaty. A majority vote to recess the Review Conference for one or more years while a CTBT is negotiated is possible. A limited extension of the Treaty is also a possibility, in accordance with the language of Article X (discussed in the next section). This limited extension (which could be for a very long time) could be divided into shorter periods with votes scheduled at the end of each such period to determine whether the Treaty should be extended into the succeeding period. It is conceivable that the start of each such period of extension could be made contingent on some requirement for a certain degree of disarmament by the weapon-States.[13]

The linkage of the extension vote to specific progress toward nuclear disarmament is believed by some to be a risky strategy. The latter is based on the threat of lowering political barriers to proliferation if the weapon-States don't take their obligations under Article VI more seriously, and there is no doubt that the weapon-States do not wish to see those barriers lowered. However, it can be argued that an indefinite extension provides confidence that allows the weapon-States to continue reducing their weapons stockpile, while a limited extension designed to push the weapons-States into faster progress could, if other political factors make accelerated progress impossible, have the perverse effect of putting a ceiling on progress precisely because of the fear that the Treaty might end and new nuclear powers might then emerge.

As of this writing (November, 1994), the U.S. does not have the votes to prevail on extending the Treaty indefinitely. It appears likely that, in the absence of some new factor in the debate, the Review Conference will either be recessed pending completion of CTBT negotiations or will vote for a long-term, but not indefinite, extension with periodic reviews of progress toward disarmament.

E. Article VIII

This Article lays out the procedures for amending the Treaty. For a proposed amendment to be adopted, the text must first be submitted to the Depositary Governments (U.S., U.K., Russia) for circulation to all Parties to the Treaty. Then, if requested by at least one third of the Parties to the Treaty, a conference is convened to consider the amendment. Adoption occurs only if the amendment is approved by:

1. A majority of the Parties to the Treaty.
2. All nuclear weapon-States Party to the Treaty.
3. All Parties who, on the date of circulation of the proposed amendment, are members of the Board of Governors of the IAEA.

The amendment then goes into force for those Parties that have ratified it when a majority of the Parties to the Treaty have filed their instrument of ratification. Thus, approved amendments to the Treaty apply only to those Parties who wish to have them apply and have so indicated via ratification.

The remainder of this Article provides for the five-year Review Conferences that have taken place since 1970.

F. Article X

This next-to-last Article of the NPT provides that after giving three months notice and an explanation, each Party has the ''right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interests of its country''.

The Article also provides for the 25th year Review Conference to decide, by majority vote, whether the Treaty shall be extended indefinitely or for an additional fixed period or periods. As pointed out in a recent paper by Bunn, Van Doren, and Fischer[14], this language would allow for the NPT to be extended for an indefinite number of fixed periods unless a majority vote taken at the end of some fixed period were to terminate the Treaty.

It was the first paragraph of Article X that Saddam Hussein would have employed to leave the NPT after putting into place the infrastructure to build nuclear weapons. Since there is no presumption in the Article of sanctions for leaving the Treaty, the only real protection against the use of the treaty to gain technology, equipment, and materials that could be useful for weapons is to impose a set of multilateral (and unilateral) export controls on appropriate items with sanctions for violations of those controls. This, of course, files in the face of the philosophy of laissez-faire technology transfer embodied in Article IV, but is necessary if the nonproliferation regime is to be worthy of its name.

III. CONCLUSIONS AND RECOMMENDATIONS

A. Strengthening the safeguards system

We have already discussed the deficiencies of the system in conjunction with the discussion of Article III. To remedy those deficiencies would require the following (nonexhaustive) changes to the system:

1. The IAEA must require more transparency in the nuclear activities of its members. Among other things this should include a complete list of sensitive or dual-use items requiring export controls, and registry of trade in such items. This list should contain the union of those items brought to the table by IAEA members and not the intersection; and should cover all sensitive technologies, whether obsolete, current, or advanced.

2. The IAEA must have access to intelligence information obtained through national technical means concerning sites that may require inspection, and must have an unequivocal right to inspect such sites at short notice.

3. Safeguards should apply to nuclear plants and equipment as well as materials. INFCIRC/153 safeguards which apply to the entire fuel cycle of a non-weapon-State Party to the NPT, should be combined with the INFCIRC/66 safeguards, which address plants and equipment as well as material for non-NPT Parties. Any nuclear facility, whether it contains material or not should be subject to inspection on short notice.

4. Safeguards should also apply to uranium concentrates such as U_3O_8, not just to UO_2, and to nuclear wastes containing fissionable material.

5. A definition of effective safeguards should be adopted based on agreed measures of performance embodying appropriate technical objectives. That is the agency must be able to say that with a specified (high) degree of probability and a specified (low) false alarm rate, the diversion of a significant quantity of specified nuclear material will be detected withing a specified amount of time (depending on the material) which is well in advance of the time needed by the diverter to convert the material into a nuclear explosive device, assuming that all non-nuclear weapon-related activities have been carried out.

6. The amount of nuclear material in a ''significant quantity'' should be reduced by at least a factor of 2 in the case of both uranium and plutonium.

7. All States with safeguarded nuclear activities should be required to post a bond with the IAEA based on that State's GDP and the size and sensitivity of its nuclear program. Safeguards violations and other violations of IAEA regulations and NPT commitments, as well as a decision to leave the NPT should result in forfeiture of part or all of the bond.

8. Safeguards should be imposed on non-nuclear materials useful in manufacturing weapons such as Tritium, Lithium-6, and Beryllium.

9. Safeguards should be established over nuclear research and development activities and facilities.

10. The annual Safeguards Implementation Report of the Agency should be a public docment.

B. Interpreting the NPT to strengthen the regime

The NPT, being a document negotiated among many people from different nations and with different political objectives and constraints, is inevitably a document of compromises, laced with imprecise language, nuanced meaning, and cognitively dissonant passages. Depending on how the Treaty is interpreted, it is either, as claimed, the core of the world's non-proliferation regime, or it is a tool for proliferants to hide their ambitions and legitimize their activities.

There are at least two main areas where the non-proliferation regime can be strengthened via an interpretation of the language of the NPT. The first involves the language of Article I requiring that each weapon-State NPT Party not in any way to assist a non-nuclear weapon-State to manufacture nuclear explosive devices.

As Eldon Greenberg[15] has pointed out, the negotiating history of the NPT does not permit one to conclude that simply because safeguards are applied to a nuclear transfer, then the transfer is legitimate. (Transfer of the components of an explosive device is prohibited even if safeguards are attached.) Moreover, the very real possibility that an NPT Party may be a proliferator in disguise makes it incumbent upon suppliers to make judgments about the ultimate use of exported technology and equipment. Such judgments could take into account the economic and technical need for the exported items.

Accordingly, it is at least arguable that the transfer of reprocessing equipment or technology to a non-weapon-State, because

such technology cannot be effectively safeguarded and exhibits no compelling economic need anywhere in the world, constitutes prohibited assistance under Article I.

Article I's language prohibiting indirect assistance by a weapon-State may also be interpreted as prohibiting nuclear assistance of any kind by weapon-States to non-weapon-States not party to the NPT, on the grounds that such assistance releases resources by those States that may be used in unsafeguarded nuclear programs—perhaps devoted in part to weapons development.

C. Some flaws in the treaty that ought to be fixed

1. The NPT does not forbid a non-weapon-State from possessing nuclear weapons. (It forbids the acquisition, but in theory a country which weapons could sign the NPT as a non-weapon-State and not give up weapons already made).

2. There is nothing in the Treaty that prohibits a non-weapon-State Party to the Treaty from assisting another non-weapon-State to manufacture or otherwise acquire the bomb.

3. The treaty should be clarified to ensure no challenge to the notion that safeguards includes the ability to search for non-nuclear activities relevant to bomb-making, including R&D. To ensure that this doesn't convert the IAEA into a university on weapons design, only inspectors from current or former weapon-States should be involved in this activity.

4. The Treaty does not require the IAEA to verify the obligation of a non-weapon-State not to receive assistance in the manufacture or acquisition of nuclear weapons.

5. The Treaty does not require the IAEA to verify that exports of nuclear hardware by NPT suppliers to non-weapon-States are carrying safeguards.

6. The Treaty does not define the point at which one can say that construction of a nuclear explosive device has begun. The Foster criterion relating ''manufacture'' to construction of a component having relevance only to a nuclear explosive device could constitute such a definition. In that case, activities involving machines capable of creating such components could become subject to special inspections.

7. The Treaty does not prohibit a non-weapon-State from using nuclear energy for military purposes but is unclear as to permitted ''military uses'' that are exempt from safeguards. In his recent book, David Fischer[16] posed questions as to whether a non-weapon-State could build a reactor, claim it is the prototype of a naval reactor and thereby exempt its fuel from safeguards. Likewise a State could withhold material from safeguards upon becoming an NPT Party by claiming (to itself—it has no obligation to inform the IAEA) that the material is for a permitted military purpose. Finally, the Treaty appears to allow a ''military'' enrichment plant whose output is only for naval reactors to be unsafeguarded, and the Treaty appears to allow unsafeguarded nuclear exports for permitted military use.

8. The Treaty's language in Article III.3 has been used to support arguments against making safeguards more intrusive. The Treaty should state as a principle that whenever a conflict occurs between effective safeguards application and compliance with Article IV, resolution in favor of effective safeguards shall govern.

9. The Treaty does not embargo transfers of sensitive equipment, materials or technology—but it should whenever effective safeguards do not apply.

10. The Treaty does not provide for sanctions for violators or for withdrawal from the Treaty.

11. The Treaty is difficult to amend, but worse than that, only those parties ratifying the amendment are subject to it.

12. The Treaty does not preclude possession and stockpiling of plutonium or highly enriched uranium by a non-weapon-State, regardless of economic or technical justification or the effectiveness of safeguards.

13. The Treaty does not preclude nuclear trade with States not Party to the NPT.

14. The Treaty's provision on withdrawal does not provide for any disposition of nuclear assets or payment for nuclear assistance received by the withdrawing State by virtue of its NPT membership.

D. What should be our level of reliance on the NPT as a security measure?

As stated at the outset, there is no question that the NPT has been a valuable institution. It has helped create a non-proliferation ethic that has raised the political barriers, at least in democratic States, to overt proliferation. It has played a useful role as an anchor or central element in all the discussions about security with the Newly Independent States and other States in Eastern Europe. It provided an outlet for U.S./Soviet cooperation during the days of the Cold War that made it more difficult for each side to demonize the other and thereby lowered the risk of war. It has provided an outlet for countries desiring to play a role on the world stage in disarmament to do so without becoming weapon-States themselves. It provided a way for South Africa to give up its weapons program with a minimum of lingering doubt and suspicion because of IAEA verification, and it provided a basis for dealing with the North Korean weapons program.

On the other hand, the NPT has also has been a convenient political cover for countries known to be interested in acquiring nuclear weapons, played no essential role in turning around the past South Korean and Taiwanese clandestine weapons programs, did not produce an appropriate response to Iraq's weapons program until after Saddam Hussein invaded Kuwait and was militarily defeated, and provides no restraint on the stockpiling of weapons materials by any State as long as they are under safeguards.

Since many of its adherents joined because of the promise of technical assistance and technology transfer, the Treaty does not incorporate any nuclear trade restrictions, leaving it to the suppliers alone to decide what should or should not be transferred.

And in the end, the ability to leave the Treaty with 90 days notice means that there is no essential barrier to a country, with the technological known-how to build weapons, and that sees nuclear weapons as its best option for enhancing its security, from proceeding to build them.

Even if the Treaty and the safeguards system had been originally constructed with the needed reforms discussed in this paper, its implementation would still ultimately depend on the resolve of the international community acting through the Board of Governors of the IAEA (which occasionally has a proliferator as Chair) and the UN Security Council.

Nonetheless, the warts exhibited by the Treaty and its still evolving safeguards system do not vitiate the political value of the nonproliferation norm that has been nurtured by the Treaty and the rest of the nonproliferation regime—the nuclear weapons free zones, the Tlatelolco and Rarotonga Treaties, the export control laws and agreements (both multilateral and unilateral), and other instruments.

In sum then, the Treaty cannot be a substitute for measures one might otherwise take in protecting one's security. And without reform it does not provide a good model for dealing with proliferation threats other than nuclear, such as chemical, biological, or missile, but it is an important adjunct whose absence would raise current anxiety levels about the spread of weapons of mass destruction.

FOOTNOTES

[1] Treaty on the Non-Proliferation of Nuclear Weapons, opened for signature July 1, 1968, 21 U.S.T. 483, 729 U.N.T.S. 161.

[2] George Bunn and Roland M. Timerbaev, ''Nuclear Verification Under the NPT'', PPNN Study Five, Mountbatten Centre for International Studies, University of Southampton, England, 1994.

[3] Remarks Submitted by William C. Foster, Hearings before the Senate Committee on Foreign Relations, July 10, 1968.

[4] Working Paper submitted to Geneva disarmament conference by Japan: Arms Control Implications of Peaceful Nuclear Explosions, CCD/454, July 7, 1975, ACDA Documents on Disarmament, 1975.

[5] Bunn and Timerbaev, Op. Cit.

[6] Bunn and Timerbaev, Op. Cit.

[7] Nuclear Export Guidelines adopted by 15 Governments, January 11, 1978, IAEA Doc. INFIRC/254, February, 1978.

[8] Interview with Rudolph Rometsch, IAEA Bulletin, Vol. 36, No. 3, p. 14, 1994.

[9] U.S. General Accounting Office Report GAO/NSIAD/RCED–93–284, ''Nuclear Nonproliferation and Safety: Challenges Facing the International Atomic Energy Agency'', September, 1993.

[10] Lawrence Scheinman, ''Assuring the Nuclear Non-Proliferation Safeguards System'', Atlantic Council, Washington, D.C., October, 1992.

[11] Marvin Miller, ''Are IAEA Safeguards on Plutonium Bulk-Handling Facilities Effective?'', Nuclear Control Institute, Washington, D.C., August 1990.

[12] Leonard Weiss, ''The Concept of Timely Warning in the Nuclear Nonproliferation Act of 1978'', Report (dated April 1, 1985), Congressional Record, pp. S2639 and S2646, March 21, 1988; also appendix to testimony delivered by Senator John Glenn to Senate Foreign Relations Committee, December 15, 1987; to appear in Nuclear Nonproliferation Factbook, prepared by Congressional Research Service of the Library of Congress for the Senate Committee on Governmental Affairs, 1995.

[13] Eldon Greenberg, ''Opportunities for Improvement of the NPT Regime'', Nuclear Control Institute, Washington, D.C., August, 1990.

[14] George Bunn, Charles Van Doren, and David Fischer, ''Options and Opportunities: The NPT Extension Conference of 1995'', PPNN Study No. 2, Mountbatten Centre for International Studies, University of Southampton, England, 1991.

[15] Eldon Greenberg, ''The NPT and Plutonium'', Nuclear Control Institute, Washington, D.C., May, 1993.

[16] David Fischer, ''Towards 1995: The Prospects for Ending the Proliferation of Nuclear Weapons,'' Dartmouth Publishing Co., Vermont, U.S.A., 1993.

Mr. NUNN. Mr. President, I am pleased to join my two distinguished colleagues, Senators ROTH and GLENN, and the other original cosponsors in urging the adoption of the sense-of-the Senate language on the unlimited and unconditional extension of the Nuclear Non-Proliferation Treaty at the upcoming renewal session beginning next month. The importance of the treaty to U.S. nonproliferation efforts can hardly be exaggerated. The Committee on Governmental Affairs held a hearing on Tuesday of this week, with a panel of distinguished witnesses, which served to highlight the strong bipartisan support for extension of the treaty. I urge my colleagues to support this important resolution of endorsement of the unlimited and unconditional extension of the NPT.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I say to the distinguished manager, we are ready for a voice vote on the amendment.

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

The amendment (No. 338) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 339

(Purpose: To state the sense of the Senate on South Korean trade barriers to United States beef and pork)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. BYRD, Mr. MCCONNELL, Mr. LEAHY, Mr. GRASSLEY, Mr. KERREY, Mr. PRESSLER, Mr. BURNS, Mr. HARKIN, Mr. SANTORUM, Mr. SIMPSON, Mr. LUGAR, Mr. PRYOR, and Mr. CONRAD, proposes an amendment numbered 339.

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

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

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) The United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

Mr. BAUCUS. Mr. President, this is a sense-of-the-Senate resolution urging the United States Government to remain firm in its effort to open the Korean market to American beef and pork exports. The United States has initiated a section 301 case on the issue, and this amendment will put the Senate on record in support of the USTR and our stockgrowers.

We have been a good friend to South Korea over the years. And South Korea has abundant evidence of our friendship.

Fifty-seven thousand Americans gave their lives in the Korean war. Today, nearly 40,000 American men and women are on the line of what is still one of the world's most dangerous regions. We are right to be there because our presence helps keep the peace in a critically important region.

We are also a critically important market for Korea. We Americans buy Korean cars, kim chee, semiconductors and more. In total $17 billion in imports from Korea in 1993, and more than that, almost $20 billion last year.

So we are good friends to Korea, but friendship works both ways. The least Korea can do is to be as open to our products as we are to theirs.

Beef is a perfect example. Today, American meat exports to Korea are blocked by a web of nontariff barriers.

Unscientific shelf-life requirements require chilled beef in Korea to be sold in very unrealistically short periods of time, combined with the Customs regulations that deliberately delay beef shipments at the ports, which creates a catch-22 situation, making it almost impossible to sell red meat in Korea.

If Korea would remove these barriers, the meat industry estimates that the return could be as much as $240 million this year alone and by the turn of the century, our meat exports would rise to $1 billion a year.

So the issue is simple: Ambassador Kantor is asking Korea to live by the standards that most trading nations already live by and that they have, as Koreans, accepted by their entry into the World Trade Organization.

Up to now, they have not done so. One barrier has been abolished simply to be replaced by others. We have been patient for years, and the time has now come to be firm.

We have, therefore, as Americans initiated a section 301 case on the issue, and history shows that when we have a good case—and we do—and we show that we are serious—and we are—section 301 cases get results.

This sense-of-the-Senate amendment will put us on record in support of that case and strengthen Ambassador Kantor and his negotiators in their effort. I hope our stockgrowers can count on the support of the Senate. I ask for support of this amendment.

Mr. BYRD. Mr. President, I am pleased to cosponsor this sense-of-the-Senate resolution on the question of Korean trade practices offered by the distinguished Senator from Montana [Mr. BAUCUS]. It encourages the United States Trade Representative to insist on South Korea's removal of unfair nontariff trade barriers to United States beef and pork products. The issue is, unfortunately, a familiar one in our trading relations with the Pacific—nontariff barriers to our trade, amounting to effective closure of their markets to our goods, regardless of tariff schedules, despite agreements to the contrary, flying in the face of our conception of free trade. The question of nontariff barriers, of closed market practices has bedeviled trade with Japan, and now is bedeviling our trading relations with Korea, as well as China.

The specific issue is the Korean market for United States chilled beef and pork products, a potentially lucrative market worth as much as $240 million in exports this year, and growing to the $1 billion annual range by the end of the century. The issue has festered since at least 1988 when American meat producers filed a petition concerning Korean discriminatory practices under section 301 of the 1974 Trade Act. American producers succeeded in getting proceedings in a GATT panel, and this resulted in three bilateral trade agreements, in 1989, 1990, and 1993. Then in 1994 the USTR did accept the section 301 petition brought by American meat and pork producers, alleging unjustifiable regulatory restrictions that effectively block their export products from the Korean market.

Now, Mr. President, what is the current result of nearly a decade of complaining, initiation of a 301 case, action under the GATT, extended negotiations, and the signing of several additional agreements? The director of the USTR's Asian division has informed my staff that as of today the total of United States imports into Korea of chilled pork is zero and red meat is minimal. The results are zero and minimal. This is America's fourth largest agricultural market, yet we cannot get meat into it, despite the signing of numerous agreements and constant negotiations. This dismal situation is not for lack of trying: USTR engaged the Koreans in consultation in mid-January, and resumed negotiations just this month. The negotiations just concluded have apparently failed to get

market access. What we are seeking is a specific timetable from the Koreans to eliminate what is obvious to both them and us as burdensome regulatory practices designed for the sole purpose of keeping United States meat products out of Korea.

It is time for the Koreans to settle this issue. We have asked for the Koreans to reform their current antiquated regulatory requirements, establish an interim system to go into effect immediately, letting United States products into their market, and to permanently revise their regulations according to a specific timetable. While the Koreans announced last September that they intend to reform their system, they have stalled on doing so. The Koreans, in the latest round of negotiations this month would not agree to the establishment of such an interim system that would allow trade to take place. The Trade Representative has recently announced that the United States is now prepared to take the case to the newly-formed World Trade Organization [WTO] for ''consultations'' on the scientific basis for Korean meat exclusions, opening up a second track of discussions and dispute settlement, if it comes to that. I strongly encourage this route, exposing the Korean practices widely in a multilateral forum, raising the visibility of the problem. It would serve as an excellent test case of the WTO dispute settlement procedures. What is the WTO for, I ask my colleagues, if not for this type of situation? Of course, at any time the Koreans can avoid that by providing us with an interim regime of market access.

Similar problems are being experienced with the Koreans in telecommunications equipment, with the Koreans refusing to certify an updated AT&T switch already operating in the Korean market in order for AT&T to compete in a new round of Korean procurement. Here again the discriminatory behavior is in violation of a United States-Korean bilateral agreement. The Koreans have had 2 years to investigate and certify the switch, but recently announced they would need another 70 weeks to test it. Seventy weeks. This is just plain delay, calculated to give a Korean-made switch more time to compete.

Similar situations have occurred in regard to other products, such as medical devices, bottled water, raisins, and candy. Let's take a recent example of chocolate. The Korean Minister of Health is refusing entry of five containers of Mars chocolate claiming insufficient label information, with new requirements never before announced. Several of the containers have been held since last December. The alleged missing information was not notified to either the United States or the World Trade Organization, and the resulting obstruction of trade is a violation of Korea's obligation under the WTO agreement to publish regulations affecting trade and administer them in a ''uniform, impartial and reasonable manner.'' We are getting nowhere fast with the Koreans on this matter either, which is resulting in substantial financial damage to an American company. Last week the Korean Government stiffed the United States Trade Representative's negotiators on the matter.

Korean behavior on United States trade is clearly reaching a level of concern which can affect our overall bilateral relationship. It is affecting, in my view, the strength, fairness, and durability of our relationship with South Korea. American national security, the health of our defense budget, and our ability to continue to honor our commitment to defend South Korea depends on our overall long-term economic health. Our economic health is dependent, to a significant degree, on good trading balances, and such balances have been consistently negative with North Asian countries, Japan, China, and to a lesser extent, Korea. Korea needs to understand that trade and mutual defense are a two-way street. First, on trade the United States is vital to Korean exports of automobiles, semiconductors, and other items, now approaching $20 billion in annual revenues to Korean manufacturers. Second, the Koreans expect us to come to their defense on a moment's notice, because we have made a commitment to do so. I expect the Koreans to be forthcoming, to lean over backward to accommodate our trade, to honor the agreements we have reached with them in the spirit with which they were intended—that is, to give United States products reciprocal access to the Korean market. In addition, obfuscation, stonewalling, and erecting baloney barriers to such access violates the spirit of our overall relationship, and by that I mean our overall security relationship. Economic health is fundamental to America national security, and fundamental to the continuation of a strong United States-Korean defense relationship.

I suggest that the officials with whom we have had such an excellent relationship with in the Korean defense establishment get in touch with the foot-draggers in the agencies stalling on United States trade and turn the lights on. The time is overdue for reciprocity on the part of Korea. I am going to watch closely for Korean agreement to set a specific timetable for allowing United States meat and pork into Korea, for allowing AT&T to compete in the 1995 Korean procurement cycle, for release of confectioneries from Korean ports to Korean store shelves, and in general for a change in attitude toward its most reliable defender. The United States is stationing nearly 40,000 of the 100,000 personnel we have deployed to the Pacific for the defense of Korea, we shed the blood of tens of thousands more against invasion from the north during the Korean war. Korea is considered one of the two so-called ''major regional conflicts'' around which we are basing the force structure and budget parameters of our defense budget. From what I am reading, the product with the best chance of gaining ready access to the Korean Peninsula is American troops, gladly accepted for the defense of Seoul. It is time for Korea to understand the critical importance of a healthy trading relationship, and it is time for Korea to treat the United States as an economic ally as well as a military ally.

I commend the Senator from Montana for bringing this matter to the Senate's attention. The Trade Representative is doing the best he can to cope with Korean behavior, and if he eventually needs the benefit of congressional pressure on nontrade matters, I am sure it will be available.

I also commend the Trade Representative on his recent success in regard to the progress he has made with the third of our north Asian trading partners, China. Late last month the USTR successfully negotiated an agreement with China to provide protection of intellectual property rights for United States companies and provide market access for such products. Just last week, he was able to conclude another agreement with the Chinese to gain Chinese compliance with a 1992 agreement for better access for nearly 3,000 different United States products over a period of several years. The Chinese did not fully comply with that accord, and now we have an agreement, apparently, to abide by the earlier agreement.

Mr. President, the Chinese also need to understand that it is not enough to sign agreements, but that they must be abided by in a spirit of cooperation, in an effort to make them work, and not dance around them. The Chinese want to be a member of the World Trade Organization, and so they threatened to forego implementing existing agreements until we agree to give them another carrot in terms of support for membership in this organization. But, Mr. President, the proof of the pudding is in the eating, on these agreements. They must be energetically implemented. I believe that it would be very useful if the Senate conducted frequent reviews of the record of our trading partners in implementing the agreements they have signed with us. Implementation is the key, for instance to the extensive agreements we signed with Beijing on intellectual property. And it is certainly key to the various bilateral agreements we have signed with the Koreans. Compliance with the provisions of the WTO should also be insisted upon for Korea, and China if she is admitted.

I hope that the Trade Representative will ensure that his Korean, as well as Chinese, counterparts are made aware of this Senate resolution and accompanying statements, and that they will understand the importance of these various trade matters to the Senate and the United States.

Mr. STEVENS. Mr. President, I want to state that I am informed that this

has been cleared by the Members on this side on the subcommittee involved. So I am prepared to accept the amendment.

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

The amendment (No. 339) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business for just 5 minutes.

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

MIKE MANSFIELD— EXTRAORDINARY MAN

Mr. BAUCUS. Mr. President, on March 16, 1903, Teddy Roosevelt was President. Civil War veterans still held annual reunions. The Wright brothers were testing their first aircraft, and baseball was preparing for the very first World Series that fall. And Mike Mansfield was born in Brooklyn, NY.

Today Mike turns 92. And I ask the Senate's indulgence while I pay tribute to this extraordinary man.

Mike's family moved to Great Falls, MT, when he was just 3 years old. When America joined the First World War in 1917, Mike—at the ripe old age of 14—fibbed about his age and enlisted in the Navy.

He is one of the very few Americans to serve in the Army, the Navy, and the Marines. My guess is that if America had had an Air Force back then, he would have made all four. And at the age of 92, he is still the youngest World War I veteran in America.

After leaving the military, Mike returned to his home in Montana—to Butte and then to Missoula. While working as a miner in Butte, he met and married Maureen Hayes.

Maureen, then a Butte schoolteacher, persuaded Mike to leave the mines and get on with his education. And not only Montana, but our whole country should be grateful to her for that.

Although Mike did not have a high school degree, he passed an entrance exam and was admitted to the University of Montana. And he never looked back. He obtained a bachelors and masters degree in international affairs and then became a professor of East Asian and Latin American history at the university.

Then, in 1942, Mike Mansfield was elected to the U.S. House of Representatives. In his very first term, he was recognized as one of America's leading experts on East Asia.

President Roosevelt personally selected him as a special envoy to China in 1944, and the report Mike filed on his return is still a model of depth, clarity, foresight, and sound advice on foreign policy.

After a decade in the House Mike was elected U.S. Senator. He served in the Senate for 24 years. For 17 of those years, longer than anyone in history, he served as the Senate majority leader. And while most people now think first of his national and international leadership, he was always a great Montana Senator.

As Mike Malone, the dean of Montana historians, puts it:

> Mansfield's protection of the state's interests in Washington was legendary. He became so much a part of the state's political landscape that the names Montana and Mansfield seemed nearly inseparable.

Norman Maclean recounts an example of this in his last book, ''Young Man and Fire'', when he talks about Congressman Mansfield in action after the Mann Gulch fire of August 1949:

> The act had been almost as swift as the thought. . . . By October 14, little more than two months later, Mike Mansfield had rushed through Congress his amendment to the Federal Employees' Compensation Act doubling the amount allowed to nondependent parents of children injured or killed while working for the Federal Government—from a pitiful two hundred to four hundred dollars. A rider attached to this amendment made it retroactive to include the Mann Gulch dead.
>
> In our State of Montana, we would vote for him for anything (in ascending order) from dogcatcher to President of the United States to queen of the Helena Rodeo.

What was true for 14 Mann Gulch families was true for the whole country. Mike Mansfield knew what was right and he knew how to get it done. Whether it was labor relations, the Vietnam war, environmental protection, extending the right to vote to young people, or any of the other great issues of the 1950's, 1960's, and 1970's, Mike Mansfield was there and he was right.

When Mike retired from the Senate—having served longer than anyone in history as majority leader—it was only to begin a new career. President Carter appointed Mike as Ambassador to Japan. And his performance was so exceptional that although Mike always has been and always will be a Montana Democrat, President Reagan asked him to stay on in Tokyo for another 8 years.

Today, at age 92, Mike is on his third career as an East Asian adviser for Goldman Sachs. Although admittedly, he is taking it easy. He has slowed down to a mere 5 days of work a week.

And of course, he is still the smartest, best-informed, wisest statesman Montana and America have. Like I told the people at the Governor's Conference on Aging at the Copper King in Butte last summer, when I really get stumped and I need the best advice there is, I go to Mike Mansfield.

Mr. President, Mike Mansfield has lived the American Dream.

From Teddy Roosevelt to Bill Clinton.

From the copper mines of Butte to private meetings with Presidents and kings.

Sailor, veteran, miner, professor, Congressman, Presidential envoy, Senator, majority leader, Ambassador Extraordinary and Plenipotentiary, banker, wise man.

But to Montanans, always just plain ''Mike.''

I hope you and all of our colleagues will join me in saying ''thank you,'' to Mike, and wishing this great and good man a happy birthday and many more to come.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 340

(Purpose: To require monthly reports on United States support for Mexico during its debt crisis, and for other purposes)

The PRESIDING OFFICER. The Senator from Colorado.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

> The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 340.

Mr. BROWN. 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 bill, add the following new title:

TITLE ___—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Mexican Debt Disclosure Act of 1995''.

SEC. ___02. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional

future United States contributions of taxpayer funds necessitates Congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. ___03. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. ___04. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. ___05. DEFINITION.

As used in this title, the term ''appropriate congressional committees'' means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing and Urban Affairs of the Senate.

Mr. BROWN. Mr. President, I rise to offer this amendment because of the urgency of time and the need to ensure that a full report of the activity of the Mexican bailout be available to the Congress.

The facts are these. The first article of our Constitution deals with Congress and the preeminent power it conveys on Congress, and I might say responsibility, of appropriating money.

It was the abiding belief of the Founding Fathers, and I believe the abiding belief of this country's citizens, that expenditures of money be made by elected officials. Taxation without representation is tyranny. The reality is this country and our Constitution and our system demand that someone be accountable for funds that are expended and that those people be elected by the voters of this country. The Constitution could not be clearer on the subject.

Years ago, in the 1930's, a small Exchange Stabilization Fund was started with a modest amount of money at the time. I think it is fair to say, and most Members would agree, that has grown to a horrendous amount. The reports are that the amount in that fund is somewhere between $25 and $30 billion, probably a little closer to the higher number.

Most Americans were astounded earlier this year when on January 31 the President of the United States announced that he would take $20 billion of that money without the benefit of appropriation, without deliberation of Congress—as a matter of fact, bypassing Congress—and use that in a program of assistance to Mexico, and specifically the $20 billion would be put at risk through swaps and security guarantees involving $20 billion from the Exchange Stabilization Fund.

Mr. President, it is very clear the kind of impact that has on this Nation. One need only look at what has happened to the value of the dollar versus the yen and the mark since that announcement was made.

Now, Mr. President, the Exchange Stabilization Fund is American taxpayers' money that is meant to stabilize the currency of the United States. When our currency falls out of bed and our money has been diverted to bailing out the Mexican currency, who is it that is going to defend the United States dollar? Where will the money come from to stabilize the United States dollar?

If there is a purpose for the Exchange Stabilization Fund, it surely must be to defend the United States dollar.

Now, what this amendment calls for is a simple, straightforward report to Congress on a monthly basis. It involves things like changes in policy of Mexico, disbursements from the Exchange Stabilization Fund, accounting for United States credits, guarantees and loans to Mexico.

What it asks for, Mr. President, are the simple facts. There is some indication that the administration may be reluctant to disclose these facts to the Congress, but I believe this is the minimum that we ought to do. If we are going to take our responsibilities as appropriators seriously, we ought to at least demand the information on how the money, this huge amount of money, is being used. That is what this amendment does.

Mr. President, there are two other aspects of this measure that I would like to call to the Members' attention. One is the very sincere interest Americans had in helping the Mexicans and the Mexican economy. I sincerely believe the President wanted to help the Mexicans when he diverted this huge amount of money to the support of the peso. But it is also my belief that far from building stronger, better, closer relationships with Mexicans, this has done the opposite. I wish to draw the Members' attention to an article that appeared in the El Norte newspaper on January 30 of this year.

Seventy-four percent of the population of Mexico City wants the Mexican Government to turn down the $40 billion worth of guarantees the United States is offering.

Obviously, the reference is there not only to the Exchange Stabilization Fund money but the other funds that have been involved.

In Mexico City, 78 percent of the respondents and in Monterrey 64 percent distrust President Zedillo's pledge not to accept any conditions that would undermine national sovereignty.

Mr. President, the reality is this. While the Mexican President had taken a strong oath not to accept any conditions that jeopardize their sovereignty—and it implied that much of the money could come condition free—the administration in the United States was saying none of this money would go to Mexico unless there were strong changes in policy, and they did accede to that.

Now, that is part of why this report is so important. What we have is one

side saying there is going to be real guarantees and real changes in policy so the guarantee would get repaid, and the people who are getting the money are saying loudly and clearly, no, we have not accepted conditions; we are not going to accept conditions.

Now, the reality is there apparently have been some conditions set and some conditions accepted on the part of the Mexicans.

The question for this body is do we insist on knowing what they are. I believe we should. That is what this amendment is all about. It is a simple, straightforward request for a monthly report on exactly what is happening, on exactly what U.S. taxpayers' money is being used and how it is being used, and what changes of policy are.

We have been in touch with the Treasury Department over this amendment for more than a week, almost a week and a half. In that time, they have expressed concerns about having to detail this information. One of the concerns they have mentioned that I think is a legitimate concern is a concern that any sensitive information they would convey to Congress would be kept confidential.

Mr. President, they have not sent me language on that, but I wish to assure the body that I am sensitive to that, that if, indeed, there is information that should be kept confidential, I believe strongly that that request by the administration ought to be honored. And I wish to commit publicly in the Chamber that we will work with them to urge the conferees to include in the measure that may come back from conference such information as appropriate to ensure confidentiality.

Mr. MACK. Mr. President, I thank my colleague from Colorado for offering this amendment, and I am pleased to be a cosponsor.

This amendment is essentially the same as legislation I introduced earlier this year to require monthly reports by the United States Treasury on the Mexican economy. It is critical that this information be conveyed to Congress on a timely basis so that we, who are responsible for the protection of United States tax dollars, are fully informed as to the risk of Mexico's failure to repay those dollars.

The reason for this risk is that while we stand here, the Mexican economy is deteriorating. Inflation has reached 40 or 50 percent, production is falling rapidly and the Mexican peso continues to drop like a rock. Mexican citizens are suffering from the massive reduction in the purchasing power of their pesos.

Many economists suggest that Mexico's economic problems could have been avoided if the right economic policies were followed. However, they were not. Now that United States taxpayer money is at risk, it is more important than ever that the Congress be informed about economic developments in Mexico.

In order for Congress to gauge this risk, information is key. This amendment will guarantee that the Congress is kept fully informed about developments in Mexico so that taxpayer dollars can be protected.

Mr. BROWN. Mr. President, at this point I ask unanimous consent to add the names of Senators D'AMATO, MACK, and NICKLES as cosponsors of this amendment.

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

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I commend my colleague, Senator BROWN, for his legislation. Indeed, he has warned the Congress, the American people, and the administration the danger of having a situation whereby we become the banker and where the people of Mexico as a result of the harsh conditions imposed look to the United States as the culprits as opposed to being the saviors, as opposed to being the helpers.

Here we are, extending we do not know how much. That gets to the heart of the amendment of the Senator. I have had legislation in hearings in the Banking Committee where we considered whether we should put a cessation of dollars after a certain amount is expended in 1 year. We were thinking that after $5 billion was expended to any one country, that there should be a requirement to come to Congress to get the appropriate authority, authorization, and appropriations. After all, that is what the Constitution says. We are the body charged with the responsibility of appropriating these funds.

Whether or not legally the administration could maintain the position that by use of the stabilization funds this is not an appropriation or would not require an appropriation of this Congress is something that reasonable people might debate. Indeed, in the Treasury report by the general counsel of the Treasury to the Secretary of the Treasury on page 6, that report indicates that the use of the stabilization funds is appropriate provided that—and I am paraphrasing—it does not become a loan.

I suggest if this is not a loan, we are stretching the legal language to the point that it becomes pretty difficult to differentiate. It really did not say loan, it said ''foreign aid.'' If this $20-billion-plus package is not foreign aid, I do not know what we would call it. Some of these dollars, it has been testified before the Banking Committee, will be used by the Mexican Government to repurchase or to meet its, the Government's, obligations; not as it relates to currency, the Government's obligations, Government debt.

I suggest that crosses the line, notwithstanding what the legislation of the Senator does, and I am proud to support it and cosponsor it. It says: Tell us what you are doing with the money. Tell us what you are doing. We have a right to know. The American people have a right to know and Congress should not abdicate this most basic responsibility.

Let me tell you how shrouded this whole situation becomes. We do not know whether or not we have committed—the administration has committed us—to loaning $20, $30, $40 billion, and some people have suggested it may be, indeed, even closer to $50 billion that the United States of America, the people, the taxpayers of this country will be responsible for.

We know we have heard $20 billion from the exchange fund. Is it true? Do we not have a right to know whether or not the United States has pledged $10 billion through IMF funds, which we know our allies were not happy with, some of our European allies? But on a promise, a supposed promise that we, the United States of America, would make available $10 billion to this fund? That is $20 billion plus $10 billion over and above. That puts us in for $30 billion.

Question: World Bank? How much money is going to come from the World Bank and how much money have we put into the World Bank? So now we are over $30 billion and growing, as it relates to our commitments. Certainly, we have a right to know. That is what this legislation does.

AMENDMENT NO. 341 TO AMENDMENT NO. 340

Mr. D'AMATO. Mr. President, I send an amendment to the pending amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] proposes an amendment numbered 341 to amendment No. 340.

Mr. D'AMATO. 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:

Add at the end of the proposed amendment the following new section:

SEC. . REPORT ON ILLEGAL DRUG TRAFFICKING IN MEXICO.

The President shall transmit to the appropriate congressional committees no later than June 1, 1995 detailing the illegal drug trafficking to the United States from Mexico:

(1) A description of drug trafficking activities directed toward the United States;

(2) A description of allegations of corruption involving current or former officials of the Mexican government or ruling party, including the relatives and close associates of such officials; and

(3) The participation of United States financial institutions on foreign financial institutions operating in the United States in the movement of narcotics-related funds from Mexico.

Mr. D'AMATO. Mr. President, I understand my amendment may not be in order. Therefore, I ask unanimous consent that I be permitted to withdraw the amendment, because I understand there was an agreement I was not aware of. I certainly would not look to violate that agreement.

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

The amendment (No. 341) was withdrawn.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. D'AMATO. Mr. President, I do not believe I have yielded the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, it is my intent, if not on this amendment—and I thought it would be appropriate to attempt to further enhance the amendment, let me tell you, by way of a reporting requirement. I have become aware—it has become painfully obvious to this Senator, and during the hearings we had a number of witnesses who testified to the absolute corruption of many of the officials in the Mexican Government at many levels—Governors, military police, whole sections of the Government that are dedicated to one thing—their own enrichment. It should become painfully obvious to the administration, and they know—they know, proof positive—that Mexico has become the leading transshipment country as it relates to illegal drugs and narcotics, particularly cocaine, into the United States of America.

It has become so widespread, it has become so commonplace, that we can, indeed, even identify the planes that come in regularly from Colombia to the United States, carrying drugs and bringing back money. If you have a drug cartel operating from Colombia into Mexico with regular transshipment of drugs for money and then the drugs coming into the United States, it is rather obvious that we are choosing to look the other way. It is obvious the Mexican Government at most levels is looking the other way. If we are serious in terms of our fight against crime, let me suggest that close to 60 percent of violent crime comes directly as a result of drugs—60 percent.

Take a look at your inner core cities. You see the problem there. You talk about all the social problems, but just keep pouring the drugs in and look the other way as our neighbors to the south, to whom we are making available up to $40 billion, do little, if anything. Indeed, many of their highest officials and people at various important levels in Government are involved in drug trafficking.

This Senator will be seeking a report by June 1, 1995, by this administration, by the President, detailing and calling for him to make available to the people of the United States that information which our Government has as it relates to that drug dealing. Here we are sending $40-plus billion to Mexico. I think it is about time that we said, ''If we are going to help you with your currency, we want to know exactly what is taking place.'' And this administration and every administration has an obligation to do something about it.

Let me be very clear and precise. I do not think the previous administration did much, if anything, except do everything they could to push through our agreements—such a wonderful thing, our trade, we have Salinas, he is a wonderful guy, the people on top are wonderful, great business opportunity, et cetera. The corruption, the deprivation of human rights, the sham of the democracy, all of that put to the side. The fact is that people in high places and high officials in high places are making billions of dollars, dealing in billions of dollars in illegal narcotics. We look the other way. ''Don't rock the boat. This is so important. They have made great strides. They have privatized.'' Who has made the money? The oligarchy. A handful of billionaires have become richer. When those dollars plunged, who do you think sold out at the high and who got stuck at the low when the peso fell? Do you think the billionaires who controlled the profits in Mexico were down here on this chart? I will tell you where they were. They were up here, up here—billions.

We have American taxpayer dollars going down there. I have to tell you that at the least we should know what is taking place with that money. At least we should have the reports on a monthly basis so that we can report to the citizens so that they know how their tax dollars are being spent. I have never heard of a bailout program or a program designed to help one's country when the people do not have a right to know. People have a right to know how we spend their money here. Why should they not have the right to know how their money is being spent south of the border? I would like to know why they should not have a right to know. Do you mean to tell me that the Mexican track record in government is one that is so magnificent that we would be insulting them, we would be insulting their national sovereignty to ascertain exactly what this money is being used for? If that is the case, then we should suspend sending money down. I am tired of hearing that they are a sovereign nation.

By the way, I think we are going to be mighty shocked when we get into just how we are backing up collateral for this loan. How much oil does the Mexican Government really have that they can make available to back up these loans? We have been told that the loan is going to be fully collateralized. On the other hand, I have gotten information that indicates to me that indeed there may be a significant shortfall between the amount of moneys the Mexican Government is drawing down and the collateral value of the oil and the oil reserves that they have. The two may not come close to matching.

So, Mr. President, for all of these reasons I want to commend the Senator from Colorado for proposing this amendment. At the appropriate time I intend to ask that additional legislation be required or be considered which would require the reporting on the illegal drug activities as it relates to Mexico and this country.

Mr. President, I yield the floor.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Chair recognizes the Senator from Colorado.

Mr. BROWN. Madam President, I know that in our course of discussion we would go to the distinguished Senator from Rhode Island next. I do not mean to delay that process. But I understand it has been cleared on both sides.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE FROM THURSDAY, MARCH 16, 1995, TO TUESDAY, MARCH 21, 1995

Mr. BROWN. Madam President, I hereby ask unanimous consent that the Senate now turn to the consideration of House Concurrent Resolution 41, the House adjournment resolution; that the resolution be agreed to, and that the motion to reconsider be laid on the table.

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

So the concurrent resolution (H. Con. Res. 41) was considered and agreed to.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I do not believe that this is the appropriate vehicle for offering this amendment today.

I am supportive, as I know we all are, of making sure that the Senate is kept appropriately informed on the administration's efforts to stabilize the Mexican peso. But I do not believe that the amendment as currently drafted properly balances the Senate's right to information with the administration's requirements to carry out its responsibilities to implement this program with another sovereign government.

Madam President, I would also call to the attention of my colleagues that this amendment in the form of a resolution is to be the subject of a Foreign Relations Committee business meeting next week. I believe that the committee markup is the more appropriate forum to work on some of the difficulties posed by this amendment.

I know that the Department of Treasury has some difficulties with the amendment as it is currently drafted and has requested to meet with Senator BROWN's staff and other interested staff to discuss changes in the amendment. In fact, both sides have already agreed to meet tomorrow to try to work some of this out.

I would urge the Senator to consider withdrawing this amendment and sitting down with Treasury representatives to work out language that meets the Senator's needs but also addresses some very legitimate concerns of the Department.

Let me repeat, this is identical to legislation that has been scheduled for markup this coming Monday in the Foreign Relations Committee, on which the Senator from Colorado sits, and contributes a great deal.

While I understand the Senator's desire to have this legislation acted on quickly, I think it would be a very unfortunate precedent to preempt the Committee markup in this way.

We also have the point that this is, after all, authorizing legislation being attached to an appropriations bill. So I hope that this could be withdrawn with the understanding that it would be taken up again next week or the week after.

Mr. BROWN. Madam President, I appreciate the very thoughtful comments of the Senator from Rhode Island. He, as always, makes such a valuable contribution in the Senate's deliberations. I think he makes a very valid point with regard to the deliberations of the committee and certainly that would be the normal process that I would want to follow. Indeed, my observation is correct that it is scheduled for markup in committee.

There are several factors that make me want to move ahead with the process right now. That is, first of all, the urgency of getting this information while billions of dollars of American taxpayers' money is being committed. My sense is it is very important in terms of timing to get this enacted as quickly as possible. But I want to pledge to the Senator that any adjustments that are made in markup, I will—along with, I know, others and I hope many will be active in—be urging the conferees to adopt so that, first, the deliberations of the committee are not overlooked but are incorporated in this by the conferees; and second, that we move along quickly.

The second aspect I might note here is that we have been working with the Treasury people. I want to pledge myself to work with them in terms of fine-tuning reporting requirements.

But most of all, I want to know also another factor. This obviously involves more than simply the Foreign Relations Committee. The bulk of the bill is really the work of Senator D'AMATO and his Banking Committee. He has been a guiding light in the effort to get the facts out in this area.

So it is my sense that it is appropriate to move ahead with the legislation at this time simply because it is so urgent to be getting accurate answers and accounting while literally billions of dollars are flowing out of U.S. coffers.

Madam President, I ask unanimous consent that Senator GREGG be added as a cosponsor of the amendment.

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

VISIT TO THE SENATE BY PRIME MINISTER JOHN BRUTON OF THE REPUBLIC OF IRELAND

Mr. BROWN. Madam President, at this point I would like to yield to the distinguished Senator from North Carolina [Mr. HELMS].

Mr. HELMS. Madam President, I thank the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I ask unanimous consent that the Senate stand in recess for 5 minutes so that Senators may pay their respects and extend their welcome to the distinguished Prime Minister from Ireland.

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

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Chair welcomes the Prime Minister.

RECESS

Thereupon, the Senate, at 4:09 p.m. recessed until 4:13 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mrs. HUTCHISON).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 340

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I think the arguments have been pretty well outlined here. I am prepared to vote.

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

The amendment (No. 340) was agreed to.

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

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. D'AMATO. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AGREED FRAMEWORK WITH NORTH KOREA

Mr. SPECTER. Madam President, during the first hearing of the Senate Intelligence Committee, which I chair, back on January 10 of this year, I expressed a concern about what was happening with the arrangements between the United States and North Korea on the deal where North Korea would have a 5-year window without inspection of used fuel rods, which is the best way on an inspection line of determining what is happening with respect to the potential for North Korea to build a nuclear weapon.

During the course of the next several weeks, and in discussions with a number of my colleagues, it seemed to me preferable to have that so-called agreement, the United States-North Korea agreed framework for resolving the nuclear issue, submitted to the United States Senate for ratification, because it really was, in effect, a treaty even though the administration had denominated it as an agreed framework, not even, according to the administration, rising to the level of an executive agreement which would activate certain congressional review.

On February 24, I prepared a letter, which was submitted under the signatures of Senator HELMS, in his capacity as chairman of the Foreign Relations Committee; Senator MURKOWSKI, in his capacity as the chairman of the Energy and Natural Resources Committee; and myself, as chairman of the Senate Select Committee on Intelligence, to Senator DOLE setting forth our request that the Senate handle as a treaty under the constitutional ratification process the United States-Democratic Peoples Republic of Korea Agreed Framework for Resolving the Nuclear Issue.

The letter set forth that the Clinton administration was seeking to proceed under this so-called agreed framework without submitting it as a treaty, which it really was, for Senate ratification.

We submitted at that time to Senator DOLE a legal memorandum prepared by the Congressional Research Service, the Library of Congress, dated February 8, 1995, which set forth the criteria for considering whether an arrangement was a treaty.

In our letter, we noted that, while the memorandum specifies that ''there are no 'hard and fast rules,' we believe the underlying rationale suggests that the agreement should be handled as a treaty because it is a matter of great importance (involving North Korea's potential for developing nuclear weapons),'' that the document ''constitutes a substantial commitment of funds extending beyond a fiscal year and is of substantial political significance,'' all of which were criteria for an evaluation as to whether the arrangement was in fact a treaty.

We concluded our letter to Senator DOLE noting that ''The formal treaty ratification process will enable us''—that is, the Senate—''to undertake a detailed factual analysis to determine whether this agreement is in the national interest.''

Madam President, it is my view that, on both substantive grounds and constitutional grounds, this matter ought to be handled as a treaty.

The Constitution of the United States provides for ratification by the Senate on treaties. There are a whole series of criteria, some of which I have just referred to, which indicate, suggest, provide evidence for the conclusion that this agreed framework is in fact a treaty.

If you take a look at some of the items which we have handled as treaties in the Senate through the treaty ratification process, you will note the great difference between the importance of this United States-North Korean arrangement, contrasted with other matters which have been submitted to the full Senate ratification process. For example, Treaty 102–7, which is a Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific; or Treaty Document Exhibit EE 96–1, an International Convention on Standards of Training Certification and Watch Keeping for Seafarers; or Treaty Document 100–7, Agreement for Medium Frequency Broadcasting Service in Region Number II; or Treaty Document No. 101–15, Amendments to the 1928 Convention Concerning International Expositions, as Amended.

On some occasions, as is well known, in the Senate, we handle as many as six treaties at one time in a single vote, with notification being given to Senators that if they miss that one vote, it will be counted as a half dozen absences, because the treaties do not rise to the level of any individual identification or individual voting, but are very, very much pro forma.

So that it is indeed surprising, when a matter comes before the international forum and is the subject of a document between North Korea and the United States, that it is denominated only as an agreed framework for resolving the nuclear issues.

Following receipt of our letter, Senator DOLE, by letter dated March 10, wrote to Secretary of State Christopher asking a series of specific questions which set out the criteria for determining whether or not such a matter is or is not a treaty.

It had been my intention to offer a sense-of-the-Senate resolution early on as soon as a legislative vehicle arose. I had notified the managers of this legislation that I would be offering that sense-of-the-Senate resolution at this time. But I have decided to defer doing that because Senator DOLE's letter, dated March 10, 1995, is now outstanding and, as of this date, March 16, there has not been an adequate opportunity for the Secretary of State to respond to the majority leader's letter.

I make the statement at this time to put the administration on notice that it is my intention—and there are a number of cosponsors who are prepared to join with me on this important matter, including the distinguished Senator from Texas who is the Presiding Officer, was asked a series of questions in closed session before the Intelligence Committee on this matter. I state for the RECORD because the camera may have been on me rather than her, and might have missed her acquiescing nods.

There are a number of colleagues who agree with the seriousness of this matter. In dealing with North Korea, while it is my hope that they will abide by the international commitments, there is good reason for concern as to whether they will abide by their commitments.

Nobody said it better than President Reagan when he made the comment about trust but verify. There is a chronology on North Korea's activities which raises very, very, considerable grounds for concern as to whether North Korea will, in fact, comply with their commitments under this statement of agreed principles.

Madam President, at this time I ask unanimous consent that the text of the United States-North Korea Agreed Framework for Resolving the Nuclear Issue be printed in the RECORD except as to a confidential part which cannot be disclosed publicly at this time; that a copy of the legal memorandum from the Congressional Research Service, dated February 8, 1995, be printed in the RECORD; that a copy of the joint letter submitted by Senators HELMS, MURKOWSKI, and myself, be printed in the RECORD; as well as an unclassified document prepared by the State Department on the North Korea nuclear timeline, showing many actions by the North Koreans which raise real issue as to whether there has been compliance by North Korea, and raising real issues as to what might be expected in the future.

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

U.S.-DPRK AGREED FRAMEWORK FOR RESOLVING THE NUCLEAR ISSUE

The attached package includes: (1) the Agreed Framework between the U.S. and the DPRK, signed October 21, 1994, in Geneva; (2) a Confidential Minute, signed the same day, which should be treated as confidential for classification purposes; and (3) a letter of assurance from President Clinton to the DPRK's Supreme Leader, Kim Jong-Il, which was delivered in Geneva in connection with the signing. These documents create a framework of political decisions and practical actions to be taken by each side in order to resolve the nuclear issue in North Korea.

AGREED FRAMEWORK BETWEEN THE UNITED STATES OF AMERICA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, GENEVA, OCTOBER 21, 1995

Delegations of the Governments of the United States of America (U.S.) and the Democratic People's Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the U.S. and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the U.S. and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The U.S. and the DPRK decided to take the following actions for the resolution of the nuclear issue:

I. Both sides will cooperate to replace the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.

(1) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S. will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.

The U.S. will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The U.S., representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.

The U.S., representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.

As necessary, the U.S. and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

(2) In accordance with the October 20, 1994 letter of assurance from the U.S. President, the U.S., representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR unit.

Alternative energy will be provided in the form of heavy oil for heating and electricity production.

Deliveries of heavy oil will begin within three months of the date of this Document and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

(3) Upon receipt of U.S. assurances for the provision of LWR's and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.

Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.

The U.S. and the DPRK will cooperate in finding a method to store safely the spend fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in a safe manner that does not involve reprocessing in the DPRK.

(4) As soon as possible after the date of this document U.S. and DPRK experts will hold two sets of experts talks.

At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.

At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

(1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

(2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

(3) As progress is made on issues of concern to each side, the U.S. and the DPRK will upgrade bilateral relations to the Ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

(1) The U.S. will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the U.S.

(2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

(3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear nonproliferation regime.

(1) The DPRK will remain a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

(2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze. Pending conclusion of the supply contract, inspections required by the IAEA for the continuity of safeguards will continue at the facilities not subject to the freeze.

(3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

ROBERT L. GALLUCCI,
Head of the Delegation of the United States of America, Ambassador at Large of the United States of America.

KANG SOK JU,
Head of the Delegation of the Democratic People's Republic of Korea, First Vice-Minister of Foreign Affairs of the Democratic People's Republic of Korea.

THE WHITE HOUSE,
Washington, October 20, 1994.

His Excellency KIM JONG IL,
Supreme Leader of the Democratic People's Republic of Korea, Pyongyang.

EXCELLENCY: I wish to confirm to you that I will use the full powers of my office to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK, and the funding and implementation of interim energy alternatives for the Democratic People's Republic of Korea pending completion of the first reactor unit of the light-water reactor project. In addition, in the event that this reactor project is not completed for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such a project from the United States, subject to approval of the U.S. Congress. Similarly, in the event that the interim energy alternatives are not provided for reasons beyond the control of the DPRK, I will use the full powers of my office to provide, to the extent necessary, such interim energy alternatives from the United States, subject to the approval of the U.S. Congress.

I will follow this course of action so long as the DPRK continues to implement the policies described in the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea.

Sincerely,

BILL CLINTON.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 8, 1995.

To: Charles Battaglia, staff director, Senate Select Committee on Intelligence.
From: Louis Fisher, Senior Specialist in Separation of Powers.
Subject: Agreed Framework with North Korea.

This memorandum responds to your request for an analysis of certain issues that have surfaced in the U.S.–DPRK Agreed Framework for Resolving the Nuclear Issue. Among the issues: (1) this agreement was entered into as a ''political agreement'' rather than an ''executive agreement,'' which would have to be reported to Congress under the Case Act; what are the precedents for this type of political agreement?; (2) should this agreement have been entered into as a treaty rather than as a political agreement?; (3) what is the legally binding effect of the economic commitments in this agreement?; (4) does the current funding of this commitment, especially through the reprogramming process, encroach upon congressional prerogatives over the purse?; (5) what are possible legislative responses by Congress to this agreement?

EXECUTIVE REPORTS TO CONGRESS UNDER THE CASE ACT

Hearings by the Symington Subcommittee (of the Senate Foreign Relations Committee) in 1969 and 1970 uncovered a number of secret executive agreements that administrations had made with South Korea, Thailand, Laos, Ethiopia, and Spain, among others. In response, Congress passed legislation in 1972 to keep itself informed about such agreements. The statute, known as the Case Act, requires the Secretary of State to transmit to Congress within sixty days the text of ''any international agreement, other than a treaty,'' to which the United States is a party. If the President decides that publication of an agreement would be prejudicial to national security, he may transmit it to the Senate Foreign Relations Committee and the House International Relations Committee under an injunction of secrecy removable only by the President. 86 Stat. 619 (1972), 1 U.S.C. 112b (1988). Although the Case Act was broadly written to capture all international agreements, State Department regulations and subsequent administration practices have created a number of exceptions to the general requirement to report executive agreements to Congress.

EXCEPTIONS TO THE CASE ACT

During consideration of the Case Act, executive officials in the Nixon administration suggested that ''certain kinds of agreements'' might not be transmitted under the Act. Senator Clifford Case sought a written statement from the State Department as to whether there were any categories of agreements that might not be covered by the statute. The State Department's Acting Legal Adviser, Charles N. Brower, prepared a memo stating that the Case Act is intended to include ''every international agreement, other than a treaty, brought into force with respect to the United States after August 22, 1972 [enactment date for Case Act], regardless of its form, name or designation, or subject matter.''[1]

In subsequent years, however, certain types of international agreements were not submitted to Congress under the Case Act. In 1976, the Legal Adviser to the State Department wrote to Senator John Sparkman, chairman of the Foreign Relations Committee, recommending that only the international agreements entered into by the Agency for International Development at a level of at least $1 million would be submitted under the Case Act. AID agreements less than $1 million would be reported under the Case Act if they were ''significant for reasons other than level of funding.'' The dollar threshold was later raised to $25 million.[2]

Moreover, agreements concluded in a ''nonbinding'' form and determined by the executive branch to be legally non-binding on the United States are not referred to Congress under the Case Act, although the executive branch may voluntarily provide information about them to Congress. Non-binding international agreements are viewed as involving political or moral obligations but not legal obligations. One example is the 1975 Final Act of the Conference on Security and Cooperation in Europe (CSCE), known as the Helsinki Agreement.[3]

Regulations issued by the State Department to implement the Case Act identify political agreements as outside the reporting requirements of the statute. Parties to an international agreement ''must intend their undertaking to be legally binding, and not merely of political or personal effect. Documents intended to have political or moral weight, but not intended to be legally binding, are not international agreements.'' 22 CFR §181.2 (1994). However, these regulations also state that examples of arrangements that ''may constitute international agreements'' are agreements that:

(i) Are of political significance;

(ii) involve substantial grants of funds or loans by the United States or credits payable to the United States;

(iii) constitute a substantial commitment of funds that extends beyond a fiscal year or would be a basis for requesting new appropriations;

(iv) involve continuing and/or substantial cooperation in the conduct of a particular program or activity, such as scientific, technical, or other cooperation, including the exchange or receipt of information and its treatment, or the pooling of data. 22 CFR §181.2(2).

Another group of international agreements not reported under the Case Act are those that the State Department views as contracts—usually commercial in nature and involving sales or loans. As a result of the State Department's interpretation of a provision in the Food, Agriculture, Conservation, and Trade Act of 1990, international agreements entered into by the Secretary of Agriculture for financing the sale and exportation of agricultural commodities are not reported under the Case Act either.[4]

SHOULD THIS AGREEMENT HAVE BEEN SUBMITTED AS TREATY?

Although the State Department provides guidelines on what should be transmitted to Congress as an executive agreement, a bill, or a treaty, there are no hard and fast rules. This issue arose last year with the GATT bill.[5] Constitutional scholars offered different views on whether that should have been submitted as a bill or a treaty. On October 18, 1994, hearings were held by the Senate Committee on Commerce, Science, and

Transportation, with Professor Bruce Ackerman testifying in favor of Congress acting on the bill through the regular legislative process, and Professor Laurence Tribe testifying in favor of the Senate acting through the treaty process. Professor Tribe later wrote that he could not say ''with certainty that my prior conclusions should necessarily be adopted by others or are ones to which I will adhere in the end after giving the matter the further thought that it deserves.''

No clear guidelines are available from parliamentary practice or federal court decisions on the issue of whether to submit international matters in bill form or as a treaty. The enclosed CRS report, ''GATT and Other Trade Agreements: Congressional Action by Statute or by Treaty?, by Louis Fisher, November 17, 1994, summarizes the basic issues. Also included in this report are criteria offered by the State Department to distinguish between what should be submitted as a bill or as a treaty. The decision to submit a matter in treaty form depends on the President's judgment. Congress can apply political pressure and retaliate in other ways, but the basic call remains presidential.

In his statement on December 1, 1994, to the Senate Foreign Relations Committee, Ambassador Robert L. Gallucci said that the administration did not submit the Agreed Framework as a treaty because ''we would not have been able to bind ourselves legally to the delivery of that $4 billion project [for light water reactors].'' That is not a full answer. If an administration decides that it cannot make a unilateral commitment and must depend on Congress, there is no reason why it cannot submit a treaty that makes clear that the extent of the assistance promised depends on Congress through its authorization and appropriation processes. That understanding has been incorporated in previous treaties.

ECONOMIC COMMITMENTS IN THE AGREED FRAMEWORK

The Agreed Framework, signed October 21, 1994, offers assistance in replacing the DPRK's graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants. The United States will organize an international consortium to finance and supply the LWR project and provide alternative energy in the form of heavy oil for heating and electricity production. Delivery of heavy oil is scheduled to begin within three months of the date of the document and reach a rate of 500,000 tons annually. Upon receipt of ''*U.S.* assurances'' (emphasis supplied) for the provision of LWR's and for arrangement for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities. The Framework also provides that the United States and the DPRK will cooperate in finding a method to store safely the spent fuel from the graphite-moderated reactors. Although some of the financial commitments depend on organizing an international consortium and securing financial support from other governments, several of the key commitments—including U.S. assurances to provide for LWR's and for arranging interim energy alternatives, as well as disposing of spent fuel—fall exclusively on the United States. The United States expects to fully bear the cost of storing and disposing of spent fuel.

In his letter of October 20, 1994, to DPRK President Kim Jong II, President Clinton confirmed that he would use ''the full powers of my office'' to facilitate arrangements for the financing and construction of a light-water nuclear power reactor project within the DPRK and the funding and implementation of interim energy alternatives pending completion of the first reactor unit of the light-water reactor project. In addition, if the reactor project was not completed for reasons beyond the control of the DPRK, President Clinton would use ''the full powers of my office'' to provide, to the extent necessary, such a project from the United States, ''subject to approval of the U.S. Congress. Furthermore, in the event the interim energy alternatives are not provided, for reasons beyond the control of the DPRK, President Clinton promised to use ''the full powers of my office'' to provide, to the extent necessary, such interim energy alternatives from the United States, ''subject to the approval of the U.S. Congress.''

As explained in President Clinton's message, the effect of the Agreed Framework is to make political and moral, not legal, commitments. In his statement to the Senate Foreign Relations Committee, Ambassador Gallucci explained that the administration decided to call the agreement an ''Agreed Framework'' because it ''did not want to take on the obligation of providing a light water reactor or two light water reactors, to be precise.'' To the extent that completion of the light-water nuclear reactor project or supplying interim energy alternatives depend on congressional action, Congress must provide approval through its authorization and appropriation processes. Absent statutory authority, President Clinton has no independent constitutional power to provide that assistance, although his political and moral commitment puts pressure on Congress to act in a supportive manner through the statutory process.

DOES THE FRAMEWORK ENCROACH UPON CONGRESSIONAL PREROGATIVES?

According to the statement by Ambassador Gallucci to the Senate Foreign Relations Committee, initial implementation of the Agreed Framework resulted in the United States in the first three months providing 50,000 tons of heavy oil at a cost of between $5 million and $6 million, and there ''will be heavy oil shipments, up to 100,000 tons, by the end of October 21, 1995.'' Ambassador Gallucci testified that the Defense Department can provide the initial assistance of $5 million to $6 million ''under existing authorities.'' We do not have the specific legal authorities referred to by Ambassador Gallucci, but legislation governing DOD activities and funding expenditures does not include restrictions regarding North Korea. Section 127 of Title 10, however, authorizes the Secretary of Defense, secretaries of a military department, and the DOD Inspector General, to ''provide for any emergency or extraordinary expense which cannot be anticipated or classified.'' The amounts available for expenditure are subject to limitations in appropriations acts and must be reported to Congress quarterly. The Defense Department Appropriation, 1995 (P.L. 103–335), includes the following amounts out of operation and maintenance accounts for such emergencies: Secretary of Defense, $23.768 million Army, $14.437 million; Navy/Marines, $4.301 million; and Air Force, $8.762 million.

With regard to the need to clarify the water in which spent fuel is placed, Ambassador Gallucci testified that the Department of Energy estimates the cost to be a ''couple of hundred thousand dollars [and] is something they can do before the end of this year and really ought to for safety reasons.'' Again, we have no information regarding the legal authorities available to the Energy Department to perform this work. Ambassador Gallucci discussed other activities by the Energy Department, including the recontainment or recanning of the fuel, which ''could take some millions of dollars, less than $10 million, maybe more than $5 million—in that range. This would involve a reprogramming and they would follow the normal practice of coming to the Congress for confirmation of reprogramming authority. This would happen after January 1.''

It is unclear from this statement whether the administration would simply be notifying designated committees about the reprogramming or seeking their prior approval. Nor is it clear whether the administration's initial funding commitments are authorized by law. At this point we have no citations to examine that issue. There are other questions about the statutory authorities that might be invoked to fulfill the initial funding commitment. If the administration tapped a general contingency fund to provide this initial assistance to North Korea, there may be adequate authority in allocating emergency funds to do so. But if it is a case of Congress appropriating funds with the expectation that they will be used for a specific purpose, as justified in agency budget requests, there is a substantial issue of the administration reallocating those funds to a purpose never justified to Congress. Ambassador Gallucci testified that the administration expects ''the $4 billion burden [for light water reactors] to be borne centrally by South Korea, and this we understand.''

LEGISLATIVE RESPONSES TO THE AGREED FRAMEWORK

The Senate could respond to the Agreed Framework by insisting, either through political pressure or a Senate resolution, that it be submitted as a treaty and made subject to full legislative debate. Whether Senators want to be in a position of having to approve, reject, or amend the administration's agreement is a question they need to decide individually. Some Senators may decide that it is better for the President to make nonbinding promises, with the understanding by all nations that under our constitutional system it is Congress, not the President, that has the power of the purse. To the extent that the President has acted unilaterally and finds himself politically isolated, that presently is the administration's problem, not Congress's. In any case, the decision to submit the matter by treaty is in the hands of the President.

Because of the funding implications and the need to obtain appropriations from both chambers, if legislative action is required it may be more appropriate to act by bill or joint resolution. If Congress decides that it does not want to act at this time by treaty or by bill, it could adopt non-binding simple or concurrent resolutions to enunciate the policy and constitutional concerns at stake for Congress as an institution, many of which have been identified above.

I trust that this memorandum is helpful to you. If I can be of any further assistance, please contact me at 7–8676.

FOOTNOTES

[1] *Treaties and Other International Agreements. The Role of the United States Senate,* a Study Prepared for the Senate Committee on Foreign Relations by the Congressional Research Service, S. Prt. 103–53, 103d Cong., 1st Sess. 178 (November 1993)

[2] Id. at 181.

[3] Id. at 190.

[4] Id. at 192.

[5] The GATT bill differs from the dispute over the Agreed Framework. In the case of GATT, Congress had authorized the use of the regular legislative process (action by both Houses on a bill) and had extended this authority for completion of the Uruguay Round.

U.S. SENATE,
Washington, DC, February 24, 1995.

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

DEAR BOB: We request that the Senate handle as a treaty under the constitutional ratification process the U.S.-Democratic Peoples Republic of Korea Agreed Framework for Resolving the Nuclear Issue.

The Clinton Administration is seeking to proceed on this agreement without submitting it for Senate ratification.

For your review, we enclose a memorandum from the Congressional Research Service, The Library of Congress, dated February 8, 1995.

While the memorandum notes that there are ''no hard and fast rules,'' we believe the underlying rationale suggests that the agreement should be handled as a treaty because it is a matter of great importance (involving North Korea's potential for developing nuclear weapons), constitutes a substantial commitment of funds extending beyond a fiscal year and is of substantial political significance.

The formal treaty ratification process will enable us to undertake a detailed factual analysis to determine whether this agreement is in the national interest.

Sincerely,

ARLEN SPECTER,
Chairman,
Select Committee On Intelligence.
FRANK H. MURKOWSKI,
Chairman,
Energy and Natural Resources Committee.
JESSE HELMS,
Chairman,
Foreign Relations Committee.

Enclosure

NORTH KOREA NUCLEAR TIMELINE

EARLY 1980'S

North Korea begins construction of 5 MW reactor in Yongbyon.

1985

Dec.—North Korea signs the NPT.

1986

Jan.—5 MW reactor begins operations.

1988

Dec.—First U.S.–DPRK official contacts in Beijing.

1989

Spring—Extended outage of 5 MW reactor.

1991

May—North Korea joins the United Nations.

Sept.—U.S. announces intention to redeploy tactical nuclear weapons worldwide.

Dec.—North-South finalize non-aggression agreement and North-South Denuclearization Declaration.

1992

Jan.—ROK announces suspension of Team Spirit '92.

North Korea signs IAEA fullscope safeguards agreement.

U.S.–DPRK high-level talks (U/S Kanter in New York).

Mar.—North-South set up Joint Nuclear Control Committee for implementing the Denuclearization Declaration.

Apr. 10—North Korea Supreme People's Assembly ratifies IAEA safeguards agreement.

May 4—DPRK submits initial inventory of nuclear material.

First IAEA ad hoc inspection.

July—Second IAEA ad hoc inspection; first evidence of ''inconsistencies.''

Sept.—Third IAEA ad hoc inspection.

Oct.—U.S. and ROK announce Team Spirit.

Nov.—Fourth IAEA ad hoc inspection.

High-level IAEA-DPRK consultations in Vienna on discrepancies; IAEA requests ''visits to two suspect waste sites.''

Dec.—Fifth IAEA ad hoc inspection.

1993

Jan.—IAEA team travels to Pyongyang to discuss discrepancies in DPRK declaration.

Sixth IAEA ad hoc inspection.

Feb. 9—IAEA requests special inspection of the two suspect sites.

Feb. 20—Further DPRK-IAEA consultations, DPRK rejects special inspections.

Feb. 25—IAEA Board of Governors passes resolution calling for the DPRK to accept special inspections within one month.

Mar. 12—North Korea announces its intention to withdraw from the NPT.

Mar. 18—Special Board meeting passes a second resolution calling on the DPRK to accept special inspections by March 31.

Apr. 1—IAEA Board of Governors adopts resolution finding the DPRK in non-compliance with its safeguards obligations; reports to UNSC.

May 11—United Nations Security Council passes Resolution 825. It calls upon the DPRK to comply with its safeguards agreement as specified in the February 25 IAEA resolution, requests the Director General to continue to consult with the DPRK, and urges Member States to encourage a resolution.

May—IAEA inspectors allowed into Yongbyon to perform the necessary work relating to safeguards monitoring equipment.

June 11—U.S.–DPRK high-level talks in New York; in a joint statement, the DPRK agrees to suspend its withdrawal from the NPT and agrees to the principle of ''impartial application'' of IAEA safeguards. We told the DPRK that if our dialogue was to continue they must accept IAEA inspections to ensure the continuity of safeguards, forego reprocessing, and allow IAEA presence when refueling the 5MW reactor.

July—U.S.-DPRK high-level talks in Geneva; DPRK agrees to resume discussion with the ROK and the IAEA on the nuclear issue, U.S. agrees to in principle to support DPRK conversion to Light Water Reactors.

Aug.—IAEA inspectors allowed into Yongbyon to service safeguards monitoring equipment but, incomplete access to reprocessing plant.

U.S.-DPRK working-level talks in NY begin.

Sept. 1–3—IAEA consultations with DPRK in North Korea on impartial application of safeguards.

Oct. 1—IAEA Geneva Conference meeting adopts resolution urging the DPRK to fully implement safeguards.

Nov. 1—United Nations General Assembly adopts a resolution expressing grave concern that the DPRK has failed to discharge its safeguards obligations and has widened the area of non-compliance. It also urges the DPRK to cooperate immediately with the IAEA in the full implementation of its safeguards agreement.

Nov. 14—DPRK withdrawal suspends North-South talks.

Dec.—U.S. Commander in Chief, U.S. forces Korea, General Luck, requests Patriot Missile Battalion to counter North Korean Scud threat.

Dec. 5—IAEA Board of Governors Meeting. Blix states that he can not give meaningful assurances about continuity of safeguards, and that the possibility that nuclear material has been diverted cannot be excluded.

Dec. 29—U.S.-DPRK agree in NY talks on an arrangement for a third round. The North agreed to accept IAEA inspections needed to maintain continuity of safeguards at seven declared sites, and to resume North-South working-level talks in Panmunjon. In exchange, U.S. agrees to concur in a ROK announcement to suspend Team Spirit '94 and set a date for a third round of U.S.-DPRK talks, which would be held only after DPRK steps are completed.

1994

Jan.—North Korea begins talks with the IAEA in Vienna to discuss the scope of inspections necessary to provide continuity of safeguards.

Jan. 26—White House announces plans to send Patriot Missile Battalion to South Korea.

Jan. 31—DPRK Foreign Ministry Statement accuses the U.S. of overturning the December 29 understanding; threatens to ''unfreeze'' its nuclear program.

Feb. 15—IAEA–DPRK reach an understanding on a comprehensive list of safeguards measures which are to be performed to verify that no diversion of nuclear material has occurred in the seven declared nuclear installations since earlier inspections.

Feb. 21—IAEA Board of Governors meeting.

Feb. 25—U.S.-DPRK Joint statement outlining terms of December agreement.

Feb. 26—DPRK authorities issue two week visas to the IAEA inspection team.

Mar. 1—IAEA inspectors arrive in DPRK.

Mar. 3—Official ''Super Tuesday'' announcement—IAEA inspections begin, N–S talks begin, suspension of TS '94, and set date for a third round of U.S.-DPRK talks.

Mar. 9—2nd North-South meeting.

Mar. 12—3rd North-South meeting; DPRK and ROK reach an agreement in principle on an exchange of envoys.

Mar. 15—IAEA inspection team leaves Pyongyang having proceeded with inspections without difficulty at all facilities except the Radiochemical Lab.

Mar. 16—IAEA DG Blix calls a special session of the Board of Governors to informally report on the March 3–14 safeguards inspections in the DPRK. Blix announces that the IAEA inspection team was unable to implement the DPRK–IAEA Feb. 15 agreement, and as a result the Agency is unable to draw conclusions as to whether there has been diversion of nuclear material or reprocessing since earlier inspections.

4th North-South meeting.

Mar. 19—5th North-South meeting; DPRK walks out of meeting, threatens to turn Seoul into a sea of fire; Team Spirit '94 back on.

Mar. 21—IAEA Board of Governors pass a DPRK resolution finding the DPRK in further non-compliance and referring the issue to the UNSC with 25 approvals, 1 rejection, and 5 abstentions, including China.

Mar. 21—Administration announces Patriot Missile Battalion will be sent to ROK.

Mar. 31—UNSC unanimous Presidential Statement calling on the DPRK to allow the IAEA to complete inspection activities per the Feb. 15 agreement, and inviting IAEA DG Blix to report back to the Council within six weeks.

Apr. 4—President Clinton directs the establishment of a Senior Policy Steering Group (SSK) on Korea with responsibility for coordinating all aspects of U.S. policy dealing with the current nuclear issue on the Korean Peninsula. A/S Gallucci is asked to Chair the group.

ROK announces Team Spirit '94 will be held during the November time frame.

ROK drops North-South special envoys as a precondition to the Third Round.

Apr. 18—Patriot Missile Battalion arrives in ROK.

Apr. 28—DPRK claims the 1953 Armistice Agreement is invalid and announces its intent to withdraw from the MAC.

May 4—DPRK begins reactor discharge campaign.

May 18–23—IAEA inspectors complete March inspections and maintenance activities for the continuity of safeguards knowledge.

May 20—IAEA reports to the UNSC that the DPRK decision to discharge fuel from the 5 MW reactor without prior IAEA agreement for future measurement ''constitutes a serious safeguards violation.''

May 25–27—IAEA-DPRK consultations in Pyongyang re: fuel monitoring.

May 27—IAEA Director General Blix sends a letter to UNSC Syg Boutros-Ghali stating the IAEA-DPRK talks have failed, DPRK fuel discharge is proceeding at a faster rate, and the IAEA's opportunity to measure the spent fuel in the future will be lost within days if the fuel discharge continues at this rate.

May 30—UNSC issues a Presidential Statement ''strongly urging the DPRK only to proceed with the discharge operations at the 5 MW reactor in a manner which preserves the technical possibility of fuel measurements, in accordance with the IAEA's requirements in this regard.''

June 3—IAEA Director General Blix reports to the UNSC on failed IAEA efforts to preserve the technical possibility of measuring discharged fuel from the DPRK 5 MW reactor.

June 9—IAEA BOG resolution is passed calling for immediate DPRK cooperation by providing access to all safeguards-related information and locations and suspends nonmedical IAEA assistance to the DPRK. 28 for, 1 opposed (Libya), 2 absent (Saudia Arabia, Cuba) and 4 abstentions (China, India, Lebanon, Syria.)

June 13—North Korea officially withdraws from the IAEA.

June 15–18—Former President Carter visits North Korea and receives assurances that the DPRK is willing to freeze the major elements of the nuclear program (no reprocessing, no refueling, and no construction) in order to continue dialogue with the U.S.

June 20–22—The DPRK's intention to reestablish the basis for dialogue by freezing the major elements of its nuclear program was confirmed in an exchange of letters between FM Kang and A/S Gallucci.

June 27—Agreement reached to hold the third round starting July 8.

June 28—North-South Korean summit between DPRK President Kim Il-Sung and ROK President Kim Young-Sam announced for July 25–27.

July 8—Third Round of U.S.–DPRK talks in Geneva begins in a businesslike atmosphere and confirms the DPRK's desire to convert to light water reactor technology.

July 9—President Kim Il-Sung's death was announced and accordingly, the third round was postponed until after the mourning period and the planned July 25–27 North-South summit was postponed indefinitely.

July 21—U.S.-DPRK agree on the resumption of the third round on August 5.

July 19–28—A/S Gallucci-led delegation visits capitals (Seoul, Tokyo, Beijing, Moscow) to discuss the provision of and solicit support for the conversion of DPRK's graphite-moderated reactors to light water reactors (LWR) that are more proliferation resistant.

Aug. 5–12—Resumed third round in Geneva and signed an agreement between the U.S. and the DPRK showing substantial progress towards an overall settlement. As part of the final resolution of the nuclear issue: the U.S. will provide LWRs to the DPRK, make arrangements for interim energy alternatives, and provide an assurance against the threat or use of nuclear weapons;

the DPRK will remain a party to the NPT, allow implementation of its safeguards agreement, and implement the Joint North-South Declaration on the Denuclearization of the Korean Peninsula; the U.S. and DPRK will begin to establish diplomatic representation, hold expert-level on the technical issues in the coming weeks, and recess the talks with resumption scheduled for Sept. to resolve the remaining differences.

Sept. 23—Third round, Session two begins in Geneva

Oct. 21—U.S. and DPRK sign an Agreed Framework (a final settlement to the North Korean Nuclear issue) based on the Aug. 12 agreement.

U.S. hands over Presidential Letter of Assurance and U.S. and DPRK sign a Confidential Minute to the Agreed Framework.

Nov. 14–18—U.S. team of experts visits North Korea to discuss safe storage and disposition of spent fuel.

Nov. 23–28—IAEA team of experts visits North Korea to discuss details related to the monitoring and verification of the freeze on DPRK nuclear facilities.

Nov. 30—Experts from the U.S. and DPRK meet in Beijing for preliminary discussions on the LWR project.

Dec. 6–10—DPRK team of experts visits Washington, D.C. to discuss technical and consular issues related to the planned exchange of liaison offices.

Jan. 9—DPRK announces lifting of restrictions on imports of U.S. products into the DPRK and restrictions on portcalls by U.S. vessels into DPRK ports.

Jan. 17–24—U.S.–DPRK spent fuel talks in Pyongyang—Second Session.

Jan. 19—First shipment of 50,000 metric tons of heavy fuel oil is delivered to the DPRK.

Jan. 20—U.S. announces sanctions easing measures against the DPRK in four areas: telecommunications and information, financial transactions, imports of DPRK magnesite, transactions related to the future opening of liaison offices and other energy related projects.

Jan. 23–28—IAEA-DPRK discussion continue in Pyongyang on implementation and verification of the freeze on DPRK nuclear facilities.

Jan. 28—U.S.-DPRK LWR Supply Agreement Talks in Beijing—Second Session.

Jan. 29—U.S. experts arrive in Pyongyang to survey property sites for the future opening of a U.S. liaison office.

Feb. 15—Australia publicly announces its contribution of $5 million USD to KEDO.

Feb. 28—New Zealand publicly announces its contribution of $300,000 USD to KEDO.

March 7–9—DPRK Preparatory Conference in New York.

Mar. 8—KEDO is formally established as an international organization under international law—Canada, New Zealand, Australia join.

Mar. 27–29—U.S.-DPRK LWR Supply Agreement Discussions in Berlin continue—Third Session.

Apr. 4–8—DPRK experts arrive in Washington, DC, to survey property for the future opening of a DPRK liaison office.

Mr. SPECTER. Finally, Madam President, I would like to ask unanimous consent to print in the RECORD the proposed amendment that I had intended to offer with a number of cosponsors, as I say, including the distinguishing Senator from Texas who is presiding, so that all of that will be part of the RECORD and available for review in anticipation of the response by Secretary of State Christopher, to Senator DOLE's leadership.

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

At the appropriate place in the bill, insert the following new section:

SEC. —. TREATMENT OF AGREED FRAMEWORK WITH NORTH KOREA AS TREATY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Article II, Section 2, Clause 2, of the Constitution requires that treaties may only be made by the President, by and with the advice and consent of the Senate.

(2) The Case Act (1 U.S.C. 112b) requires that the text of international agreements other than treaties shall be transmitted to Congress.

(3) The President does not consider the Agreed Framework Between the United States of America and the Democratic People's Republic of Korea to be a treaty, for purposes of seeking the advice and consent of the Senate to ratification, or even to be any other type of international agreement, for purposes of compliance with the Case Act (1 U.S.C. 112b).

(4) The Agreed Framework involves reciprocal binding commitments by both the United States and North Korea on resolution of the nuclear issue on the Korean Peninsula and is an international agreement.

(5) The commitments made by the United States under the Agreed Framework, including undertakings that will involve appropriations, are as substantial and ongoing as commitments that customarily have been made by the United States through treaties.

(6) Such commitments should be subject to Senate review and approval.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should have submitted, and should now submit, the Agreed Framework as a treaty to the Senate for its advice and consent to ratification pursuant to Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) DEFINITION.—As used in this section, the term ''Agreed Framework'' means the document entitled ''Agreed Framework Between the United States of America and the Democratic People's Republic of Korea'', signed October 21, 1994, at Geneva, and the attached Confidential Minute.

Mr. SPECTER. Madam President, this is an issue of really enormous importance, as we have reviewed the work of the Intelligence Committee.

It has been my conclusion that the problems of international terrorism and the problems of weapons of mass destruction are problems of overwhelming importance, posing a security threat to the United States.

When we have a document which has as much practical importance as this so-called agreed framework does, it is simply inappropriate to not have it subjected to Senate scrutiny. It may well be that this Senate will ratify this treaty, the document that I consider to be a treaty.

It is certainly necessary, in my judgment, that matters of this sort be elevated to a level where there is very, very, considerable public scrutiny and scrutiny by the Senate under the constitutional doctrine of checks and balances.

So awaiting the reply by Secretary of State Christopher, it is my intention at the appropriate time to bring this matter to the Senate for ratification because of its importance on the merits

and on the substance, and because of its importance in compliance with the U.S. Constitution. I thank the Chair.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

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

AMENDMENTS NOS. 342 THROUGH 346, EN BLOC

Mr. INOUYE. Madam President, I am about to send to the desk several amendments on behalf of several Senators on both sides of the aisle. I am pleased to advise you, Madam President, that these amendments have been reviewed and cleared by the managers of the measure before us and all of the appropriate Senators from committees of jurisdiction.

I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes amendments numbered 342 through 346.

Mr. INOUYE. Madam President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 342

Mr. INOUYE offered amendment No. 342 for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. DOLE, Mr. DASCHLE, Mr. SPECTER, Mr. INOUYE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, and Mrs. FEINSTEIN.

The amendment is as follows:

On page 16, between lines 18 and 19 insert the following:

CHAPTER I

On page 25, between lines 4 and 5, insert the following:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in Title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided,* That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

Mr. MCCONNELL. Madam President, last July, Israel's Prime Minister Rabin and Jordan's King Hussein appeared before a joint session of Congress to declare the end of a 46-year state of war.

Their remarks were inspiring, particularly Prime Minister Rabin's reminder that he served 27 years as a soldier, and in his words, ''sent regiments into fire and soldiers to their death * * * and today we are embarking on battle which has no dead and wounded, no blood no anguish. This is the only battle which is a pleasure to wage, the battle for peace.''

In turn, King Hussein declared Jordan ''ready to open a new era in relations with Israel'' calling upon each of us for help and cooperation in security a final peace settlement for the Middle East.

Later in the day at the White House the President affirmed the American commitment to continue our role in securing a comprehensive peace. The next important step in that process followed in October with a peace treaty between the two nations.

This agreement was not an easy decision for Jordan. Given the radical opponents to peace in the area, particularly terrorist groups threatening retaliation against any country or leaders moving forward in normalizing relations with Israel, the King demonstrated remarkable courage.

In direct response to this significant breakthrough, President Clinton pledged our support in relieving Jordan of its crippling debt burden. In the foreign operations appropriations bill last year we provided the first installment of that debt relief. Several weeks ago, the President submitted a supplemental request and asked us to finish the job.

That is the amendment before the Senate. At the President's request, we are providing the balance of that debt relief. The funds will be drawn from the foreign operations subcommittee allocation scheduled to be released over fiscal year 1995 and fiscal year 1996 from existing foreign operations resources.

But not exceeding our subcommittee allocation, should not suggest this bill is free of costs. There are very painful tradeoffs that we will be forced to make in the upcoming foreign operations appropriations bill. By providing this relief for Jordan other programs will have to be reduced. But, that is a choice that I am willing to make and that is the clear choice of the Clinton administration.

Let me quote from the letter the President sent regarding this request. Dated March 8, he says failure to provide the debt relief ''would threaten our ability to continue our leadership in the Middle East Peace process. It undercuts those who are willing to take risks for peace and it directly threatens the security of Israel and the Israel-Jordan peace treaty.''

Those are the stakes. President Clinton's assessment is echoed by every leader in the region committed to stability, security and peace. In fact, the only critics of debt relief in the region seem to be those few cynical opponents still consumed by the drive to destroy Israel.

Syria's President Assad already is challenging American credibility and our national commitment to our friends in the region. His purposes would be served if he could point out that the Congress failed to live up to an American commitment to Jordan and other prospective the risk takers.

It will be nothing less than a victory for Saddam Hussein if we renege on the President's promise, if we abandon an obligation assumed by Secretary Christopher and the administration.

Madam President, it has not been an easy process to bring this legislation to the floor. Even with Secretary Christopher and his negotiating team in the region attempting to inch the process forward, there has been some reluctance by Members on both sides of the aisles to support this legislation. I know my colleague Senator LEAHY has some reservations about the outlay consequences of providing this support, but there have also been concerns raised about the administration's management of this request.

Last year, during conference on the fiscal year 1995 Foreign Operations bill, we received a late night request to add the first tranche of aid to our conference report. We did so with the clear understanding that the balance would be requested and provided in two additional installments over the next fiscal years. Instead, once again, we were presented with an emergency, last minute request.

The fact that Jordan and Israel signed a peace treaty factored into the decision to consolidate the second and third installments and I believe was the reason why most of my colleagues have been prepared to respond to the President's request, but I should point out that the administration has not made it easy to vote for this commitment. In fact, there have been several points when administration officials have actually jeopardized prospects for providing the assistance.

When the House Appropriations Committee decided to provide part of the funding while making the commitment to appropriate the balance in the next fiscal year, the White House spokesman accused members of contributing to the renewal of war between Israel and Jordan. Insult was added to injury when other administration officials suggested Republican isolationism would compromise our national commitment.

I think these charges are irresponsible, inaccurate and introduced a mean spirited, unnecessary partisan

element to an otherwise serious, important deliberation. Frankly, the remarks were costly in building support for this undertaking.

Nonetheless, many of us believe this is a commitment worth making and keeping. My colleagues who joined in introducing this amendment share the view that the cause of peace is at a critical point. Our partners in this process must know we will not retreat.

I ask unanimous consent that the letter I referenced from President Clinton be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, March 8, 1995.

Hon. MITCH MCCONNELL,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: A comprehensive and lasting peace in the Middle East that ensures the security of Israel has been a bipartisan goal which every administration and Congress has endorsed and pursued for nearly fifty years. This goal was significantly advanced through the bold leadership and courage displayed by King Hussein of Jordan and Israeli Prime Minister Rabin, which made possible the signing last October of a treaty of peace between their countries. The United States played a critical role in making this possible, through our diplomacy and our commitment to stand by those who worked for peace.

I told Prime Minister Rabin and King Hussein last July, as they met at the White House and set out their vision for a future of peace and cooperation, that the United States would support Jordan—as we support Israel—to minimize the risks it was taking for peace. The Congress expressed its own support for the King's leadership in the peace process in the extraordinary reception accorded the King and Prime Minister when they appeared together before a Joint Session. This expression of U.S. support was essential to King Hussein's ability to move forward to conclude and implement a peace with Israel which could serve as a model for regional cooperation.

Accordingly, last year I proposed to Congress that we forgive all of Jordan's official direct debt to the United States. This was authorized by the Congress last August and $99 million was appropriated as an initial tranche. I proposed in the FY 1995 supplemental an appropriation of $275 million to complete debt forgiveness. I want to encourage Congress to take immediate action to fulfill this commitment.

Failure to do so would threaten our ability to continue our leadership in the Middle East peace process. It undercuts those who are willing to take risks for peace and it directly threatens the security of Israel and the Israel-Jordan peace treaty. Prime Minister Rabin called me to express personally his grave concern regarding the negative consequences for both Israel and Jordan, as well as the broader peace process, of failure to fully implement the proposed debt forgiveness.

The cause of peace in the Middle East is at a critical point. We must not withdraw the support we have pledged to those who face very real threats from terror and violence. The people of Jordan must see that the United States stands by its commitments. Israel must know that our leadership in the Middle East remains a constant of bipartisan policy. And those in the region who have not yet made peace must recognize that we will not retreat from engagement in the quest for an enduring settlement.

The price the United States and our friends in the Middle East will pay for failure is high. I need your support to ensure that our commitment is fulfilled and the full $275 million of debt forgiveness for Jordan is provided.

Sincerely,

BILL CLINTON.

Mr. PELL. Madam President, this is an extraordinarily delicate moment in the Middle East peace process. Israel's agreement with the Palestinians is hanging precariously in the balance between success and failure, and one more act of terrorism against Israel could cause the agreement to unravel completely. At the same time, Israel's negotiations with Syria are moving slowly, and could be eclipsed by the pending Israeli electoral cycle.

While Secretary of State Christopher's recent trip to the Middle East appeared to yield some progress on the Palestinian and Syrian tracks, the truth is that we cannot be assured of the establishment of a comprehensive peace in the coming year. One element of the peace process, however, that has been an unqualified success is Jordan's peace treaty with Israel. By all accounts, the pace and scope of the agreement's implementation have exceeded expectations, and the accord shows real promise of bringing about a peaceful, normal relationship between Israel and Jordan. The Israeli-Jordanian peace treaty is a true milestone in U.S. diplomatic efforts in the Middle East.

We cannot lose sight of how well the peace treaty serves our national security and foreign policy concerns. Much like the Egypt-Israel peace treaty that arose from the Camp David agreements, the Israel-Jordan treaty resolves a major component of one of the most intractable conflicts in history. As a result, it should make a significant contribution to advancing our interests in the Middle East, namely, ensuring the safety and security of Israel, promoting regional stability, and preserving our access to—and the free flow of—oil.

That being the case, it is completely reasonable to provide full debt relief to Jordan as compensation for implementing its peace treaty with Israel. To me, a $275 million appropriation—when viewed in the context of this historic peace treaty—is a fair price to pay in support of peace. Moreover, if the United States leads by example in forgiving its debt, then we might be able to use that as leverage over other donor countries to enter into similar debt relief arrangements.

Madam President, I can think of many occasions in the past 30-some years when I have stood in this very spot to commend King Hussein for promoting peace in the Middle East. Now that the King has taken the final step in signing and implementing a treaty—with, I might add, no small amount of prodding from the Congress and successive U.S. administrations—I believe we should send a signal of our appreciation. That is why I support full debt forgiveness for Jordan.

Mr. LEAHY. Madam President, I am pleased to join Chairman MCCONNELL in sponsoring the Jordan debt relief amendment. This amendment concludes an effort that he and I began last summer when I was still chairman of the Foreign Operations Subcommittee and he was the ranking member. My colleagues will recall the excitement that enveloped this body at that time: Israeli Prime Minister Rabin and Jordanian King Hussein paid a joint visit to Capitol Hill and confirmed that they were making peace. I will never forget the shivers that ran down my spine as I listened to them speak and realized that the day that we had so long wished for had finally arrived. It was with enormous pride that I worked late at night with Senator MCCONNELL and Congressman OBEY in a last-minute drive to incorporate in our fiscal year 1995 appropriations bill a downpayment on debt relief for Jordan as a token of United States support for this wonderful, historic development.

That was just the beginning, however. In the space of just 2 months, far more quickly than anyone had predicted, the governments of Jordan and Israel completed negotiation of the formal peace agreement between their two countries. Come the end of October, I found myself with President Clinton witnessing the signing of that agreement on the Jordan-Israel border north of the Gulf of Aqaba. Once again, I found myself moved beyond words.

With the memories of that trip to the Middle East still fresh in my mind, I was pleased last month to see included in the administration's fiscal year 1996 budget request a proposal for a supplemental fiscal year 1995 appropriation to fund the remainder of the Jordan debt restructuring program that Congress authorized last summer. I was further pleased 10 days ago to receive a call from Secretary of State Christopher requesting my support for including $275 million for this effort in the defense supplemental appropriations bill now before the Senate. With the peace agreement signed and implementation proceeding vigorously, it is imperative that the United States move quickly to fulfill its promise and appropriate the funds required to complete the debt relief effort. I told Secretary Christopher that I would support this proposal enthusiastically.

Later that day, however, I received the details of the proposal and realized that there was one serious drawback to it: it would require that the bulk of the money—$225 million—for this effort come out of the funds that will be available in fiscal year 1996 for our other foreign assistance activities. In other words, in order to pay for our aid to Jordan, we would have to cut back significantly our aid to other countries and organizations. Mr. President, I worked all last week trying to find a

way to appropriate in full the $275 million for Jordan debt relief that is essential at this critical stage in the Middle East peace process, and at the same time avoid threatening serious harm to the rest of our foreign assistance programs. Unfortunately, the State Department advised me that any modification of the proposal would be interpreted in the Middle East as a retreat by the United States from its commitment to Jordan and its support for the peace process.

They also told me, however, that the administration will work hard in the coming months to find ways to mitigate the prospective harm to other programs. Given these assurances, and my strong commitment to supporting the Middle East peace process, I am cosponsoring this amendment with Chairman MCCONNELL. Chairman MCCONNELL has worked hard on this amendment, and I have appreciated the chance to work with him on it.

With this action, we make an important contribution to advancing the peace process and we demonstrate to King Hussein the appreciation of the United States for the heroic steps he has taken in support of the peace process.

As we proceed through the fiscal year 1996 appropriations cycle, I will work hard with the administration, Chairman MCCONNELL, and my other fellow Senators to minimize cuts to other essential foreign assistance programs.

Mr. LAUTENBERG. Madam President, I am joining with other members of the Senate Foreign Operations Subcommittee in sponsoring the pending amendment to relieve the remainder of Jordan's debt to the United States. I do so because this initiative is integral to the ongoing peace process in the Middle East.

This action will make good on the promise President Clinton and the American people made to King Hussein—that the United States would support Jordan as it took risks for peace.

In line with this commitment, last summer, President Clinton told King Hussein that he would ask the Congress to relieve Jordan's debt to the United States if Jordan took a bold step toward peace.

As the first step on the road to peace, Jordan and Israel signed the Washington Declaration and King Hussein and Prime Minister Rabin appeared for the first time together in public last July.

It was a historic moment. Many of us sat in the Capitol and marveled as King Hussein and Prime Minister Rabin—two former enemies—stood together before the Congress and spoke publicly about strengthening ties between their nations, about moving toward a comprehensive peace treaty.

We were inspired by their courage. We were moved that the two leaders were taking concrete steps to bring their nations together. That they were committing themselves publicly to waging a battle for peace.

In response, and consistent with the President's commitment, the Congress forgave a portion—$220 million—of Jordan's debt to the United States. to relieve all of the debt at that time would have been premature. It was, after all, important to measure progress and to give the King an additional incentive to sign a formal peace treaty with Israel.

Now, Mr. President, Jordan has signed a formal peace agreement with Israel. Jordan did not wait for other countries in the region to reach an agreement with Israel. It boldly moved forward and signed a comprehensive peace agreement with Israel on its own.

Now that Jordan has done its part, the United States needs to make good on the President's commitment to relieve the remainder of its debt to our country. The Jordanian Government has exposed itself to those who would choose war rather than peace with Israel.

The Government and the people of Jordan need to believe that they are being supported by the United States. They need to see that the fruits of peace are tangible.

Madam President, the administration supports this amendment. Secretary of State Christopher believes it is important to build the confidence of promoters of peace in Jordan and throughout the Middle East.

Last week, I spoke to Dennis Ross, the State Department's Middle East negotiator, who was in the Middle East with Secretary Christopher. He conveyed to me his strong belief that approving the remainder of Jordan's debt relief at this time was necessary to build momentum in the peace process and continue to strengthen American credibility in the region.

Admittedly, this is a less than ideal solution. Approving this amendment will put additional pressure on our foreign aid spending bill. However, as we review spending cuts, we have to keep in mind long-term American foreign policy and security interests, and reflect on expenses that might be incurred, and lives that might be lost, if the peace process does not move forward in the Middle East.

I hope this new commitment will be reflected in the Foreign Operations Appropriations Subcommittee allocation for fiscal year 1996.

Relieving Jordan's debt is important for the peace process. A successful conclusion to the peace process after decades of strife is important to U.S. security interests and, hopefully, will avoid the need for large defense expenditures or military involvement down the road. I urge my colleagues to support this amendment.

AMENDMENT NO 343

Mr. INOUYE offered amendment No. 343 for Mr. MCCONNELL.

The amendment is as follows:

On page 26, at the end of line 23 add the following:

Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

Mr. MCCONNELL. Madam President, I have proposed an amendment that is essential to the continued survival of Hickman, KY. This town sits on an eroding bluff on the bank of the Mississippi River. If the erosion of the bluff is not halted the city of Hickman risks losing two 500,000-gallon water tanks, the police, fire, and ambulance stations, the county health department, and the community library buildings. As recently as 2 weeks ago the Fulton County School Board was evacuated after engineers indicated that bluff erosion had made the building unsafe.

Over the last several years, I have worked to find a solution to this problem. In 1992, I obtained funds to direct the Corps of Engineers to study the bluff's instability and determine the least costly alternative to address the erosion problem. Last year I was able to get additional funds included in the Energy and Water Development Appropriations, subject to authorization. Unfortunately, the Water Resources Development Act never passed the Senate, leaving the Corps of Engineers without the authorization to initiate their plan to stabilize the bluff. This amendment merely authorizes the expenditure of already appropriated funds.

This year I am concerned that time may run out on the residents of Hickman. Since the erosion does not conveniently conform to the Senate's schedule, I simply can not stand by and wait to see if the Water Resources Development Act will be passed this year. The city of Hickman is counting on this funding to prevent any further loss of their community.

AMENDMENT NO. 344

(Purpose: To restore local rail freight assistance funds)

Mr. INOUYE offered amendment No. 344 for Mr. PRESSLER, for himself, Mr. HARKIN, Mr. CONRAD, and Mr. DASCHLE.

The amendment is as follows:

On page 30, line 8, strike the dollar figure ''$120,000,000'' and insert in lieu thereof the dollar figure ''$126,608,000''.

On page 30, strike line 14 through line 18.

AMENDMENT NO. 345

(Purpose: Sense of the Senate concerning the National Test Facility)

Mr. INOUYE offered amendment No. 345 for Mr. BROWN.

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

''SEC. . NATIONAL TEST FACILITY.

It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas: (a) United States-United Kingdom defense planning; (b) the PATRIOT and THAAD programs; (c) computer support for the Advanced Research

Center; and (d) technical assistance to theater missile defense, and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

AMENDMENT NO. 346

(Purpose: To provide that the rescission from the environmental restoration defense account shall not affect expenditures for environmental restoration at installations proposed for closure or realignment in the 1995 round of the base closure process)

Mr. INOUYE offered amendment No. 346 for Mrs. FEINSTEIN.

The amendment is as follows:

On page 25, between lines 4 and 5, insert the following new section:

SEC. 110. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

AMENDMENT TO PROTECT MILITARY BASES

Mrs. FEINSTEIN. Madam President, I rise today to offer an amendment that would protect military bases recommended for closure or realignment in 1995 from the proposed rescission in the Defense Environmental Restoration Account [DERA]. I urge my colleagues to support this important amendment.

As many of my colleagues know, DERA funds are used to clean up environmental contamination at open military bases. Because, the military is subject to Federal and State environmental laws and regulations just like private parties, the Department of Defense has an obligation to clean up its military bases, whether the bases will remain open or will close due to the base realignment and closure process.

I strongly support DERA efforts and am concerned about the proposed $300 million rescission in this appropriation bill. But, I understand that the supplemental funding is extremely important to ensure the readiness of our Armed Forces and protect U.S. national security. Because the Appropriations Committee has decided to fully offset the increase in funding with spending cuts, difficult decisions need to be made. I remain hopeful, however, that the severe cut in DERA funds can be mitigated in conference.

I am particularly concerned about the impact of the DERA rescission on bases that have been recommended for closure or realignment in the current base closure round. Normally, cleanup at closing military bases is funded out of the base realignment and closure [BRAC] account. However, in the first year of a closure—before BRAC cleanup funds are available—environmental cleanup at closing military bases is funded from DERA.

Military bases slated for closure must be closed within 6 years of the closure decision, therefore, it is important that environmental cleanup not be delayed to ensure the timely and effective reuse of bases. Environmental cleanup is vital to assisting impacted communities with economic redevelopment efforts.

This amendment would protect bases recommended for closure or realignment in 1995 from any funding cuts in DERA. The rescission would still take place, but at least for the first year until BRAC funding kicks in, closing bases would not be impacted. This amendment would simply ensure that the timetable for cleaning up and closing a military base is not adversely impacted.

I urge my colleagues to support this amendment.

Mr. INOUYE. Madam President, I ask unanimous consent that the amendments be considered and agreed to, en bloc; that the motions to reconsider be laid upon the table, en bloc; and that statements relative to the amendments be printed in the RECORD as though read.

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

So the amendments (Nos. 342 through 346) were agreed to.

DOD MAIL ORDER PHARMACY PROGRAM

Mr. DOMENICI. Madam President, I would like to bring to Senator STEVENS' attention an issue regarding improved options for access to DOD health services.

Mr. STEVENS. I welcome my friend and colleague's input.

Mr. DOMENICI. The fiscal year 1993 Defense Authorization and Appropriations Acts required the DOD to conduct mail service pharmacy demonstration projects. The fiscal year 1994 Appropriations Act included language requiring DOD to expand the mail service benefit to include all base realignment and closure sites not supported by an at-risk managed care support contract.

DOD has moved forward to implement at-risk managed care support contracts; however, residents within the BRAC sites are still adversely affected because the managed care contracts will not be fully implemented in some areas for up to 27 months. This denies these individuals the access and convenience they previously had in going to medical treatment facility pharmacies.

By acting to extend the mail service pharmacy program now rather than waiting for full implementation of the managed care at-risk contracts, the Government can achieve the following objectives.

First, during the interim period, eligible residents will have access and convenience to a benefit that is comparable to what they had before by being able to go to the pharmacy at the medical treatment facility before it closed.

Second, the existing mail service pharmacy benefit uses government acquired pharmaceuticals, where as currently, beneficiaries are reimbursed based on what they pay for medications on the commercial market, which are considerably higher.

Third, expansion of this benefit now is consistent with previous congressional mandates to provide access and interim coverage to individuals affected by BRAC.

For these and other reasons, it is my hope that you will lend your support to try to address this gap in coverage during the conference.

Mr. STEVENS. The Senator from New Mexico has my support for trying to assist him in addressing this issue during the conference.

Mr. DOMENICI. I thank the Senator. I very much appreciate his support.

AIR FORCE SPACE PROGRAM FUNDING

Mr. STEVENS. Madam President, in discussions with the Air Force early this month, the Defense Subcommittee learned about a potentially serious problem with the financing mechanisms governing Air Force support of the Cassini mission to Saturn sponsored by the National Aeronautics and Space Administration [NASA].

In addition, potential problems have been identified with the funding of on-orbit incentives for several Air Force satellite programs.

The Cassini-related issue centers on the question of how much of the funds reimbursed to the service by NASA, can the Air Force use to finance the Titan IV/Centaur heavy-lift expendable launch vehicle programs. There is no problem with the amount of reimbursement, or with NASA's willingness to pay these funds. The problem apparently arises due to legal interpretation of the statute governing interagency exchanges of goods and services.

The subcommittee has been informed that resolution of this problem should occur early this year to avoid significant impacts on the Titan IV/Centaur space programs.

Similarly, early resolution may be needed for the on-orbit incentives dilemma the Air Force faces. In this case, a change in guidelines for budgeting for on-orbit incentives may have caused financial shortfalls for important satellite programs. The Air Force states that these financing changes may cause serious problems for the Defense Support Program for early warning satellites, the Global Positioning System navigation satellites, the Defense Meteorological Satellite Program, and the Defense Satellite Communications System.

The subcommittee understands that possible solutions to the Cassini and on-orbit incentives problems raise several legislative issues which must be addressed. Because of these issues, I have asked the Secretary of the Air Force to provide the subcommittee with her views on these matters, as well as the views of other organizations within the Department of Defense and NASA which may have an interest in solving these problems expeditiously.

I ask unanimous consent to print in the RECORD my letter to Air Force Secretary Sheila E. Widnall on these matters at the end of my remarks.

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

(See exhibit 1.)

Mr. STEVENS. It is my objective to be able to address these problems during our joint conference with our House counterparts. I am hopeful that the additional information we are seeking will assist us during this conference.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, March 16, 1995.

HON. SHEILA E. WIDNALL,
Secretary of the Air Force, The Pentagon, Washington, DC.

DEAR MADAM SECRETARY: In discussions with the Air Force, the Defense Subcommittee has learned about a potentially serious problem with the financing mechanisms governing Air Force support for the Cassini mission to Saturn sponsored by the National Aeronautics and Space Administration (NASA). In addition, problems have been identified with the funding of on-orbit incentives for several Air Force satellite programs. The Subcommittee has been informed that resolution of these problems would occur early this year to avoid significant impacts on Air Force space programs.

The Subcommittee understands that possible solutions to these problems raise several legislative issues which must be addressed. Because of these issues, I would appreciate it greatly if you would share with us your personal views on these matters, as well as the views of other organizations within the Department of Defense and NASA which may have an interest in solving these problems expeditiously.

As I know you recognize, the Subcommittee stands ready to assist the Air Force in meeting its national security missions.

With best wishes,

Cordially,

TED STEVENS,
Chairman.

Mr. DOMENICI. Madam President, I would like to review with the distinguished chairman of the Defense Subcommittee the status of an Air Force program to investigate new air defense surveillance technologies. This program, called HAVE GAZE, has been managed for many years by the Air Force's Phillips Laboratory in New Mexico. Last year, Congress appropriated $8 million for fiscal year 1995 efforts. The same amount was appropriated for fiscal year 1994.

Phillips Laboratory has developed this promising new radar technology to the point where actual field experiments are necessary. These experiments are designed to gather the hard data needed to determine HAVE GAZE's operational potential and to determine whether the next development steps are justified.

Unfortunately, the Office of the Secretary of Defense [OSD] has released only about $2.5 million of the fiscal year 1994 funds and has withheld approval to spend the remaining $5.5 million for fiscal year 1994 and all of the fiscal year 1995 funds. Despite Congress' support for the program, OSD initially tried to terminate HAVE GAZE and now proposes more delays and more study before the Air Force can obligate funds.

I would like to ask the distinguished Defense Subcommittee chairman whether he shares my concerns about the Defense Department's latest actions regarding HAVE GAZE.

Mr. STEVENS. I say to my colleague from New Mexico that I do, indeed, share his concerns about HAVE GAZE. I am sorry to say the Department has not acted expeditiously as we intended when we appropriated funds in fiscal years 1994 and 1995. It is important that these previously appropriated funds be released so that the technical data needed to fully evaluate HAVE GAZE's potential is available to the Pentagon and to the Congress.

Mr. DOMENICI. Is the chairman aware of the support from the military for obtaining this HAVE GAZE data through the field experiments?

Mr. STEVENS. I am well aware of the fact that these HAVE GAZE experiments are supported by both the U.S. Space Command and the Air Force.

Mr. DOMENICI. I believe there is still an opportunity for the appropriate and timely resolution of this difficulty. Does the distinguished chairman agree?

Mr. STEVENS. I agree that there is need for the quick resolution of the situation.

Mr. DOMENICI. Will the chairman be willing to continue to work with me during the joint conference with our House counterparts to encourage the Defense Department to release the HAVE GAZE funds without further delay?

Mr. STEVENS. Let me assure my colleague on the Defense Subcommittee that, should these delays continue, we will need to consider this topic in our deliberations during conference with the House on this bill. I will work closely with him on this important matter.

Mr. DOMENICI. I thank the Senator. I greatly appreciate the support of the distinguished chairman of the Defense Subcommittee in obtaining an expeditious resolution of this HAVE GAZE issue.

MILITARY SCHOOL MAINTENANCE

Mrs. MURRAY. Madam President, I rise to engage the chairman of the Senate Appropriations Defense Subcommittee in a colloquy on the issue of military school maintenance.

As the chairman may know, local education agencies [LEA's] which serve the dependents on active military personnel have a unique and very difficult challenge in meeting the needs of these students. Not the least of these challenges is maintaining a safe and productive learning environment in those educational facilities which are owned by the Federal Government and located on military installations.

This situation is particularly acute in several LEA's which were identified in the joint Department of Defense/Department of Education report, the Dole Commission report mandated by Public Law 99–661, as having the most severe problems while serving at least two major military installations. In fact, some of these facilities would not even meet local fire and safety regulations were they not located on Federal property.

Congress has addressed this problem several times in the past. In fiscal year 1994 Congress appropriated $10 million to initiate repair problems at the above mentioned installations. This allowed the Department to begin correcting the most severe building deficiencies in advance of ownership transfer to the involved LEA's. In fiscal year 1995 Congress appropriated an additional $20 million to continue and hopefully complete this work and transfer ownership.

Though the funds for fiscal year 1995 military school maintenance programs were appropriated almost 6 months ago, I am advised that the Department of Defense has yet to disburse these funds to the appropriate schools.

Mr. STEVENS. I share the Senator's concern about DOD failing to promptly disburse these funds. As the Senator from Washington knows, the Department was directed—in the Senate report accompanying last year's Defense appropriations bill—to allocate these funds to school districts identified in the joint DOD/DOEd study as having the most severe problems. As such, school districts in our two States are in line for receiving some of these funds. One of the reasons for the Department's delay, I am told, is that statutory language approved in the 1995 Defense Appropriations Act does not allow funds for repairing federally owned schools to be used to replace facilities. I believe this problem faces both the Alaska and Washington schools. Is that the Senator's understanding as well?

Mrs. MURRAY. I believe that to be the case. It is my hope that a remedy to this situation will be considered in the conference on this supplemental appropriations bill.

Mr. STEVENS. I look forward to working with the Senator from Washington on this issue and will ask my staff to work closely with your office to craft an appropriate remedy. I can assure the Senator that this issue will be dealt with promptly.

APACHE HELICOPTERS

Mr. BOND. Madam President, there is one issue I would like to bring to the attention of the chairman of our Defense Subcommittee—the proposed rescission of $77.6 million from the Apache A procurement program. Although this funding is no longer needed to prevent a gap in the Apache production line, the Army claims that it is needed to prevent a delay in the Apache Longbow modernization program, which is one of the U.S. Army's priority programs.

I have been informed that the Army currently faces a significant funding shortfall for long lead procurement

items and for research and development in the Longbow program. These funding shortfalls may cause significant downsizing and delay in both efforts. A delay in exercising the long lead contract options and in providing the RDT&E funding, may result in key suppliers ceasing work and may cause delays in production planning, tooling acquisition, and component production. Technical publications may be placed at risk, and total program costs may increase.

I ask the chairman whether he would be willing to address this issue in conference and to work with me to find some kind of accommodation to avoid shortfalls in this critical program.

Mr. STEVENS. I recognize the concerns of the Senator from Missouri in this matter, and I can assure him that I will be happy to work with him within the fiscal limitations which constrain all of our decisions during this time of austerity.

I want to extend to my colleague and fellow member of the Defense Subcommittee my personal commitment to support the Apache Longbow program as a centerpiece of the Army's aviation modernization plan. I also recognize the significance of continuity in the Apache Longbow procurement and development efforts to the consideration of Apache helicopters for purchase by our NATO allies.

Let me add, for the benefit of my colleague, that I have directed the Defense Subcommittee staff to begin discussions immediately with the Army to determine the supplemental funding requirements for fiscal year 1995. The subcommittee is seeking this additional information so that it can assure that adequate resources are available for the program and that fiscal year 1995 funds support the efficient execution of the fiscal year 1996 budget request for Apache Longbow.

Mr. CONRAD. Mr. President, will the Senator from Hawaii be willing to engage in a short colloquy with the Senators from North Dakota?

Mr. INOUYE. I will be glad to engage in a colloquy with the Senators from North Dakota.

Mr. CONRAD. According to my understanding, Congress appropriated $10 million in fiscal year 1994 and $10 million in fiscal year 1995 for the U.S. Army to upgrade and procure the M149A2 water trailer.

Would the Senator from Hawaii tell me if my understanding is correct?

Mr. INOUYE. The Senator is correct. The Senator from North Dakota is aware that, as Chairman of the Defense Appropriations Subcommittee, I strongly supported procurement of the M149A2 because it provided the Army with a modern water trailer which it sorely needed.

Mr. CONRAD. I recognize the key role the Senator has played in procurement of the water trailer, and I am grateful for his support. As the Senator from Hawaii is aware, the M149A2 is manufactured by the Turtle Mountain Manufacturing Co., located on the Turtle Mountain Indian Reservation in North Dakota.

Turtle Mountain Manufacturing Co. began manufacturing the water trailer when the company was part of the Small Disadvantaged Business 8(a) set-aside program, and the company continued manufacturing the trailer after it graduated from the 8(a) program. Procurement of the M149A2 provided the Army with a vital piece of equipment. The procurement also brought job opportunities to the Turtle Mountain Indian Reservation.

However, I have recently learned that the Army has procured enough of the water trailers to meet its new inventory objective. Due to planned force structure changes, the Army does not need as many water trailers as it previously anticipated.

Would the Senator tell me if I am correct?

Mr. INOUYE. The Senator is correct. The Army reports that it has 9,926 M149A2 water trailers on hand, and no longer needs more of the water trailers. As the Senator has indicated, the Army still has $15 million of the funds Congress appropriated for the water trailers in fiscal year 1994 and fiscal year 1995.

The Army does, however, need another trailer, the M105A3 cargo trailer. The average age of the M105 cargo trailer is 16 years, while the trailer's economic life is 20 years. Nearly one-quarter of the Army's fleet of M105 cargo trailers is older than twenty years, and many of these overage trailers are assigned to fight units. The overage trailers can impair unit mobility and readiness.

Mr. CONRAD. As I understand it then, the Army has $15 million remaining from procurement of the M149A2 water trailer. Although the Army does not need additional water trailers, it does need the M105A3 cargo trailer.

Would the Senator support the Army's using this remaining $15 million to procure the M105A3 cargo trailer?

Mr. INOUYE. I indeed support such action by the Army. The funds were appropriated for trailer procurement, and the Army needs the M105A3. I urge the Army to use the funds to procure the M105A3.

Mr. DORGAN. I echo the sentiments expressed by my colleague from North Dakota. I thank the Senator from Hawaii for his support of funding for the M149A2 water trailer. The Senator's support has been vital to its inclusion in the defense appropriations bill.

Regarding the purchase of the M105A3 cargo trailer, I appreciate the Senator's confirmation that the Army needs the trailer. Since procurement of the M105A3 would essentially replace procurement of the M149A2, which was originally procured under the small disadvantaged 8(a) program, would the Senator from Hawaii indicate whether he thinks the M105A3 should be procured under a set-aside program?

Specifically, does the Senator from Hawaii think it would be appropriate for the M105A3 contract to be set aside for small disadvantaged businesses?

Mr. INOUYE. I do think it would be appropriate for the Army to set aside the M105A3 contract for small disadvantaged businesses, and I urge the Army to do so.

Senator STEVENS, the chairman of the subcommittee, is on the floor. Would the chairman of the subcommittee be willing to share his views on this subject?

Mr. STEVENS. I am pleased to tell the Senator from Hawaii that I share his opinion. The Army needs the M105A3 and, since the Army has funds which were appropriated for trailer procurement, the Army should use the $15 million in unused funds from procurement of the M149A2 to procure the M105A3 cargo trailer.

Mr. CONRAD. I thank the Senator from Hawaii and the Senator from Alaska.

FUNDING FOR ENTERPRISE DEVELOPMENT IN THE NIS

Mr. STEVENS. Madam President, I would like to express to the Senator from Kentucky, the chairman of the Foreign Operations Subcommittee, my concern as to whether the rescission in this bill to the Agency for International Development [AID] budget might affect the fiscal year 1995 funding level for the Enterprise Development Program. The projects funded in this program are some of the most successful in the former Soviet Union. I have personal experience with the American Russian Center [ARC] in Alaska, which receives its funding through this program. As you may be aware, during its exit briefing for their assessment of AID's programs in the Newly Independent States [NIS] the General Accounting Office [GAO] stated that the ARC was one of the two best programs in Russia. Mr. Tom Dine, the AID assistant administrator for Eastern Europe and Russia, is quoted as saying ''I use it [ARC] as an example to other Universities of how to get involved in the whole economic transition effort taking place in the former Soviet Union.'' ARC is the only AID privatization program in the Russian Far East Region, and in its first year provided training and technical assistance to over 1,000 Russians. Does the committee support the privatization programs, such as the ARC, in the NIS?

Mr. MCCONNELL. Yes, it does.

Mr. STEVENS. The Enterprise Development Program in AID is funding the development of private enterprises in Russia, not the Russian Government. This is consistent with the goal of strengthening the developing entrepreneur class in Russia. This entrepreneur class will be the backbone of democracy in that country. Because of the outstanding performance of the ARC and other programs like it, and

their critical mission of supporting privatization in Russia, I believe this program merits continued full funding. Is it the intention of the chairman of the Foreign Operations Subcommittee that no reduction be applied to the highly rated projects in the Enterprise Development Program such as the ARC?

Mr. MCCONNELL. Yes, that is correct. AID should maintain full funding for these programs.

Mr. STEVENS. Does the distinguished Senator support the original fiscal year 1995 funding level for the Enterprise Development Program.

Mr. MCCONNELL. Yes.

Mr. STEVENS. Madam President, I want to thank my colleague for clarifying that point.

Mr. DOMENICI. Madam President, I rise in my capacity as chairman of the Budget Committee, to comment on H.R. 889, the defense supplemental appropriations and rescission bill for the fiscal year ending September 30, 1995, as reported by the Senate Appropriations Committee.

The bill provides for a net decrease in fiscal year 1995 budget authority and outlays of $1.3 billion and $91 million, respectively. These are real cuts to the deficit.

I ask unanimous consent that tables showing the relationship of the pending bill to the Appropriations Committee 602 allocations and to the overall spending ceilings under the fiscal year 1995 budget resolution be printed in the RECORD.

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

STATUS OF H.R. 889 DEFENSE EMERGENCY SUPPLEMENTAL AND RESCISSIONS—SENATE-REPORTED

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee	Current status[1]	H.R. 889	Subcmte total	Senate 602(b) allocation	Total comp to allocation
Agriculture-RD:					
Budget authority	58,117	—	58,117	58,118	−1
Outlays	50,330	—	50,330	50,330	−0
Commerce-Justice:					
Budget authority	26,873	−177	26,696	26,903	−207
Outlays	25,429	−20	25,409	25,429	−20
Defense:					
Budget authority	243,628	−0	243,628	243,630	−2
Outlays	250,661	−0	250,661	250,713	−52
District of Columbia:					
Budget authority	712	—	712	720	−8
Outlays	714	—	714	722	−8
Energy-Water:					
Budget authority	20,493	−100	20,393	20,493	−100
Outlays	20,884	−50	20,834	20,888	−54
Foreign Operations:					
Budget authority	13,679	−172	13,507	13,830	−323
Outlays	13,780	−6	13,775	13,780	−5
Interior:					
Budget authority	13,578	—	13,578	13,582	−4
Outlays	13,970	—	13,970	13,970	−0
Labor-HHS:[2]					
Budget authority	266,170	−300	265,870	266,170	−300
Outlays	265,730	−4	265,726	265,731	−5
Legislative Branch:					
Budget authority	2,459	—	2,459	2,460	−1
Outlays	2,472	—	2,472	2,472	−0
Military Construction:					
Budget authority	8,836	—	8,836	8,837	−1
Outlays	8,525	—	8,525	8,554	−29
Transportation:					
Budget authority	14,265	−187	14,078	14,275	−197
Outlays	37,087	−11	37,075	37,087	−12
Treasury-Postal:[3]					
Budget authority	23,589	—	23,589	23,757	−168
Outlays	24,221	—	24,221	24,261	−40
VA-HUD:					
Budget authority	90,256	−400	89,856	90,257	−401
Outlays	92,438	—	92,438	92,439	−1
Reserve:					
Budget authority	—	—	—	2,311	−2,311
Outlays	—	—	—	1	−1
Total Appropriations:[4]					
Budget authority	782,655	−1,336	781,319	785,343	−4,024
Outlays	806,241	−91	806,150	806,377	−227

[1] In accordance with the Budget Enforcement Act, these totals do not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $1.3 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[3] Of the amounts remaining under the Treasury-Postal Subcommittee's 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations for the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $1.3 million in budget authority and $1.4 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

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

Source: Prepared by SBC majority staff, March 7, 1995.

FISCAL YEAR 1995 CURRENT LEVEL—H.R. 889, DEFENSE SUPPLEMENTAL AND RESCISSIONS BILL

[In billions of dollars]

	Budget authority	Outlays
Current level (as of February 25, 1995)[1]	1,236.5	1,217.2
H.R. 889, Defense Supplemental and Rescissions, as reported by the Senate	−1.3	−0.1
Total current level	1,235.2	1,217.1
Revised on-budget aggregates[2]	1,238.7	1,217.6
Amount over (+) / under (−) budget aggregates	−3.6	−0.5

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

[2] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

Note: Details may not add to total due to rounding.

Source: Prepared by SBC majority staff, March 7, 1995.

NORTH KOREA—AMENDMENT NO. 328

Mr. HATFIELD. Madam President, I wonder is my friend from Alaska will allow me to respond to his final point about the necessity of having this same language included in the rest of the 1996 appropriation bills.

Mr. MURKOWSKI. I welcome the chairman's comment on this point.

Mr. HATFIELD. I appreciate Senator MURKOWSKI's willingness to modify the language of the amendment to delete the reference to ''any other act.'' As the Senator knows, it is my policy as chairman to pass appropriation bills that do not contain amendments that attempt to apply to other appropriation bills that have not yet come before us.

However, I want to give my assurances to the Senator from Alaska and to the majority leader that I support the intent of this amendment and will work with you in your efforts to include it in the remainder of the 1996 appropriation bills.

The Murkowski/Dole amendment brings much needed discipline to the administration's tactics for diverting money to the projects associated with the United States DPRK agreed framework. As the Senator mentioned in his remarks, in fiscal year 1995 the administration relied exclusively on emergency and reprogrammed funds for this purpose. As the chairman of the Appropriation Committee, I strongly support

the Murkowski/Dole amendment for requiring the administration to take an upfront approach from here on out. The administration must specifically request that funds be set aside for use in implementing the agreed framework. This will bring greater accountability to the process, and perhaps decrease the necessity for emergency supplementals such as the one we have before us today.

Mr. MURKOWSKI. I thank the chairman for his remarks, and also thank the Senior Senator from Alaska for his support of this amendment. I will look forward to working with you to see that the Murkowski/Dole language is adopted in subsequent appropriation bills.

Mr. COVERDELL. Madam President, I had planned to offer an amendment today but I will withhold in order to explain an agreement I have reached with the Chairman and manager of this bill, Senator HATFIELD. My amendment would have prohibited the Department of Housing and Urban Development [HUD] from expending further Community Development Block Grant [CDBG] nonemergency monies until funds appropriated last August for Tropical Storm Alberto were fully released.

Madam President, the State of Georgia this summer endured the worst disaster in its history, Tropical Storm Alberto. Alberto has left in its wake flooding unparalleled in the Southeast and damage estimates nearing $1 billion. In the aftermath of this disaster, Georgia embarked on a unified effort to build back its communities. This effort was appropriately called ''Operation Buildback.'' During these efforts, State officials with the assistance of their Federal representatives, catalogued the damages and recommended priority projects for the Federal agencies for whom emergency appropriations were made during our appropriations process.

During the 1995 budget cycle, $180 million were made available for this flood through the Housing and Urban Development [HUD] CDBG program. Let me remind my colleagues that this process took place last August. It has been a full 8 months since and HUD has not released over one-third of the disaster aid. In addition, my three inquiries to Office of Management and Budget [OMB] and HUD as to when the remaining funds would be released were ignored until it was learned that I would offer this amendment. There is $57 million outstanding and I would like to know why. Eight months is entirely enough time to get these funds released. The State of Georgia has done their part in submitting project requests in December that were well in excess of the $180 million that was appropriated for the entire disaster. It is high time for the Federal Government to do their part.

I submit that this is not way to treat disaster victims and their communities. We have a responsibility to get that money back to those who need it most instead of on a bureaucrat's desk in Washington. I will not offer my amendment with the assurances of Committee Chairman HATFIELD that he will support my efforts to add such an amendment to the second supplemental appropriations bill we consider if the administration has not rectified this situation.

Mr. HATFIELD. The Senator from Georgia is correct in regard to our agreement. If this situation has not been resolved by the time the Senate considers the next supplemental appropriations bill, I will support the amendment of the Senator of Georgia.

Mr. COVERDELL. I commend the chairman for his willingness to assist me in this endeavor. It is of utmost importance to my State. I look forward to working with him in the coming weeks to rectify this matter and thank him for his leadership in this regard.

Mr. HATFIELD. I thank the Senator from Georgia.

Mr. DOLE. Madam President, before we vote on the supplemental appropriation bill before us, I want to thank Chairman HATFIELD, Senator BYRD, Chairman STEVENS, and Senator INOUYE for their hard work in hammering out a bill which will restore $1.9 billion needed for training and readiness of our Armed Forces.

I am pleased that this bill is fully offset in both budget authority and outlays. Additionally, in my view, the committee has done a good job in identifying the defense programs which should fund this supplemental appropriation. However, I am concerned by the fact that the operations and maintenance accounts of our Armed Forces are continually being raided to fund unbudgeted contingencies that have little if anything to do with our national security. The administration requested this supplemental because it diverted 4th quarter O&M funding to pay for operations in Somalia, Haiti, Rwanda, Kuwait, Korea, and Bosnia. Now, let me be clear, I am not saying that all of these operations do not relate to U.S. interests. Certainly some, such as the deployment to Kuwait and the increased operations in and around the Korean peninsula, were in line with our national security interests. That is the way it is supposed to be. The deployment of U.S. troops should only be considered when the vital interests of the United States are at stake. We simply cannot continue to raid our O&M accounts to pay for every peace-keeping or peace-making operation dreamed up by the United Nations.

Even as the drawdown continues, our fighting men and women are asked to take on more missions in hostile environments. They face greater dangers with fewer numbers and less resources. In fact, since the collapse of the Berlin Wall, the Army has seen operational deployments increase by 300 percent. Last year, the Army twice set a new record for soldiers operationally deployed to other countries—with U.S. troops in more than 91 countries around the world. Despite all of the administration's rhetoric, they have provided neither an adequate force structure nor an adequate defense budget for the challenges that face us in this new era.

Now, we in the Congress find ourselves in the position of voting on a measure which essentially funds peacekeeping operations on which this Chamber has not expressed its position. Certainly, the President should have the flexibility to act in defense of our Nation and its interests. But we have been put in a position where we are asked to reimburse the Department of Defense for these operations, and if we do not, the readiness of our forces will be irreversibly harmed. Earlier, my colleague, Senator STEVENS, laid out for us what it would mean to not provide these funds. No doubt about it, the readiness of our forces would be downgraded from their current level, which in my view is precarious at best.

So, let me be clear, because I am concerned about the readiness of our forces and because I support the men and women who put their lives on the line whenever this Government asks them to, I will vote for this bill. But that should not be interpreted as a stamp of approval of all of the operations which made this supplemental necessary.

Mr. NUNN. Madam President, I want to start by commending the Senator from Alaska and the Senator from Hawaii for their hard work on this bill. I know there are no two members of the Senate more concerned about our national security than Senator STEVENS and Senator INOUYE. They have been given the difficult task of balancing our national security needs with the need for deficit reduction, and I can certainly appreciate the pressures they are under.

The Appropriations Committee has moved quickly on this supplemental, which the administration says must be enacted by the end of this month. I think the Senate has improved on the House bill in some respects. I particularly want to commend the managers for rejecting the reduction proposed by the House to the Cooperative Threat Reduction Program. That is a program the Secretary of Defense feels very strongly about, as do I.

I also think the managers were wise to reject the addition of $670 million in unrequested funds contained in the House bill. Some of those additional funds do address must-pay bills, which I will come back to in a moment, but they are not programs that belong in an emergency supplemental.

Madam President, the Defense Department needs a supplemental, and I think the leadership of the Defense Department is doing what they feel they need to do to get a supplemental enacted in a timely fashion to avoid a repeat of the disruptions in training that caused readiness problems in fiscal year 1994. However, I have several concerns with the approach the Senate is

being asked to take in this legislation. I question whether this supplemental is a good deal for the Defense Department on balance.

First, it does not provide the net increase in defense spending for readiness that was requested by the administration, despite the concerns many of my colleagues have expressed about readiness. The costs of the contingencies are covered, but only by making cuts elsewhere in the defense budget. Unlike the administration request and the House-passed bill, there is no net increase in funding for the Department of Defense in this supplemental.

Because this bill is not designated as an emergency, it requires all increases to be fully offset in both budget authority and outlays—otherwise enactment of a supplemental could cause a sequester. As this bill demonstrates, it is necessary to cut more budget authority than you add in order to achieve that goal when the supplemental requirements fall in the faster spending accounts, which is usually the case. In the future, I fear that we will find that attempting to offset fast-spending operation and maintenance outlays on a one-for-one basis will be extremely difficult and overly restrictive.

DOD is willing to make some of the cuts in this bill, such as termination of the TSSAM Program, which was anticipated in the budget, but they had planned to use these cuts to offset the cost of other must-pay bills later on this year. I might add that I regret that the TSSAM Program was not able to overcome its problems, because it is a technology we very much need, in my view. I am not quarreling with the administration's decision to terminate the program, although I am concerned that the amount of money rescinded in this bill will not allow sufficient funds to pay the Government's termination costs. I appreciate the comments of the Senator from Alaska that he is aware of that issue and plans to review it in conference.

According to Deputy Secretary Deutch, DOD already has $800 million in must-pay bills unrelated to these specific contingencies which will require reprogrammings, which is a process by which funds are transferred from one defense program to another during a fiscal year. By taking the easier cuts for this bill, we are just making it harder to deal with those other must-pay bills later.

Yet this bill also reduces DOD's 1995 reprogramming authority, thereby reducing their flexibility later in the year if more problems come up. There are other cuts in this bill that the Department of Defense does not agree with, such as the reductions to the Technology Reinvestment Program.

In addition to the concerns I have regarding specific programs in this supplemental, I am troubled by the impact on the defense budget and on defense management that the approach this bill takes of making DOD absorb the full cost of these contingencies could have if it is viewed as a precedent for funding future contingencies, which I hope it will not be. It largely defeats the purpose of having a supplemental.

I am not sure we have really thought through the impact of what we may be doing to the military with this 100 percent offset approach. Last week, Gen. Gordon Sullivan, the Chief of Staff of the Army, told the Armed Services Committee that if the Congress adopts a policy of forcing the military to completely offset the costs of any contingency operation:

> . . . it is just going to destroy our training programs, our quality of life programs, and it is going to be difficult to manage the readiness of the force . . . It is going to come out of reducing real property maintenance. We may have to furlough civilians, terminate temporary employees, curtail supply requests, park vehicles, reduce environmental compliance. It is going to have a major impact.

General Sullivan said that in the event the military is told to assist a large-scale evacuation of U.N. personnel from Croatia:

> I just have to stop training, and I will have to move money around from elsewhere to keep that operation going since obviously what you expect me to do is to fight and win your wars. So, I will have to get the money from people who are not doing that to support it.

Now that may sound like an exaggeration to some, but if you understand the laws that govern the defense budget, you will see why General Sullivan's comments are right on target. The cost of an operation, such as paying for the airlift to get there, the fuel, spare parts, and so on, must come out of the operating budget. The military does not have the authority to divert funds from the procurement of weapons, or from research or military construction or military personnel accounts, even if they wanted to.

And even within the operating budget, there are further constraints. A large portion of the operating account is civilian pay, so you cannot save money there without firing civilians. And you cannot cut really cut the money to operate the bases—you have to pay the light bill. So the areas General Sullivan is talking about—training, maintenance and repair of the buildings on our military bases—are the only areas where the military has the flexibility to change its plans halfway through the year. And in fact that is exactly what happened last year—money had to be diverted from training.

In the past we have paid for contingencies and natural disasters such as the Midwest floods, the Los Angeles riots, the California earthquake, and the cost of the Somalia and Rwanda operations last year, as emergencies under the agreement reached in 1990 as part of the Budget Enforcement Act that set up discretionary caps. What we have done, at least in defense, was make a good faith effort to offset these supplementals as best we could. About 70 percent of the cost of the 1994 Somalia supplemental was offset by defense rescissions, for example, while all of the costs of the Rwanda mission, which was about $125 million, were emergency funds. So in the past we have been consistent about calling an emergency an emergency, but sometimes we have fully or partially tried to offset those costs and sometimes we have not.

That is basically the approach the House is taking. They provided emergency supplemental appropriations for the Department of Defense and then tried to offset those appropriations, in budget authority but not in outlays, using savings from both defense and domestic programs. It is my hope that the House position would prevail on this fundamental point, that is, the question of whether we are going to treat the costs of contingency operations that cannot be anticipated in advance as emergencies for budget purposes.

If we start dropping the emergency designation, we could end up tieing our hands in responding to future emergencies while we wait to find 100 percent offsets. Strong consideration must be given to budgeting for unanticipated contingencies in advance in the DOD budget, but this inevitably runs into the issue of implicit congressional approval for military operations and war powers considerations.

In addition to my concerns about the financial impact on the Defense Department if this bill is viewed as a precedent, I also share the concerns expressed by the Senator from Hawaii about the long term policy implications of telling the military any future contingency they are involved in is going to come out of their budget dollar for dollar. This is going to have an impact on their ability and their willingness to respond to situations like Haiti or Cuba, or especially a much more expensive operation like peace enforcement in Bosnia, in the future. It could have the effect of dictating our policy on the use of force through the appropriations process.

I hope the policy of making the Defense Department absorb the costs of these operations is viewed as a one-shot proposition, not as a precedent for future supplementals, because if we are telling the Department of Defense that any time there is an emergency that comes up and they come over and request supplemental funds that they are going to have to provide a 100-percent offset, then we are going to change the nature of the responsiveness of the Department of Defense itself to the missions that may, indeed, be crucial to our Nation's security.

If the Department of Defense is told that any unanticipated operation they undertake, either unilaterally or with NATO or the United Nations, is going to have to be completely offset within the defense budget, which means they are going to have to basically kill or substantially alter crucial defense programs in order to absorb those costs,

then the result is going to be a very strong signal that the United States is not going to be as involved as we have been in world affairs, including commitments to our allies and commitments that we have voted for at the U.N. Security Council.

This complete offset policy sounds good in speeches but it has very serious implications for the Department of Defense. Make no mistake about it, this complete offset policy means the long-term capability of the Department of Defense is going to go down. It does not mean that the immediate readiness is going down because that can be protected.

But future readiness, future capability, requires modernization and it requires research and development, and those are the programs being cut by this complete offset policy. So 5 or 10 years from now, people will have a very serious problem with readiness if we continue to declare there is no emergency even when our forces are responding to the unanticipated events that we all know will take place somewhere in the world from time to time.

Madam President, I also want to note that this bill contains domestic rescissions of about $1.5 billion. I understand that the defense portion of this supplemental is outlay neutral in 1995 without the domestic rescissions, but that over the 5-year period the domestic rescissions are necessary to make the whole bill outlay neutral over the long run.

Many of my colleagues do not support the idea of using domestic rescissions to offset the cost of a defense supplemental. My view is either we have firewalls or we do not. The Congress has cut defense to pay for domestic supplementals in the past, so I do not see any reason why we should not look to domestic programs to offset the cost of defense supplementals, especially if we are going to start adopting the policy of offsetting both the budget authority and outlays of supplementals.

I hope we decide to reinstate defense firewalls, Madam President. But until we do, I believe domestic programs should be on the table to fund defense supplementals, just as defense programs have been put on the table to fund domestic supplementals.

In 1990, for example, $2 billion in defense funds were rescinded to substantially offset the cost of a supplemental providing economic aid to the new democratic governments of Panama and Nicaragua as well as funds for food stamps, fighting forest fires, veterans programs, and many other programs.

That same fiscal year, discretionary spending was reduced across the board to fund antidrug programs. So once again there was a net transfer of funds from the defense budget to the non-defense discretionary part of the budget.

I should also point out that previously the defense budget has been held to a higher standard than the domestic budget. As I have already pointed out, 70 percent of the defense funds provided in last year's emergency supplemental for Somalia were offset by defense rescissions. But only about 25 percent of the non-defense funds provided in that supplemental were offset by rescissions. If the Congress is contemplating setting out a new policy for offsetting supplementals, or not offsetting supplementals, I think that policy has to be fair in its treatment of defense and domestic emergencies.

HAITI REPORTING REQUIREMENT

Madam President, I am also concerned that the requirement for a Presidential report on the cost and source of funds for military activities in Haiti is linked to a cutoff of funds for those activities if the report is not submitted within 60 days after enactment of this act.

I generally oppose linking a cutoff of funds for any military operation to anything other than the accomplishment of the mission. If the Senate opposes a military activity or operation, it should vote to cut off the funding. In the case of the Haiti operation, however, the Senate voted several times in the last session not to prohibit the President from ordering the deployment of United States forces to Haiti. I do not think that the Senate would be prepared to vote to terminate the funding for the Haiti mission now that it has been carried out with such professionalism by United States forces and is in the process of being turned over to a U.N. operation that will be commanded by a United States general officer.

In this case, moreover, virtually all of the information that the President would have to provide in his report to Congress was mandated last session by Public Law 103–423, a joint resolution regarding United States policy toward Haiti, that was signed into law by the President on October 25, 1994. President Clinton has now submitted four reports pursuant to sections 2 and 3 of that legislation that call for monthly reports until the mission is over. Those reports were submitted to Congress on November 1, December 6, and December 31, 1994, and on February 8, 1995.

If the President had refused to submit those reports, then perhaps it would make sense to condition the continued availability of funding on the submission of such reports in the future. But the President has been submitting those reports and there are no indications that he plans to stop submitting them.

I do not plan to offer an amendment to this bill to delete the cutoff of funding provision. I base my decision on the urgent need of the Department of Defense for this supplemental funding and my realization that there will be a difficult conference with the House on this bill. I therefore want to avoid any action that could delay this legislation. The fact that President Clinton will be able to submit the report required by this bill has minimized my concern over the funding cutoff provision. But I did want to note my concern over this provision and to signal my determination that this provision not serve as a precedent for this type of action.

EF–111 SYSTEM IMPROVEMENT PROGRAM [SIP]

Mr. D'AMATO. Madam President, I would like to commend my good friends, the distinguished chairman and ranking minority member of the Defense Subcommittee, for not including EF–111A System Improvement Program [SIP] funds in the defense rescission package of the supplemental funding measure now before the Senate.

I believe the House Committee on Appropriations acted prematurely by including EF–111A SIP funds in its version of the supplemental. As my colleagues know, the EF–111A SIP has been under siege since fiscal year 1993 when some in Congress suggested that the program duplicated the Navy's EA–6B Advanced Capability [ADVCAP] Program.

At the time, the Pentagon sharply challenged the notion that the EF–111 and EA–6B were duplicative. Then-Air Force Secretary Don Rice was quoted as saying: ''The F–111 does escort jamming as well as local area jamming; it has the capability to keep up with the F–15E's and F–111F's and F–16's when they're doing interdiction missions. The EA–6B does not.'' The Pentagon appeal to the fiscal year 1993 Defense Appropriations Conference was even more detailed:

> The elimination of the EF–111 would significantly compromise the U.S. ability to provide standoff jamming in support of tactical air operations for two reasons. First, the EF–111 and the EA–6B each have capabilities not possessed by the other. Although the two jamming systems will be roughly comparable following modernization, the EF–111 is, and will continue to be, more capable than the EA–6B in supporting deep strike missions. This is due to the EF–111's significant advantage over the EA–6B in speed, range, and time on station.
>
> Second, even if the two platforms were comparable in all respects, there is an insufficient number of EA–6B's in the Navy inventory to support the mission requirements of both Services. To procure additional EA–6B's to compensate for the loss of the EF–111's would be much more expensive than to retain and modernize the existing EF–111 inventory.

In the end, the Department of Defense was successful in reversing the proposed elimination of EF–111A funding. Soon thereafter, in February 1993, the Chairman of the Joint Chiefs of Staff report on the roles, missions, and functions of the Armed Forces of the United States endorsed the retention and modernization of both the EA–6B and the EF–111A.

In retrospect, the roles and missions report was the high water mark of Pentagon support for the EF–111A. As my distinguished colleagues know, the fiscal year 1996 defense budget request calls for the termination of the EF–111A SIP program in fiscal year 1996 and retirement of the EF–111A fleet in fiscal year 1997. Navy EA–6B's, according to the Air Force, will fill the gap

left by the retirement of the EF–111A fleet.

This plan is fatally flawed. The EA–6B ADVCAP program was canceled in February, 1994, and the future of Navy electronic warfare has been in turmoil ever since. In the wake of this cancellation, the Pentagon commissioned the Joint Tactical Air Electronic Warfare Study to examine the relationship between the EA–6B and EF–111A and to review overall electronic combat requirements.

I would like to ask the distinguished Defense Subcommittee chairman whether the results of the joint tactical air electronic warfare study have been delivered to the Congress.

Mr. STEVENS. I will answer my colleague by saying that the results of this study are long overdue and may not be available until June, 1995.

Mr. D'AMATO. Will the distinguished chairman also agree that, until the Congress has had a full opportunity to evaluate the results of this study, any proposal to eliminate EF–111 SIP funds and to retire the entire EF–111 fleet is extremely premature?

Mr. STEVENS. I certainly agree with my colleague from New York.

Mr. D'AMATO. In my opinion, the bottom line is that we are being asked by the House to lay waste to the Air Force's support jammer capability without sufficient analysis or debate. We know the Navy option is woefully inadequate.

We should ask ourselves several critical questions before we even decide what to do about Air Force and Navy support jamming requirements. First, what are the alternatives to the EF–111A SIP? Second, if there are none, how will the termination of the SIP, and the retirement of the EF–111A's, affect the efficiency and survivability of our strike forces?

Does the distinguished Defense Subcommittee chairman agree that, until we can answer these questions, any suggestion of rescinding EF–111A SIP funds is fraught with too many risks for our national security.

Mr. STEVENS. I agree with my colleague that terminating the EF–111 SIP program and planning for the retirement of the EF–111 fleet at this time would be an unwise and risky course of action.

Mr. D'AMATO. Is my colleague willing to work with me and do what he can to prevail over the House in the upcoming joint conference on the supplemental?

Mr. STEVENS. Recognizing that we have a difficult conference before us, and that funds are desperately short, let me assure the Senator from New York that we will do what we can in joint conference to hold the Senate position and to protect his interests to the greatest extent possible.

Mr. GLENN. Madam President, I would like to raise my concerns related to the pending supplemental appropriations bill.

I certainly understand the difficulty under which the Appropriations Committee must work, particularly when the budget deficit looms as large as it does.

But, I am concerned, Madam President, about the precedent set in this bill by requiring that emergency supplemental spending be fully offset.

In the past, Congress and the administration have agreed to allow for emergency spending without requiring offsets, but taking offsets in a more benign manner, usually in cases where programs have been canceled or where contract funds were available because they could not be obligated during the fiscal year for which they were provided.

The supplemental before us takes a much different approach that bears dramatic consequences.

By requiring complete offsets from prior year funding, we really are not cutting lower priority programs as a result of tight fiscal constraints. We are victimizing programs basically because they are in slower spending accounts and their funds are still available to raid. I know a number of my colleagues have expressed similar concerns and I am hopeful that we can craft a new method of funding future emergency spending.

I also note, Madam President, that this approach may be more easily accomplished in the earlier quarters of a fiscal year, but what happens later in the year after we have exhausted the resources of these slower spending accounts?

Will we bring our normal planned operations, maintenance, and training to a screeching halt? Will we stop paying our troops? This is what will happen when we require the cost of contingency operations to be paid from the current operating budget for operations in places like Iraq, Rwanda, the former Yugoslavia, and Haiti. Shortfalls in training and maintenance are the very kinds of actions for which the administration has been criticized and which the President's supplemental request is intended to avoid.

I appreciate the committee's desire and attempt to impose fiscal responsibility and I appreciate the committee's efforts to keep the technology reinvestment project, the so-called TRP, alive, but I don't believe we should fool ourselves that requiring complete offsets does not have important implications for the overall readiness of our Armed Forces.

The effect of this bill, Madam President, is to reduce current defense spending by $1.9 billion. This is particularly curious, Madam President, at a time when the majority, in its Contract With America, calls for additional spending to ensure readiness.

Today's supplemental eats our seed corn in a number of important areas. This bill will cut over $500 million from defense research and development programs. To me, research and development ensures the Nation's future readiness. Make no mistake, yesterday's investment in R&D is what is winning today's battles. It is short sighted, in my view, to downplay or overlook the critical research and development plays in our overall readiness.

I would like to take a moment, to direct my comments to two programs that have been embroiled in the debate over how to fund this supplemental request. They are the TRP Program and the Department of Commerce's Advanced Technology Program. I am very much relieved that the committee did not take the same kind of draconian cuts the House made and I urge the committee to maintain its position on these programs in conference with the House.

I, like virtually every other Member of this body, have been a strong supporter of the technology reinvestment project [TRP]. When Congress first crafted this program in 1992, incorporating the recommendations of both the Democratic and the Republican task forces on defense conversion, the program received virtually universal support.

Several Members on both sides of the aisle came to the floor to express their support for the program and the amendment providing funding for the program was adopted by a vote of 91 to 2. To suggest now that TRP funding is not a high priority is to forget the level of support this program has enjoyed.

It is not surprising either because the TRP is an innovative, and I might add a more cost effective, way for the Department of Defense to meet its research and development requirements. The Defense Department has always spent a portion of its R&D funds on dual-use technologies, notwithstanding recent claims that funding for dual-use technologies is some sort of a handout.

The truth of the matter is that DOD will continue to be involved in developing dual-use technologies, because one of the uses in any given dual-use technology is its military use.

The operative question becomes how do we go about developing this dual-use technology that the military needs. The military can pay the full freight and develop it on its own as it has in the past. Or, the military can try to get the private sector to pay for half of it, since the dual-use technology also will have a commercial application.

It seems simple to me. Do we want to pay full price or half price? I prefer to take advantage of the discount. TRP is not a subsidy or grant program for contractors. If anything, it is like a reverse subsidy for DOD, Mr. President.

Just one example bears this out. The uncooled infrared rifle sight technology under development through TRP funding will help soldiers locate and engage the enemy in bad weather. In the private sector, it can be used by industry to detect energy losses in houses and buildings.

Under a TRP funded, dual use approach the military's goal is to reduce

the unit price from about $100,000 to less than $10,000 per unit, by tapping into the potential commercial market which is 10 times larger than the military requirement. Without TRP, the military could pay 10 times more for the same technology.

TRP funding is a small investment, accounting for less than two-tenths of 1 percent of this year's Defense budget request. Yet, it leverages those defense dollars through industry cost-sharing and it could yield significant benefits to long-term military readiness. To kill the technology reinvestment project, as the House bill would do, would be like killing the goose that lays the golden eggs. It just does not make sense.

Madam President, my concern about efforts to erode government-industry joint efforts to develop next-generation technology extends to the House-passed $107 million rescission of funds for the Advanced Technology Program [ATP].

ATP is cost-shared, industry-led, competitively awarded R&D which pursues cutting edge technologies with strong potential for later commercial success but technology that presently is too risky or too long term to be pursued by industry alone.

Like TRP, ATP was developed with strong bipartisan support in the Congress. ATP is intended to capitalize on America's strength in research and development to create jobs and economic growth, and increase our competitiveness in the global economy. While I believe any cut in these critical technology programs is extraordinarily short-sighted, at least the Senate has reduced the amount of the rescission to $32 million; I urge my colleagues on the Appropriations Committee to do everything they can to maintain the Senate position in conference.

Finally, Madam President, I cannot yield the floor without expressing my concern over the cuts taken in both the Defense Environmental Restoration Account and the Department of Energy's Environmental Management Program. A number of my colleagues have identified environmental cleanup as lower priority spending that could be used for other programs. This is terribly wrong headed Mr. President. I hope that the cuts taken in this supplemental do not signal the beginning of a full scale assault on these important programs in the future.

Both DOD and DOE have legal obligations to clean up their facilities. We already know that failure to meet cleanup milestones will result in fines and penalties. In addition, for DOE, the cost to cleanup will increase substantially simply by virtue of the delay. I intend to address this issue at greater length in a separate statement. Like the mechanic in the transmission commercial, you can either pay me now or you can pay me later. But, it will cost more later.

I yield the floor.

Mr. ROCKEFELLER. Madam President, I want to comment on an important aspect of the debates that took place to develop the legislation approved today, and which I believe is directly related to the kind of military security, growing economy, and strong job base that Americans should be able to count on.

I am referring to the work of the programs within the Department of Commerce, the Department of Defense, and other parts of the Federal Government that serve as partners with industry to spur advances in technology. My belief in these programs is very basic. Knowing what the investment in technology that our foreign competitors are making and the role that technology plays in expanding industries and high-wage jobs in our own country, I view these programs as an essential key to the economic security that West Virginians and the rest of the American people should expect Congress to work toward.

For awhile, it appeared that this appropriations package would be used to cripple some of the most important technology programs in our public arsenal. But thanks to the efforts of many of my colleagues, and I am privileged to work closely with a group of them, we were fairly successful in reminding the Senate that a retreat from technology investments is a dangerous course in military and economic terms.

In fact, I was pleased to see the Senate approve the Sense of the Senate resolution, offered by Senators BINGAMAN and NUNN and which I cosponsored, that expresses a continued commitment to the development of dual-use technologies to be used by both the military and the private sector.

These kinds of private-public partnerships, including the Technology Reinvestment Project [TRP] and the Advanced Technology Program [ATP], chart the course we should be taking for a strong military and economic future. This concept is at the heart of the President's technology policy, and is the most cost effective way to employ the ever-shrinking Federal dollar in a way that maximizes our Federal dollars to the benefit of both the public and the private sector.

To understand these kinds of partnerships, and the value of the TRP and the ATP, we need to look first at the Advanced Research Projects Agency [ARPA], which was set up nearly 40 years ago by President Eisenhower. I think we can all agree that ARPA is one of the big success stories to come out of the military-industrial complex over the years. Aside from technologies it helped develop that our armed services rely on today, things like stealth, the Global Positioning System and smart weapons, it is also one of the parents to some of the technologies that the people of America take for granted in their daily lives, things as varied as a desktop computer is from the laser in a CD player.

I want to also remind my colleagues that the Internet, which is at the heart of the information super highway America is discovering, was originally known as ARPAnet. All of these technological breakthroughs were developed for the military, but have now been spun off into our daily lives. That is what the TRP, and the ATP, are about.

It is about something even greater. We do not spend taxpayers' hard-earned dollars on the TRP just because of what it does for the economy. It is housed in the Department of Defense because of its direct role in military readiness and the strength of our defense. Increasingly, cutting edge technology is not being developed in the military industrial complex, it is coming out of the private sector. The TRP program, and other public-private partnership give the Federal Government, and in the case of the TRP, the Department of Defense, access to the brain power and resources of our best civilian technologists. It is becoming less an issue of spin-offs and more an issue of spin-ons.

We all know that great advances in computing came as spin-offs from DOD programs, but today the leading minds, the human and material resources, are in the private sector. Programs like the TRP give the military the chance to work with those minds and develop software and applications in conjunction with the private sector, where most of the innovation is happening. Then we can spin those technologies invented in partnership with the private sector on to military applications.

And let me be clear, this is not about industrial policy; picking winners and losers. The private sector, in conjunction with the Department of Defense, are picking the winners. Where a program only has defense applications, such as a submarine, the private sector will not be interested in participating in a joint R&D project with the DOD. But when we are developing something that will have commercial and military applications, then the TRP can and should play a part.

It is a ridiculous waste of our country's private and public capital to duplicate our investments in research and development where the military needs something that the private sector may be developing on their own. Frankly, we cannot afford it on either end. If last month's balanced budget debate illuminated anything for the American people, it is that we are going to have to squeeze every last dollar we can out of the Federal budget. I support the deficit reduction portion of this bill. I do not like every line-item in the rescissions package, but overall, it is something we simply have to do. Likewise, the government cannot afford to do all the research and development on leading edge technologies that they will need to maintain the kind of fighting force we all envision. But if we pool our Federal resources with the private sector's, then we all benefit.

I want to point out just one example that demonstrates the usefulness of the TRP to both the armed services and America's consumers. Right now, DOD, in conjunction with private industry is developing something called multi-chip module [MCM] technology. This will allow electronic systems to work faster and more reliably while using less power. DOD needs MCM's for things like precision-guidance of advanced weapons and real-time signaling for intelligence activities. Likewise, the private sector is itching to put MCM's to use in a variety of consumer products, from cars to digital signals in audio and video telecommunications. Certainly we can fund this out of our defense budget, but when there is a clear private sector interest in doing this jointly, why go it alone?

And this should not be a political issue. Many of my colleagues on the other side of the aisle have supported technology programs such as this in the past. As has been noted by others, the basis of this sense-of-the-Senate amendment is former Senator Rudman's task force report of 1992, which was endorsed by many of my current distinguished colleagues, Senators STEVENS, MCCAIN, WARNER, and THURMOND among them.

I should note, that the defense supplemental portion of this package is breaking new ground here. This bill was submitted to the Congress for emergency consideration. That is because the costs that we are trying to cover were unforseen. They were unplanned activities that were undertaken in our national interest.

Madam President, we must be fiscally responsible. But we should resist the fool's game of trying to outfox or out-cut one another. We were elected to set priorities, to deal with current national needs and plan for the future. Because of the size of the Federal deficit, that must include an intense effort to get our books in order. But it should not be a political contest or done blindly. If we abandon the programs and investments designed to maintain a military and economic foundation for all Americans, we will see the pain from a crumbling manufacturing base and defenses after it is too late.

We cannot compromise our future, be it in technology, education, or child nutrition, for the sake of today's political brinkmanship. We must fight for what we know must be national priorities, and I will fight for West Virginia's. The winners will be our soldiers in the field, our children and their ability to learn, the workforce needed to keep this country strong. And in the case of the technology programs discussed in this statement, we want to make sure the winners include our indusries—and our workers—who are on the frontline of the global economic battlefield.

Mrs. BOXER. Madam President, after much thought and analysis, I have decided to oppose this bill. I have made this decision for one simple reason: on balance, I believe this bill is bad for California and bad for the Nation.

I support the supplemental appropriations contained in this bill, which cover the costs of unbudgeted contingencies in Somalia, Bosnia, and Haiti. However, I believe that these unplanned operations should have been treated by the committee as emergency requirements, as requested by the Department of Defense.

Having elected to recommend supplemental funding without the emergency designation, the committee was obligated to find offsetting rescissions. Regrettably, the committee has recommended for rescission in this bill programs that are vital to the defense of our country and to the economic security of the State of California. The cuts made in environmental cleanup programs and in research and development programs like the Technology Reinvestment Project, or TRP, are wrong for this country and wrong for California. I cannot support these reckless cuts, Madam President, and I will not.

This bill contains a $300 million rescission for DERA, the Defense Environmental Restoration Account—twice the cut passed by the House.

What would this rescission mean for the State of California?

At the Marine Corps Logistics Base in Barstow, efforts to clean contaminated groundwater could be delayed. Soil contaminated with heavy metals, petroleum hydrocarbons, pesticides, and herbicides may not be removed.

At the Concord Naval Weapons Station in the bay area, cutting DERA means delaying cleanup on polluted tidal and inland areas. If this rescission is enacted, contaminated water and soil may sit idle so we can say we did the responsible thing by ensuring that every dollar in this bill was offset by a rescission somewhere else in the Pentagon budget. But that's not really the responsible thing. The responsible thing to do is not create an environmental hazard in the first place, but if you do, you clean it up, and you clean it up fast.

I want to make a final point on this DERA rescission. Earlier this month, the Department of Defense announced which military bases it wants to close in the 1995 BRAC round. California was hit again. One major base was recommended for closure and several other installations face realignment. I will fight hard for those bases and get their positive stories out. But if those installations stay on the list, I want the contaminated sites at those bases cleaned up as fast as possible so the communities can do something productive with that land.

In the 1995 base closure round, unlike previous rounds, environmental cleanup will be funded by the DERA account. That is the very same account that this bill proposes cutting by $300 million.

So I would say to all Senators, if you have a base in your State that may be scheduled for closure this year, think long and hard about cutting $300 million from the Department's primary environmental cleanup account. Believe me, you do not want to find yourself in a situation where the military is moving out, but the community cannot move in because of environmental contamination. California has been in that situation too often, and it is very, very unpleasant.

The Senate considered an amendment last week offered by Senator MCCAIN to reduce the rescission in this bill for environmental cleanup funding by increasing the cut for the Technology Reinvestment Project, or TRP. I opposed that amendment not because of the DERA increase—which I support—but because of the draconian TRP cut. That amendment presented the Senate with an impossible choice: allow deep rescissions in DERA or kill the Technology Reinvestment Project outright.

However, even without the McCain amendment, this bill rescinds $200 million from the Technology Reinvestment Project. To be sure, this is better than the House rescission of $500 million, which would kill the program, but the Senate rescission will badly damage this critically needed program.

Research and development is the key to maintaining our military advantage in the future. But the Department of Defense can no longer afford to maintain its own private research industrial base. We must gain access to the commercial technology sector, which in many ways out performs the defense technology base. We must gain access to this commercial technology in the most cost effective way possible—ensuring the public the greatest value for its tax dollar.

The TRP achieves these goals. Let me cite just one example. The TRP has funded a proposal led by the San Francisco Bay Area Rapid Transit District to develop an advanced automated train control system. Like all TRP projects, this grant is matched at least 50–50 by the private sector. For every dollar the government spends, the consortium led by BART spends at least one dollar.

This technology currently being developed by the BART will allow system operators to know exactly where there trains are—even underground in tunnels. This allows trains to operate more safely and in closer proximity. Reducing separation distance between trains allows the BART to have more cars in service at the same time, which doubles passenger carrying capacity.

Critics of the TRP complain vociferously about projects like the BART train control system. ''What has that got to do with national security?'', they say.

The BART train control system has everything to do with national security. This project is based on the Army's Enhanced Position Location Reporting System, which is designed to enable commanders on the battlefield

to collect vital information about the location of troops in real time. The National Economic Council estimates that the technology developed by the BART's TRP project may improve the Enhanced Position Locator and at the same time, reduce its cost by up to 40 percent.

So what does this TRP project do for our country? For private industry, it provides a chance to break into a market dominated by foreign companies, perhaps creating thousands of American jobs and strengthening our economy. For the Department of Defense, it offers a better and cheaper way to collect battlefield information in real time—information that may save soldiers' lives. And for the people of San Francisco, this project provides safer, faster, and more efficient public transportation. This TRP grant creates a win-win-win situation—one that is being duplicated with similar projects around the country.

The TRP is a model dual-use program. It should be expanded and emulated, not cut to the point that its very existence is jeopardized.

To offset the supplemental appropriations made in this bill, the committee has recommended rescinding environmental cleanup, the TRP and other high priority projects. I find it difficult to believe that less important offsets could not be found in the $260 billion Pentagon budget. Consider this: the Congressional Budget Office estimates that at the end of fiscal year 1995, more than $19 billion will remain unobligated in the Pentagon's procurement accounts.

Surely, that $19 billion fund is large enough to offset the funds this bill would cut from environmental cleanup and the TRP. Simply cutting unobligated procurement funds by 3 percent would generate more than enough savings to offset the TRP and environmental cleanup rescission contained in this bill.

I hope that when this bill is considered in conference committee, the Senate managers will take a very close look at these unobligated accounts and try to find a way to minimize the damage done to the very important TRP and DERA accounts.

I also want to serve notice, Madam President, to those who would eliminate all defense reinvestment and environmental cleanup in the Pentagon budget. That must not happen.

Defense reinvestment must remain a national priority for the security of our country and our communities. Environmental cleanup is the moral, ethical, and in many cases, legal responsibility of the Department of Defense, and its must continue.

When the Senate debates the budget in the spring and when it debates the annual defense bills later in the year, these issues will certainly be revisited. Rest assured that I and other concerned Senators will continue to voice their strong support for these vitally needed programs.

Finally Madam President, I must express my profound disappointment that the Senate accepted an amendment offered by Senator HUTCHISON to rescind funding needed to protect endangered species.

This amendment is an irresponsible approach to some very real problems. It is clearly a first step in a piecemeal dismantling of the Endangered Species Act.

It is important to note that this amendment was offered while the Committee on Environment and Public Works was diligently working on a bill offered by the Senator from Texas that was substantially similar to her amendment. I believe that the wiser course would have been to work cooperatively with the committee, under the able leadership of Senator CHAFEE, to find a mutually satisfactory solution to this important problem.

The rescission of $1.5 million from the Fish and Wildlife Service listing budget for 1995, combined with the restriction on remaining funds, effectively kills the Endangered Species Act listing process for 1995. This could cause some species to become extinct and surely will delay solving the very real problems that need attention. This is a irresponsible action, which I strongly oppose.

For all these reasons, I must oppose this bill.

PROJECT ELF

Mr. FEINGOLD. Madam President, this bill marks a milestone for Wisconsin by rescinding funds for Project ELF, a Navy communications system located in Clam Lake, WI, and Republic, MI. This is one cut that the local congressional delegation will not oppose. In fact, I think most of us welcome it.

In the last two Congresses. I have introduced legislation to terminate Project ELF. Senator KOHL has joined me in those efforts, as well as in letters to the Defense Base Closure and Realignment Commission, the Secretary of the Navy, the Secretary of Defense, and the relevant congressional committees urging ELF's termination. Congressman DAVID OBEY has been a consistent opponent of Project ELF throughout his congressional tenure, and indeed is responsible for keeping down the initial size of the program. Representatives from nearby areas have also been helpful in our quest. I am pleased that the Senate will take the first step, the first real action, toward finally terminating this outdated and effective program.

The concept of extremely low frequency communications emerged when submarines started going so far beneath the surface ordinary radios could not reach them. In 1968, the Pentagon proposed the first version of ELF communications in Project Sanguine. It was to be 6,200 miles of cable buried underground, along with 100 ELF transmitter towers spread out over 40 percent of northern Wisconsin. It had to be built in Wisconsin because of unique granite bedrock which would not interfere with ELF signals. Project Sanguine was supposed to communicate with Trident submarines, and was designed to survive a nuclear attack. When residents became aware of it, the project was scuttled.

In 1975, Project Sanguine came back as Project Seafarer. Seafarer was not supposed to have nuclear survivability, but would have above-ground transmitters with underground cables. As Project Seafarer, though, ELF communications lost their wartime efficacy. In fact, an ad hoc ELF review group of the Secretary of Defense advised that a small ELF system would be of marginal utility and was not credible as an ultimate ELF system. However, it recommended that building a small ELF was better than building no ELF at all because the modified version would provide a basis for future system growth if ELF requirements later increased. This was a typical bureaucratic foot in the door program.

Again, due to public concern and budget pressures, President Carter terminated Seafarer in 1978 and directed further studies on how to proceed with ELF. Congressman OBEY was successful in fencing off funds in fiscal year 1979 until the President certified that ELF was in the national interest and that it had found a place to be built.

There was yet another scaled-down ELF system called Austere ELF that had been proposed in 1977. It would have been a single transmitter located at K.I. Sawyer Air Force Base in Michigan. Once it began development, Austere ELF was again in trouble with resident resistance and budget constraints. After a few years of misguided attempts and false starts, the Secretary of the Navy, John Lehman, recommended to the Secretary of Defense, Caspar Weinberger, that the ELF communication system be shelved.

Secretary Lehman was overruled, though, and the Reagan administration ordered the development of a scaled down system called Project ELF in 1981. In its present scaled down version, ELF consists of 28 miles of cable at Clam Lake and 56 miles of cable at Republic. ELF was initially ordered operational in 1985, and was fully functional by 1987.

Scaled down Project ELF was supposed to cost $230 million for development and construction. However, in an October 1993 letter to Senator NUNN, the Pentagon said it had invested nearly $600 million in ELF. In a January 1994 report on ELF, the Navy said that ELF costs approximately $15 to $16 million a year in operating costs.

If ELF served a strategic purpose, this would not be a significant investment. But Project ELF is ineffective and at best obsolete. For that reason, it is millions of dollars which can find a better use. Throughout its history, ELF has never found a mission fit for its times.

The Navy officially states that ELF is simply a communications system

which tells a Trident to come to surface in order to receive a message; in effect, ELF is a bell ringer. If this was ever the true purpose, ELF is a faulty mechanism for that.

First, the bell ringer is supposed to protect the Tridents from detection by permitting them to surface on the call of a signal that they had a longer message awaiting them. Yet if they have to rise to the surface to receive their message, then they are at risk of detection before executing any order ELF would tell them to retrieve. ELF itself cannot execute an order.

Second, ELF has no reliable second strike or counterforce communication capability in any instance. It also cannot be counted on to communicate with a submarine during a crisis since its large size makes it extremely susceptible to conventional or nuclear attack. Thus, it is not dependable retaliatory action.

Further, if ELF were to be destroyed during attack, then subs would be required to use their antennae at or near the surface, and receive their messages through LF/VLF. But in the case of a crisis, submarines should be brought closer to the surface anyway, not only for better communications, but also because missiles cannot be launched from such depths as ELF reaches.

Finally, ELF is one-way communications system, so submarines cannot send messages back.

Thus, Project ELF's utility appears only to be in a pre-war disposition, and only for one purpose: to serve only as a triggering signal for a first-strike launch. This is a capability we are dismantling. So, ELF's mere presence is far more provocative than its utility warrants.

I should also mention that ELF's environmental impact may be quite damaging. Though no studies have conclusively found that ELF radiowaves are dangerous to residents in outlying areas, the research that has been done does little to comfort those living near Project ELF. A 1992 Swedish study found that children living near relatively weak magnetic waves such as those emanating from ELF are four times more likely to develop leukemia. I certainly understand any fears Wisconsin residents must have. In fact, in 1984, a U.S. District court, ruling on State of Wisconsin versus Weinberger, order Project ELF to be shut down because the Navy paid inadequate attention to ELF's possible health effects and violated the National Environmental Policy Act. An appeals court, though, threw out the ruling arguing that the national security threat from the Soviets at the time was more important. Clearly, the premise of that ruling is no longer valid given the collapse of the U.S.S.R.

For all these reasons, I am pleased that after trying to justify ELF's mission in the post-cold war world, the Navy is finally letting it go. Project ELF never made U.S. submarines invulnerable, and it doesn't make them invulnerable today. ELF is not worth any money because it doesn't have a purpose.

If it is a first-strike weapon, then it is destabilizing and threatening, which hardly increases our security. If it is merely a communication system, it is inadequate. A weapon or communications device designed to keep deeply submerged submarines submerged is no longer necessary. ELF was built for war, not peace. It is not guarding against any capable enemy now, but is sucking up money that could be.

I am pleased that the committee has recognized this, and recommended its termination in this rescission bill. I hope we will hold the cut in conference, and that, finally, this weapon, which has long been in search of a mission, is terminated.

AMENDMENT NO. 336

Mr. BRADLEY. Madam President, I regret that I was unable to be recorded on the vote on Senator HUTCHISON'S amendment concerning the Endangered Species Act. I would like to declare for the RECORD that, had I been present, I would have opposed—strongly opposed—the Hutchison amendment.

This amendment amounts to major legislation. This is not some little adjustment. There is little subtlety here. And, there is little doubt that this amendment has nothing to do with the task at hand, which is to provide supplemental appropriations to the Department of Defense and to cut Government spending.

I understand the call for reform of the Endangered Species Act. I have heard many allegations of abuse and bureaucratic overreach. But the Hutchison amendment is not reform. It solves no problems. It does not belong on this bill and it does not reflect well on the Senate or the majority to legislate in such a cavalier fashion.

Mr. INOUYE. Madam President, I have been told that we are now ready for final passage.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

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

Mr. INOUYE. Madam President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

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

The bill clerk called the roll.

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

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—97

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Bradley	Grassley	Nickles
Breaux	Gregg	Nunn
Brown	Harkin	Packwood
Bryan	Hatch	Pell
Bumpers	Hatfield	Pressler
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hutchison	Rockefeller
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Johnston	Shelby
Conrad	Kassebaum	Simon
Coverdell	Kempthorne	Simpson
Craig	Kennedy	Smith
D'Amato	Kerrey	Snowe
Daschle	Kerry	Specter
DeWine	Kohl	Stevens
Dodd	Kyl	Thomas
Dole	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	
Feingold	Lugar	

NAYS—3

Boxer	Hollings	Pryor

So the bill (H.R. 889), as amended, was passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 889) entitled ''An Act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes'', do pass with the following amendments:

(1) Page 1, strike out all after line 2 over to and including line 12 on page 16 and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

CHAPTER I

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $35,400,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $49,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $10,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $37,400,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,600,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $636,900,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $284,100,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $27,700,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $785,800,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $43,200,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $6,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $14,000,000.

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5, United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense.

(INCLUDING TRANSFER OF FUNDS)

SEC. 103. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: Provided, That such amount shall remain available for obligation until September 30, 1996.

SEC. 104. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended by striking out the last proviso and inserting in lieu thereof the following: '': Provided further, That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is not eligible for payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty, and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins''.

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

SEC. 105. Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: ''Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That, in addition to any other reductions required by this section, the total amount appropriated in title IV of this Act is hereby reduced by $200,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.''.

(RESCISSIONS)

SEC. 106. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Operation and Maintenance, Navy, $16,300,000;

Operation and Maintenance, Air Force, $2,000,000;

Operation and Maintenance, Defense-Wide, $90,000,000;

Environmental Restoration, Defense, $300,000,000;

Aircraft Procurement, Army, 1995/1997, $77,611,000;

Procurement of Ammunition, Army, 1993/1995, $85,000,000;

Procurement of Ammunition, Army, 1995/1997, $89,320,000;

Other Procurement, Army, 1995/1997, $46,900,000;

Shipbuilding and Conversion, Navy, 1995/1999, $26,600,000;

Missile Procurement, Air Force, 1993/1995, $33,000,000;

Missile Procurement, Air Force, 1994/1996, $86,184,000;

Other Procurement, Air Force, 1995/1997, $6,100,000;

Procurement, Defense-Wide, 1995/1997, $81,000,000;

Defense Production Act, $100,000,000;

Research, Development, Test and Evaluation, Army, 1995/1996, $38,300,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, $59,600,000;

Research, Development, Test and Evaluation, Air Force, 1994/1995, $81,100,000;

Research, Development, Test and Evaluation, Air Force, 1995/1996, $226,900,000;

Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, $77,000,000;

Research, Development, Test and Evaluation, Defense-Wide, 1995/1996, $351,000,000.

(TRANSFER OF FUNDS)

SEC. 107. Section 8005 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2617), is amended by striking out ''$2,000,000,000'' and inserting in lieu thereof ''$1,750,000,000''.

SEC. 108. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES IN HAITI.

(a) REQUIREMENT.—None of the funds appropriated by this Act or otherwise made available to the Department of Defense may be expended for operations or activities of the Armed Forces in and around Haiti sixty days after enactment of this Act, unless the President submits to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(A) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(B) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

SEC. 109. It is the sense of the Senate that (1) cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies (technologies that have applications both for defense and for commercial markets, such as computers, electronics, advanced materials, communications, and sensors) are increasingly important to ensure efficient use of defense procurement resources, and (2) such partnerships, including Sematech and the Technology Reinvestment Project, need to become the norm for conducting such applied research by the Department of Defense.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of Korea, or for implementation of the October 21, 1994, Agreed Framework between the United States and the Democratic People's Republic of Korea, unless specifically appropriated for that purpose.

(2) Page 16 after line 12 insert:

SEC. 111. LIMITATION ON EMERGENCY AND EXTRAORDINARY EXPENSES.

(a) IN GENERAL.—Funds appropriated or otherwise made available to the Department of Defense may not be obligated under section 127 of title 10, United States Code, for the provision of assistance, including the donation, sale, or financing for sale, of any item, to a foreign country that is ineligible under the Foreign Assistance Act of 1961 or the Arms Export Control Act to receive any category of assistance.

(b) EFFECTIVE DATE.—The limitations in subsection (a) shall apply to obligations made on or after the date of enactment of this Act.

(3) Page 16, after line 12, insert:

SEC. 112. (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

(4) Page 16 after line 12 insert:

SEC. 113. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

(5) Page 16 after line 12 insert:

SEC. 114. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,554,000.

Military Construction, Air Force, $6,500,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term ''base closure Act'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(6) Page 16 after line 12 insert:

SEC. 115. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) The United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

(7) Page 16 after line 12 insert:

SEC. 116. (a)(1) The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as the NPT, is the cornerstone of the global nuclear nonproliferation regime;

(2) That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history;

(3) That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

(4) That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race was brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible;

(5) That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

(6) That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT;

(7) That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT: Now, therefore;

(b) It is the sense of the Senate that—

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear nonproliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT;

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear nonproliferation regime and global security at risk.

(8) Page 16 after line 12 insert:

SEC. 117. NATIONAL TEST FACILITY.—It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas—

(a) United States-United Kingdom defense planning;

(b) the PATRIOT and THAAD programs;

(c) computer support for the Advanced Research Center; and

(d) technical assistance to theater missile defense;

and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

(9) Page 16 after line 12 insert:

SEC. 118. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 2903(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(10) Page 16 after line 12 insert:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: Provided, That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

(11) Page 16 strike out line 13 and insert:

TITLE II

(12) Page 16, strike out all after line 20 over to and including line 7 on page 17 and insert:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $10,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $32,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $34,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $40,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

(ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD)

(RESCISSION)

Of unobligated balances available under this heading, $28,500,000 are rescinded.

(13) Page 17, after line 18, insert:

Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

(14) Page 18, after line 6 insert:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $70,000,000 are rescinded.

(15) Page 18, strike lines 14 to 20 and insert:

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $13,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $9,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $18,000,000 are rescinded, of which not less than $12,000,000 shall be derived from funds allocated for Russia.

(16) Page 19, after line 14, insert:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentence.

(17) Page 20, strike out lines 2 to 6 and insert:

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $100,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

(18) Page 20, after line 10 insert:

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading that remain unobligated for the ''advanced automation system'', $35,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 97–424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100–17, $126,608,000 are rescinded.

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS

(RESCISSION)

Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.

(19) Page 20, strike out lines 11 to 15

(20) Page 20, strike out lines 16 to 19

(21) Page 21, strike out lines 5 to 11

(22) Page 21, after line 11 insert:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $400,000,000 are rescinded from amounts available for the development or acquisition costs of public housing.

(23) Page 21, after line 11, insert:

TITLE III—MISCELLANEOUS

SEC. 301.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L. R. BEATTIE, United States official number 904161.

(24) Page 21, after line 11, insert:

TITLE IV—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. 401. SHORT TITLE.

This title may be cited as the ''Mexican Debt Disclosure Act of 1995''.

SEC. 402. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates Congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. 403. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. 404. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. 405. DEFINITION.

As used in this title, the term ''appropriate congressional committees'' means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate.

(25) Page 21, strike out lines 12 to 15 and insert:

This Act may be cited as the ''Supplemental Appropriations and Rescissions Act, 1995''.

The PRESIDING OFFICER. The title amendment is agreed to.

The title was amended so as to read:

Making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, and for other purposes.

Mr. HATFIELD. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

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

Mr. HATFIELD. Mr. President, I move the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. GORTON) appointed Mr. HATFIELD, Mr. STEVENS, Mr. COCHRAN, Mr. GRAMM, Mr. DOMENICI, Mr. MCCONNELL, Mr. GORTON, Mr. SPECTER, Mr. BOND, Mr. BURNS, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LEAHY, Mr. HARKIN, Mr. LAUTENBERG, Ms. MIKULSKI and Mr. REID conferees on the part of the Senate.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that at 5 p.m. on Monday, March 20, the Senate proceed to Calendar No. 26, S. 4.

I further ask unanimous consent that the general debate on the line-item veto occur from 10 a.m. to 3 p.m. on Friday, and 10 a.m. to 5 p.m. on Monday, with the time to equally divided as designated by the leaders or their designees.

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

ORDER OF PROCEDURE

Mr. DOLE. I thank my colleagues. It is my understanding that the Senator from Arizona would like to discuss, generally, the line-item veto this evening, and somebody on the other side may wish to discuss it this evening.

There will be no votes this evening and no votes tomorrow. I do not anticipate a vote on Monday. But there will be discussion. Once the bill is laid down Monday, there will be discussion into the evening on the bill itself. On Tuesday, I hope we might start voting.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask that there be a period for morning business with Members permitted to speak therein for an indefinite time, unless there is some agreement on equal time. I think Senator MCCAIN wants to speak for a couple of hours.

Mr. President, was leader time reserved?

The PRESIDING OFFICER. It was.

Mr. DOLE. I ask unanimous consent that I may use part of my leader's time.

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

PRESIDENT CLINTON'S ANNOUNCEMENT ON FEDERAL REGULATIONS

Mr. DOLE. Mr. President, today President Clinton announced his proposal for reinventing environmental, food and drug regulations. I certainly want to welcome President Clinton to the regulatory reform debate. Easing the burdens of compliance is a welcome first step, but misses the point that real reform means getting rid of unnecessary and overburdensome regulations.

President Clinton is trying to have it both ways. On the one hand, his limited proposals are consistent with legislation I have introduced on regulatory reform. On the other, he sent his administrator of EPA to Capitol Hill last week to denounce our common sense reform bill as rolling back 20 years of environmental protection and to reel off wild horror stories that are an obvious misreading of what we are trying to do.

On February 21, President Clinton specifically instructed the Federal regulators ''to go over every single regulation and cut those regulations which are obsolete.'' President Clinton's proposal does not meet that test—his proposal is no substitute for eliminating unnecessary regulations that stifle productivity, innovation and individual initiative. That is exactly the kind of reform the American people are looking for, and the kind of reform our comprehensive regulatory reform act will provide.

What I am looking for is real common sense when regulations are needed. Commonsense regulations that will not require fines for not checking the right box, regulations that do not define all farm ponds as wetlands and regulations that will not create significant burdens for small businesses and communities.

Americans are demanding that we get government off their backs by eliminating unnecessary regulations and applying some common sense before enacting regulations that are necessary. President Clinton's proposal today, while welcome, does not address this fundamental problem. I invite him to work with us to pass meaningful regulatory reform.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

THE LINE-ITEM VETO

Mr. MCCAIN. Mr. President, as we begin discussion and debate on the line-item veto, I would like to express my appreciation to the majority leader for his assistance in gathering together people who have very different views on this very volatile issue. The majority leader and his staff assistant, Sheila Burke, have worked night and day to get a consensus amongst Republicans. I believe that we on this side of the aisle look forward to a unanimous vote—at least on cloture. I do not think that, at least some time ago, that many observers believed that was possible. I believe it is probable now.

Mr. President, I would also like to express my appreciation to Senator DOMENICI, who has a very longstanding involvement in this issue. He has some very strongly held views. But most importantly, Senator DOMENICI has been very important in shaping a compromise. Most of all, I would like to thank my friend from Indiana, Senator COATS, who has been my partner for many, many years on this issue. He has worked very hard. He has done, I think, a magnificent job, and I am very proud that he and I have been able to engage in this kind of partnership, which I believe will fundamentally change the way the Government does business and will fundamentally bring about changes and a restoration, frankly, of confidence on the part of the American people as to how their tax dollars are spent.

Mr. President, there are many ways to interpret the election of November 8. There is no doubt in my mind, and in most observers' minds, that an overwhelming message was sent that the American people do not have confidence in their Government in Washington, and part and parcel of that lack of confidence is the way that we spend their tax dollars. Fodder for talk shows across America today is the indiscriminate pork barrel, wasteful spending practice that has become a way of life and indeed a disease which has consumed both bodies of Congress.

Everyone has their favorite anecdote as to how we spend millions or billions or tens of billions of dollars on frivolous or unnecessary projects, frivolous or unnecessary items, that have no bearing on the purpose for which they are stated—but perhaps more importantly, would never, ever be authorized and appropriated under the normal procedures that the Senate should adhere to. What I mean by that is a hearing authorization and subsequent appropriation.

I do not know how this vote is going to turn out at the end of a week or so. I am grateful that the leader has said that we intend to move to cloture at a fairly early point. We do not intend to drag this issue out. This issue is well known to every Member of this body. It certainly should be. On seven different occasions in the last 8 years, either Senator COATS or I have brought up this measure, although we have always been stymied in the past because a budget point of order has lain against the amendment. The reason for that is obvious. I was in the minority party.

Now that we are in the majority, we are able to bring this measure to the attention of this body.

And it is possible that we will not achieve 60 votes in order to cut off debate in order to move to amending and serious final consideration of the bill. I believe that we will reach 60 votes. But if we do not, I want to assure my colleagues again that I will continue to pursue this effort until I either succeed or leave this body.

I want to point out an added dimension to this issue, Mr. President, and that is the role of the President of the United States.

The President of the United States, in his booklet that he put out when he ran for President in 1992, ''Putting People First,'' said a line-item veto is a necessary item. Let me quote, Mr. President, from ''Putting People First,'' Governor Bill Clinton on the line-item veto:

> I strongly support the line-item veto because I think it is one of the most powerful weapons we could use in our fight against out-of-control deficit spending.

''In our fight against out-of-control deficit spending.''

Mr. President, shortly after President Clinton took office, I had a meeting with him. He said, ''I look forward to working with you on the line item veto.'' And, I must say, in the succeeding 2 years, I was disappointed that the White House refused to take a position in support of the line-item veto.

I have heard public statements since the November election on the part of the President of the United States. I strongly urge his involvement in this issue if he believes in it, as he said he does, and I do believe that he is committed to it. I look forward to his active participation in this issue because it is clear that there will have to be 6 votes from that side of the aisle in order to reach the number of 60, which is what is required in order to invoke cloture.

Mr. President, we have a $4 trillion debt, approaching $5 billion. We have a growing budget deficit. We have misplaced priorities and, as I mentioned, we have a loss of public confidence and cynicism.

Mr. President, we are going to hear a lot of history during this debate. We are going to hear about the days of the Greeks, the Roman Empire, Great Britain, our earliest days. But I want to talk about something that happened a little over 20 years ago.

In 1974, the Congress of the United States enacted the Budget and Impoundment Act. The Budget and Impoundment Act basically prevented the President of the United States from impounding funds which were authorized and appropriated by the Congress of the United States.

I understand why that happened at that time. We had a weakened Presidency and that President had also abused that impoundment authority to the point where billions of dollars, which Congress had appropriately authorized and appropriated, were being impounded and not spent.

President Nixon was not the first President to do this. The first President to do this, from the record that I can find, was President Thomas Jefferson, who impounded $50,000 that the Congress had appropriated for the purchase of gunboats and he impounded that money.

From the earliest times in our history, when impoundment was practiced by the President of the United States, until 1974, the President of the United States, for all intents and purposes, had a line-item veto power. In other words, he had the authority to not spend moneys and use so-called impoundment authority. In 1974, Mr. President, the Budget Impoundment Act was enacted.

Mr. President, it is not a coincidence—it is not a coincidence—if we look at this chart, that beginning around 1974–75, the deficit began to rise. There obviously are a couple of valleys in it, but the overall trend is not only significant but it is clearly alarming.

What happened, Mr. President? I think it is clear the real restraint on the appropriations process and the appropriations of funds, which really had no real fiscal governing on it, took place, and we went from fundamentally a rather small deficit and accumulated debt to one which, as we know now, is approaching $5 trillion.

And the bad news is, as we know, Mr. President, that as a result of actions taken in the last few years by Congress, there will be a temporary decline in the annual deficits, but never a decline to zero. And, tragically, because of a variety of reasons, the deficit will start on a very steep upward climb, and there is no end in sight of deficits. And this year, Mr. President, we are going to spend more money to pay interest on the national debt than we are on national defense.

Now, if someone had said in 1974, when a much larger proportion of the budget was devoted for national defense than it is today, that 20-some years later we would be paying more in interest on the national debt than we are on national defense, they would have thought that we were actually inhaling wrong and incorrect substances. The fact is that it has happened. The fact is it is approaching $5 trillion, and we are beginning to hear the confidence in the American economy translated in the stock market, but, most of all, translated in the strength of the American dollar which is being eroded because of the burgeoning debt that has been accumulated. And, again, as I said, there is no end in sight.

Mr. President, later next week, probably on Tuesday, the majority leader will be offering a substitute which will contain a couple of additional items to supplement S. 4, which is the result of the consensus amongst those people who are interested in the bill. Let me briefly explain the details of the measure that will be proposed by the majority leader.

It will direct the enrolling clerk to enroll each item where money is allocated to be spent in an appropriations bill as a separate and distinct bill. This would allow the President to sign or veto each item.

Number two, it would also mandate that any language in a report to accompany an appropriations bill that specifies how money be spent must be

included in the bill itself. Further, if the report contains direction on how Federal funds are to be spent and the legislation itself does not, a point of order would lie against the bill.

Mr. President, this legislation would enable the President to veto pork-barrel spending and other nonpriority spending without sacrificing appropriations for important and necessary functions of the Government.

This bill would allow the President to use his constitutional right to veto legislation in order to prevent wasteful, unnecessary spending. It is a simple, but very necessary approach to help solve the problem of wasteful spending in this era of crippling Federal budget deficits.

Mr. President, pork-barrel politics is certainly not a new phenomenon in our Republic. However, given the systemic damage inflected on our economy by Federal deficit spending, it is unacceptable that Congress should still expect the taxpayer to continue underwriting our addiction to pork. The political appeal of pork-barrel spending has clearly lost its luster as the people have come to recognize the gravity of our fiscal dilemma. The failure of a Speaker of the House and the chairmen of powerful committees to be returned to office is stark testimony to the people's determination that the cost of pork-barrel spending to the Nation greatly exceeds its value to them individually.

As usual, Mr. President, the people have grasped the essence of this Faustian bargain well in advance of Congress' common understanding of the conflict between immediate political gratification and the progress of our civilization. Parents sacrifice for the future well-being of their children. Certainly, parents are willing to dispense with temporal pleasures if payment for those pleasures would require their children to live in greatly diminished circumstances from those into which they were born. That is, of course, the Faustian bargain that wasteful Federal spending represents. Why is it, Mr. President, that we expect American parents to prove more selfish with regard to the squandering of their children's national inheritance than they are when husbanding the family's wealth?

I know that Senators opposed to this bill will declaim eloquently on the indispensable contribution that public works projects have made to America's development as a great nation. I will not argue the fact. But neither will I accept that all public works projects have been necessary or even defensible expenditures of public resources. Today, the near insolvency of the Federal Government requires that all Federal spending meet much stricter standards of need than have governed congressional appropriations in the past.

Mr. President, let us review the facts regarding our Nation's fiscal health.

The Federal debt is approaching $5 trillion.

The cost of interest on that debt is now almost $200 billion a year. That is more money than the Federal Government will spend on education, science, law enforcement, transportation, food stamps, and welfare combined.

The Federal budget deficit set a record of $290 billion in 1992.

By 2003, the deficit is expected to leap to a staggering $653 billion and will have reached its largest fraction of gross domestic product in more than 50 years.

Mr. President, it is impossible to exaggerate the urgency with which we must restrain the further, reckless descent of this Nation into bankruptcy. Nor can we take much comfort from our past attempts at restraining spending. The simple and unavoidable fact is that following each of the last major budget deals, the deficit increased, spending increased, and taxes increased.

No remedy to our escalating debt proposed by Congress or the Executive has been adequate to the task. Neither, Mr. President, will the line-item veto—even if exercised vigorously by the President—be sufficient means to secure the end of deficit spending. But of this I am confident: without the discipline imposed on Congress by a Presidential line-item-veto authority, we will forever spend more money than the Treasury receives in revenues. Opponents of this measure will resent that charge, but the examples of Congress' inability to live within the Nation's means—even in the midst of fiscal crisis—are simply too numerous for me to conclude that Congress will meet its responsibilities without some measured restoration of the balance of power between the Congress and the executive branch.

Mr. President, I might point out that for the last 10 years, as I have been a supporter of the line-item veto, some who are perhaps a bit cynical have said, ''You would probably not support the line-item veto if it was a member of the other party who was President of the United States.'' I am here on this floor today to State unequivocally, I am as fervently in support of a line-item veto under this President or any other President no matter what that President's party affiliation might be.

Mr. President, it will be very hard to measure the exact effects of a line-item veto, because when a line-item veto is threatened we will find a dramatic reduction in the kinds of anecdotal appropriations which have plagued this body's reputation with the American people.

No longer, Mr. President, will we see $2.5 million appropriated to study the effect on the ozone layer of flatulence in cows. No longer will we see billions of dollars appropriated out of the defense account on items that have nothing to do with national defense.

The reason for that is because before that is tucked into an appropriations bill, Mr. President, there is the great fear that that piece of pork will be exposed to the light of day by the President of the United States and there will be time for something to be done about it. One of the great tragedies and dilemmas I faced over the years is that I always seem to find out most of the egregious aspects—most, not all, most—of the egregious aspects of pork in appropriations bills after they are passed.

That has to do with the system in which we do business, and perhaps, with the lack of efficiency on my part. Time after time after time, I have seen appropriations bills, and much to my astonishment, seen items in there which are egregious.

If it is believed that there is a strong likelihood that the President of the United States would highlight that particular item, send it to the Congress of the United States with all the attendant publicity and veto it, and then ask the Congress of the United States to examine it in the light of day and debate it, I do not think we will see those kinds of examples, Mr. President.

I do not think we will see that. Time after time, we have seen the amendment that is accepted on both sides—not read, then accepted on both sides—and then placed in as a line in an appropriations bill. I believe that, and I am convinced that nowhere will we be able to total up how much of those will be prevented from appearing in an appropriations bill.

Ending deficit spending is, of course, a monumental undertaking that will involve asking all, including many powerful coalitions, to sacrifice immediate and parochial rewards for the greater good of the Nation. The line-item veto—whether it is derived from enhanced rescission or separate enrollment—is a small, but indispensable part of real budgetary reform.

Mr. President, if we are to take control of the budget process we must change the process. We must restore what has come to be an imbalance in the checks and balances between the executive and legislative branches, and we must balance the power between the congressional authorizing committees and the Appropriations Committee.

Now is the time to rise above jurisdictional rivalries and political turf wars. We must avoid letting institutional pride deprive the Nation of an effective response to the critical problems clouding our future. And most importantly, we must stop the microscopic focus on local wants and desires to the exclusion of national needs. Now, Mr. President, is the time for statesmen who—for the sake of the Nation which our children will inherit—are prepared to relinquish some of the personal power they have accrued through their service to the Nation.

We must reinstitute budgetary restraint and take firm action to control

spending. This will involve implementing specific strategies and standing behind a commitment to decrease spending—no matter what the political climate. This will involve accepting one set of budgetary goals and not allowing them to float or be adjusted.

Mr. President, one glaring example of our failure to resolutely adhere to spending discipline is the alteration-beyond-all-recognition of the Gramm-Rudman-Hollings deficit targets. The Congress had sought when it passed the Gramm-Rudman-Hollings Act to impose mandatory spending caps on the Congress. During recent years, however, these fixed budget targets have become relaxed and are now meaningless.

Mr. President, when push came to shove, the Congress allowed these ceilings to be altered. Due to the pressure of Gramm-Rudman-Hollings on the Congress to curtail its deficit spending, the Congress curtailed Gramm-Rudman-Hollings. As a result, the 1990 Budget Act was passed and new higher targets were established.

Now, 4 years into that agreement, deficits and domestic spending are being allowed to increase without penalty, despite the massive cuts in defense and huge tax increases. The problem of ending the deficit, although mentioned frequently and solemnly in our political discourse as the Nation's first priority, has yet to be addressed seriously by this or any previous Congress.

The only solution to our budgetary problems and our profligate spending habits is substantial process reform. One key aspect of that process reform is the line-item veto. Mr. President, I implore those who say there is no need for the line-item veto to listen to the arguments in support of that authority made by Americans of varied experiences and political persuasions who are united only in their concern for the fiscal health of the nation.

Ross Perot on Good Morning America stated: ''There's every reason to believe that if you give the Congress more money, it's like giving a friend who's trying to stop drinking a liquor store. The point is they will spend it. They will not use it to pay down the debt. If you don't get a balanced budget amendment, if you don't get a line-item veto for the president, we might as well take this money out to the edge town and burn it, because it'll be thrown away.''

Then-Governor Clinton on Larry King Live: ''We ought to have a line-item veto.''

Candidate Bill Clinton in Putting People First: ''Line-Item Veto. To eliminate pork-barrel projects and cut government waste, I will ask Congress to give me the line-item veto.''

President Bill Clinton in his Inaugural Address:

Americans deserve better * * * so that power and privilege no longer shout down the voice of the people. Let us put aside personal advantage so that we can feel the pain and see the promise of America. Let us give this Capitol back to the people to whom it belongs.

According to the CATO Institute, December 9, 1992, Policy Analysis:

Ninety-two percent of the governors believe that a line-item veto for the President would help restrain federal spending. Eighty-eight percent of the Democratic respondents believe the line-item veto would be useful.

America's governors and former governors have a unique perspective on budget reform issues. Most of them have had practical experience with the line-item veto and balanced budget requirement in their states. The fact that most governors have found those budget tools useful in restraining deficits and unnecessary government spending suggests that they may be worth instituting on the federal level.

Additionally from the CATO Institute Study:

Keith Miller (R), former Governor, AK: ''The line-item veto is a useful tool that a governor can use on occasion to eliminate blatantly ''pork barrel'' expenditures that can strain a budget. At the same time he must answer to the voters if he or she uses the veto irresponsibly. It is a certain restraint on the legislative branch.''

Michael Dukakis (D), former Governor, MA: ''The line-item veto is helpful in stopping efforts to add riders and other extraneous amendments to the budget bill.''

L. Douglas Wilder (D), Governor, VA: ''To the detriment of the federal process, the President is not held accountable for a balanced budget. Congress takes control over budget development with its budget resolution, after which, the President may only approve or veto 13 appropriations bills. Without the line-item veto the President has minimal flexibility to manage the Federal budget after it is passed.''

S. Ernest Vandiver (D), former Governor, GA: ''Tremendous tool for saving money.''

Ronald Reagan (R): ''When I was governor in California, the governor had the line-item veto, and so you could veto parts of a bill. The President can't do that. I think, frankly—of course, I'm prejudiced—government would be far better off if the President had the right of line-item veto.''

THE GREATER THREAT OF INACTION

Mr. President, many have characterized this legislation as a dangerous ploy to centralize political power in the hands of the Executive. Since the President has no authority to appropriate money for projects he believes are important, he will always have abundant incentive to compromise with Congress. Such compromises will always be necessary for the President to govern at all and will, of course, prevent the unlikely danger of a tyranny emerging at the other end of Pennsylvania Avenue. Congress will still dispose of whatever the President proposes and thus the checks and balances which distinguish our Republic will remain secure.

What the opponents of this measure often ignore is the greater danger presented by our out-of-control budget process.

For instance, as my colleagues know, I believe one of the most dangerous consequences of pork-barrel spending is its weakening of the national security of the United States. I do not make that charge lightly. As thousands of men and women who volunteered to serve their country have to leave military service involuntarily because of declining defense budgets, money is still found in defense bills to underwrite billions of dollars worth of nondefense spending in the defense bill. At a time when we need to restructure our forces and manpower to meet our post-cold war military needs, we have squandered billions to build projects on bases that are slated to be closed.

Mr. President, every Member of Congress has pursued projects for his or her district or State which may lack obvious merit. It is an institutional problem. There are no saints here of my acquaintance. Certainly, I am not one. I have been guilty in the past of pursuing projects in my State. But the supporters of this measure are trying to change this system that has so clearly failed the country. We are trying to make a difference. I am not here to cast aspersions on other Senators who secured projects for their States. I am not here to start a partisan fight.

But it serves no one—not the Members of this institution nor the people we represent—to ignore or attempt to obscure our individual and collective responsibility for the piling up of $3.7 trillion in debt. We have done this. And while we have often done this in the name of the people we serve, those very people believe we have done it to sustain ourselves in power. And those people, Mr. President, are not buying it any longer.

Anyone who feels that the system doe not need reform need only examine the trend in the level of our public debt. As I have stated in my analysis of the most recent budget plans, the deficit has continued to grow and spending continues to increase. In 1960, the Federal debt held by the public was $236.8 billion. In 1970, it was $283.2 billion. In 1980, it was $709.3 billion. In 1990, it was $3.2 trillion, and it is expected to near $5 trillion this year.

With line-item veto authority, the President could play a more active role in helping to prevent the further waste of taxpayers' resources for purposes that do not really serve our national security needs, our infrastructure needs, and other important purposes that merit public support.

According to a recent General Accounting Office [GAO] study, $70 billion could have been saved between 1984 and 1989, if the President had a line-item veto—$70 billion.

The line-item veto will, indeed, change the way Washington operates. I know that very admission will provide grounds for some Members to oppose this measure. As I previously noted, I am completely confident that the constitutional distortions which some opponents fear the line-item veto will cause will not occur. But there will be change. Unnecessary parochial spending will decline. Thus, this change that we should all welcome.

RETURN TO THE VIEWS OF THE FOUNDING FATHER AND THE CONSTITUTION

Mr. President, let me remind my colleagues that a President empowered with a veto was not considered a threat

to our Republican form of Government by the Framers of the Constitution.

This bill in no way alters or violates any of the principles of the Constitution. It preserves wholly the right of the Congress to control our Nation's purse strings—a trust the Congress has sometimes abused. On the contrary, this legislation helps sustain the sound checks and balances which provide enduring protection from tyranny.

The veto was designed by the Founding Fathers to ensure that the President retains the authority to govern should Congress exceed the bounds of responsible stewardship of the Nation's wealth.

According to Alexander Hamilton in Federalist No. 73 the views of the Founding Fathers on Executive veto power are as follows:

> It [the veto] not only serves as a shield to the executive, but it furnishes an additional security against the inaction of improper laws. It establishes a salutary check upon the legislative body, calculated to guard the community against the effect of faction, precipitancy, or any impulse unfriendly to the public good, which may happen to influence a majority of that body.

Given Congress' predilection for unauthorized and/or pork-barrel spending, omnibus spending bills, and continuing resolutions, it would seem only prudent and constitutional to provide the President with functional veto power.

The President must have more than the option of vetoing a spending cut bill and shutting down Government or simply submitting to congressional coercion.

The authority provided him by this strictly defined and limited line-item veto will not fundamentally upset the balance of power between the executive and legislative branches. It is consistent with the values expressed in our Federal Constitution.

The President is given very limited power by this bill. It is limited to appropriation bills and it can only be exercised for a limited time after the passage of an appropriations bill. Congress is guaranteed—by the Constitution—the opportunity to quickly overturn the President's veto. Opponents speak of their alarm over the prospect of Presidential coercion. But does any Member truly believe that Members—irrespective of their political affiliation—would not unite in opposition to a President who was attempting to abuse his powers. When has any Congress failed to do so in the past? Did not a majority of Congress—including many members of the President's party, oppose President Roosevelt's attempt to pack the Supreme Court? Did not a majority of Congress, including most members of the President's party, join in opposition to President Nixon's abuse of his office? I have no doubt, whatsoever, that Congress would not submit to extortion from a President with line-item veto authority. They would expose the President's coercion, and overturn any offensive rescission.

Charges that the President would abuse this power are also misleading and unfounded.

Again, I will rely upon Alexander Hamilton, who posed this question to his contemporaries in Federalist No. 73:

> If a magistrate so powerful and so well fortified as a British monarch would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of government wholly and purely republican?

Mr. President, the Constitution gives each House the power to set and establish its own rules. Additionally, the Constitution does not define the term ''bill.'' Therefore, what constitutes a bill, or a matter to become law that is presented to the President, may be defined by the Congress in any way that it sees fit. The Constitution did make clear that any type of measure passed by both Houses must be presented to the President.

For example, if a bill were named an ordinance, it would still have to be presented to the President. As reinforced in the Chadha versus INS case, anything with legal standing adopted by Congress must be presented to the President. The form of the presentment is up to the discretion of the Congress as a function of its internal rulemaking ability. Therefore, Mr. President, it is clear that division of a bill into separate parts is an internal rule change, and not a presentment issue.

Some will claim incorrectly that this bill violates the delegation clause of the Constitution. The delegation clause is not applicable here since the Congress is not delegating any power. It is merely adopting rules to change the manner in which it sends certain legislation to the President.

Others will claim that the Presentment Clause mandates that legislation be passed by both Houses in the same form before it is sent to the President, and that Separate Enrollment by a clerk after the passage of the legislation therefore changes the form of the legislation and violates the Presentment Clause.

This charge is also untrue. Changes made to a bill strictly of a technical nature due to the mechanics of the process of enrolling a measure have never been considered a change to a bill. Further, such technical changes would never merit subsequent action by either House. Lastly, let me point out that the Senate on the first day of session traditionally, authorizes the Enrolling Clerk—as an employee of the body—to make technical corrections as necessary to bills sent to the Clerk.

Additionally—and very importantly—the precedence for separate enrollment has already been established by the House of Representatives. The House has rules that ''deem'' a measure or matter as passed. The Gephardt rule states that when the House passes the concurrent budget resolution, the debt limit increase is deemed to have been passed by the entire body. The rule authorizes the Clerk to incorporate language into the concurrent resolution regarding the debt limit. Note that the budget concurrent resolution is not even a bill, yet the House enrolling clerk enrolls in it the entirety of another, never considered measure.

Another argument against this bill is that we cannot delegate legislative powers to the Enrolling Clerk and separate enrollment would do precisely that.

Once again the critics of this bill are incorrect. Separate enrollment gives no additional power or authority to the enrolling clerk. The Congress, within its ability to establish its own rules and instruct its employees on their duties, is prescribing certain limited activities to the clerk, not transferring any power to an unelected official.

To summarize, Mr. President, this legislation is constitutional and should be allowed to move forward.

PRESIDENTIAL POWER USED TO IMPLEMENT BUDGETARY REFORM

Congress' infidelity to sound fiscal policy was aggravated in 1974 by the Budget Control and Impoundment Act. If opponents of the line-item veto are seeking an example of a dangerous transfer of political power, they can end their search with that power grab by Congress. Specifically, the Budget Control and Impoundment Act of 1974 weakened executive power by allowing the Congress the legal option of ignoring the spending cuts recommended by the President through simple inaction.

Since 1974, the Congress' attitude toward presidential rescission has been one of increasing neglect.

President Ford proposed 150 rescissions, and Congress ignored 97. President Carter proposed 132 rescissions, and Congress ignored 38. President Reagan proposed 601 rescissions, and Congress ignored 134. President Bush proposed 47 rescissions, and Congress ignored 45.

If the Congress had accepted the 564 presidential rescissions that it has ignored since 1974, $40.4 billion would have been saved. This is not a trivial sum to the taxpayer, even if it is to Washington veterans.

The practice of ignoring presidential rescissions is in contrast to the practice prior to the 1974 act. Presidents Truman, Eisenhower, Kennedy, Johnson, and Nixon all impounded funds that Congress had appropriated for line item projects.

These modern Presidents were not alone in their exercise of rescission power. In 1801, President Jefferson refused to spend $50,000 on gunboats as appropriated by Congress. He, of course, had good reason. When the gunboats were appropriated, a war with Spain was considered imminent. The war never materialized, and the threat posed by Spain ended. As these circumstances changed, Jefferson thought it was within his power to eliminate

what had become unnecessary spending.

The money for gunboats was not spent, and money was not appropriated in 1802 for the gunboats.

Clearly, the Union did not fall because the President refused to waste the taxpayers' money.

Until 1974, our Presidents had the power to decide whether appropriated moneys should be spent or not. It is indeed true that President Nixon abused the power of impoundment. But the abuses of one man do not require us to permanently deny all Presidents the authority to restrict spending.

Again, let me quote Alexander Hamilton in Federalist No. 73 on the role of executive veto power in our system of checks and balances:

> When men, engaged in unjustifiable pursuits, are aware that obstruction may come from a quarter which they cannot control, they will often be restrained by the apprehension of opposition from doing what they would with eagerness rush into if no such external impediments were to be feared.

Those opposed to this legislation should consider that sound observation when contemplating the importance of some of the ''unjustifiable pursuits'' that find their way—irresistibly—into every appropriations bill passed by Congress.

Let me return to the broader picture of process reform. Many opponents claim that a President with line-item veto authority would not have any real ability to balance the budget or even significantly reduce the deficit. I will make no claims that this bill is the answer to all our budgetary problems.

As I earlier stated, the line-item veto is only one of many needed tools in our efforts to restore the Nation's financial health. With roughly $1 trillion of entitlement spending in a budget of $1.5 trillion, it is clear that a line-item veto will not solve all of our fiscal difficulties. Only a Congress with a political will not characteristic of recent Congress' will be able to balance the budget.

A President dedicated to restraining Federal spending could use line-item veto power as an effective tool to reduce Government spending and move closer to a balanced budget than we are today.

The GAO study makes my point. A President with line-item veto authority could have saved the American taxpayer $70 billion since 1974.

A determined President may not be able to balance the budget—only the voters can ultimately control Congress—but a determined President could make substantial progress toward real spending reduction.

As we continue to confront enormous budget deficits and annually search for ways to reduce spending, it is obvious that there our efforts will require the service of a President whose line-item veto authority has been restored. With our public debt expected to approach $3.9 trillion this year and a gross domestic product of roughly $5.7 trillion, it seems quite probable that our debt may soon surpass our output. Unless we decide to simply wait for the moment when this growing crisis begets a movement for stronger measures that really will threaten constitutional principles, we ought not decry those reasonable and constitutionally sound measures that will help us control the greatest threat facing our Republic.

With that in mind, I hope the Senate would consider the following quote by a figure in the Scottish Enlightenment, Alexander Tytler. He stated:

> A democracy cannot exist as a permanent form of government. It can exist only until a majority of voters discover that they can vote themselves largesse out of the public treasury. From that moment on, the majority always votes for the candidate who promises them the most benefit from the public treasury, with the result being that democracy always collapses over a loose fiscal policy.

It is to prove Mr. Tytler wrong that I ask my colleagues to support this bill. If our debt surpasses our output, I fear Mr. Tytler will be proved correct, and the recognition of his powers of prophecy will mean that the noblest political experiment in human history will have ended in failure.

This bill is only a small step toward preventing the arrival of such a dismal calamity for this country and mankind. But it is a necessary step. I urge my colleagues to support this measure.

Mr. President, we are going to have a lot of detailed debate on this issue. Some may appear to observers to be esoteric and somewhat minute. There are significant questions about the constitutionality and the other aspects of this bill as far as its applicability ranging from how much money it would save to whether it directly violates the Constitution of the United States.

Mr. President, I do not claim to be a Constitutional expert. I do claim to have been involved in this issue now for 10 years. I do claim to have read and discussed with eminent Constitutional scholars this entire issue, and I am convinced that any argument on Constitutional grounds can be easily rebutted.

The question, however, will be, is the Congress of the United States prepared to transfer significant power from the legislative branch of Government to the executive branch of Government for the sake of the future of our children? Is the Congress of the United States, especially those Members who are in more powerful positions than others, prepared to do what is necessary?

We cannot live with that deficit. Our children and our children's children will be called upon someday to pay that bill. And if we do not start now to reduce that deficit, an exercise in fiscal sanity, we will not only threaten our children's futures but we will continue to increase the cynicism that exists in America today about the profligate way we spend the taxpayers' dollars. There is no confidence in America today that the Congress of the United States spends that money in a wise fashion.

Mr. President, that is not my personal opinion. Poll after poll after poll concerning this issue confirms that statement. When people lose confidence in their government, then very bad things can happen because then, over time, they search for other means of governing or they search for other people or parties that they think can govern better.

On this side of the aisle, as the Presiding Officer well knows since he is a newly arrived Member of this body, having come from the other body, I believe we made a promise to the American people. We made several promises. Those promises were embodied in the Contract With America. The crown jewels of the Contract With America in my opinion—others may differ—were a balanced budget amendment and a line-item veto. Unfortunately, recently the Senate failed to enact a balanced budget amendment. The reasons for it have been well discussed and dissected in every periodical in America so I do not intend to go into the reasons why. But the fact remains the American people, in overwhelming majorities, are deeply disappointed that we did not have the courage, we could not muster 67 or two-thirds of the votes in this body to make that happen and send that measure to the States for their ratification.

Now we are confronted with a second duel and that is the line-item veto. It is going to be a close call. It is going to be very, very close, as to whether we can obtain the 60 votes to get cloture or not. I do not know if we will be able to achieve that.

I know I am willing, and those of us who are supporters are willing to negotiate with our colleagues on the other side of the aisle and try to satisfy concerns they have. Obviously, we will not negotiate the principle of two-thirds majority override but we certainly would be willing to talk about ways in which we can protect Social Security, for example, and make sure we do not do damage to those who are least fortunate in our society.

At the same time, when all this concern is voiced about those who are unfortunate in our society and cannot defend themselves—the elderly, the children, the poor, the homeless, those who are ill—the fact is if we do not do something about that, we cannot help any of them. If we do not stop this deficit spending there is no way we can help the people who need help in our society, because we will be spending all our money on paying off a debt or we will debase the currency through inflation, reduce the national debt but at the same time destroy middle-income America. We will be faced with those two choices.

Again I want to say, the line-item veto will not balance the budget. But I hasten to add the budget will not be balanced without a line-item veto. That graph over there is a compelling

argument to validate my argument, my statement. Between the years of this Nation's birth, which are not on that chart, up until 1974, roughly, our deficit was either a slight one or nonexistent. Beginning in 1974 and 1975 it skyrocketed off the charts.

For 10 years, Senator COATS and I have been working on this issue. For 10 years we have brought up this issue before this body, unable to do anything but ventilate the argument, ventilate the issue, talk about it and debate it, knowing full well that the Senator from West Virginia or the Senator from Oregon were going to pose a budget point of order and we would not succeed in that effort and we would be doomed to try again another day or another year.

I believe this is the defining moment for this issue. I believe we should engage in extended and in-depth debate in a manner and environment of respect for one another's views. At the same time, I believe if we lose this battle we are sending a message that we are willing to do away with our children's futures and any opportunity for fiscal sanity.

Before I yield the floor I again would express my appreciation to my dear, dear friend, Senator COATS, who has been, many times, the one who has helped restore my spirits after we have suffered defeat after defeat and encouraged me and himself. I hope I have encouraged him from time to time to stay at this very critical battle even at the risk of bruising friendships and relationships we might have with others in this body, and even at risk of appearing somewhat foolish from time to time as we jousted with a windmill in the form of a majority on the other side in full recognition we could not succeed.

But I say to my friend from Indiana, I do not know if we would be here today if we had not done all the things we did for the past 10 years. Without his help and friendship I do not believe we would be here.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Indiana.

Mr. COATS. Mr. President, my understanding is that under the unanimous consent agreement time is managed by the Senator from Arizona. The Senator from Alaska has asked for 5 minutes of time in which—or more if he wishes—to introduce some legislation. I think if the Senator from Arizona will yield that time I think it would be appropriate at this time.

Mr. McCAIN. Mr. President, I yield to the Senator from Alaska whatever time he needs to consume.

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

Mr. STEVENS. Mr. President, I am grateful to the Senator from Indiana and the Senator from Arizona. I find myself in an a position this year of applauding the leadership they are giving to this subject of the line-item veto. I will be making a statement on that tomorrow.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 575 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

THE NATIONAL DEBT

Mr. COATS. Mr. President, Calvin Coolidge may have been a man of few words, but the thoughts he expressed when he chose to speak were very precise. On the subject of government spending he once very accurately observed that, ''Nothing is easier in the world than spending public money. It does not appear to belong to anyone.''

How true those words were because we have seen a Congress spend the public's money in a way that has significantly reduced the respect and credibility of this institution in a way that has taxpayers across America not only scratching their heads in wonder but shaking their fists in rage, disturbed over the fact that while they are getting up in the morning and fighting traffic and getting to work and putting in an honest day's work for what they thought was an honest day's pay, they receive their paycheck at the end of the week and bimonthly and note the ever-increasing deduction for funds being sent to Washington to pay for programs and to pay for expenditures that they do not deem in the national interest.

They are becoming outraged, and they are frustrated. They expressed that outrage and frustration this past November. They wanted a change in the way that this Congress does business. They have been calling for it for years, even decades. Politicians have been going back home and promising change. ''Elect me and we will do it differently.'' People ask, ''Well, what can you do about it?''

Many of us were proposing two basic structural changes in the way that the Congress does business. One was the balanced budget amendment. Despite all of the fine rhetoric, all of the wonderful promises, all of the budget bills, the budget deals, the budget reduction packages that were debated, voted on, and promised by the Congress, despite all of that, Americans continued to see an ever-escalating debt, hundreds of billions of dollars annually of deficit spending, and a frightening explosion in the national debt.

In 1980, when I was elected to Congress, one of the very first pieces of legislation that we had to vote on was whether or not we would raise the national debt ceiling—that is, that level over which we could not borrow money—to raise that to $1 trillion. Many of us were deeply concerned that we not break the trillion dollar threshold. We had campaigned that year in 1980 on fiscal responsibility. We campaigned on balancing the budget. We knew that, if we were going to balance the budget, we had to stop the flow of red ink. That was our first priority. We knew, if we were going to reduce that debt, that we could not have any more years of deficit spending.

So we were concerned about raising that debt limit. Yet, for a whole variety of reasons—some of them valid and many of them invalid, but all because of a lack of discipline—we not only did not balance the budget but we saw the national debt explode; explode from the $1 trillion level to nearly $5 trillion today, a 500-percent increase. It almost is beyond our ability to comprehend how we as a Nation could have gone from a $1 trillion debt level to nearly a $5 trillion debt level.

Automatic spending as a way of meeting entitlement obligations clearly has played an enormous role in all of this, some necessary defense increases, some less than projected revenue estimates, but primarily a lack of will on the part of the Congress to curb its spending habits and its appetite for spending. I said then and I said in the debate a few weeks ago and I still believe that until we enact into the Constitution of the United States a requirement that this body balance its budget each and every year, we will not solve our debt problem. We will not begin to solve our debt problem.

My greatest disappointment in my years in Congress has been our failure by one vote to join the House of Representatives and pass on to the States for their consideration and, hopefully, their ratification a balanced budget amendment—one vote. We came that close. I think the American people instinctively know that, unless the Constitution forces us to balance the budget, we will always find an excuse not to. As Calvin Coolidge said, how easy it is to spend what appears to be someone else's money because it does not appear to belong anywhere.

We have seen year after year after year Congress saying, ''Well, maybe next year, too many pressing priorities this year, too big a problem to address all at once, we will do it another time.'' Or, we have seen Congress say ''Here is the legislation that will put us on the path to a balanced budget, that will bring finally fiscal discipline to this body.'' Of course, we have seen every one of those efforts fail.

Now we are looking at the second tool to try to curb congressional spending, this appetite for spending, spending, spending, and paying for it not by asking the taxpayer to ante up, although we have done that, and it has I think had a negative effect on our ability to grow and provide opportunities for our young people and job opportunities for Americans. But we found a convenient way to pass on the debt to a different generation to a time when we are no longer here serving; pass it on by floating debt, by incurring debt which future generations will have to pay. We are paying it now. We are paying $200-and-some billion a year just in interest. It is rapidly approaching $300 billion a year—$300 billion which could

be used either to impose a lesser tax burden on Americans, to provide a child tax credit which would give American families with children an opportunity to meet some of their financial obligations, to put aside money for college or savings, pay the rent, pay the mortgage, buy the clothes, or meet their monthly obligations. Or it could be used for more appropriate needs that exist in our society. But, no, it goes simply to pay interest on the debt, and it mounts every year. It is the second largest expenditure in our budget. If a few years, it will exceed the entire spending for national security, for all our military men in uniform, for all that we provide for national defense. Interest. Just paying obligations so that we can spend now and somebody can pay for it later.

So we come to the second tool. The Senate has rejected, unfortunately, by one vote, the right of the people, the right of the States to determine whether or not they want this fiscal discipline imposed constitutionally on the Congress of the United States. We now come to the second institutional change, the line-item veto. As my colleague, Senator MCCAIN, said, make no mistake about it, this will not balance the budget. This is not enough of a tool to do the job. But it is an institutional change. It is a structural change in the way that we do business, and it can make a difference and it can make a substantial difference.

Senator MCCAIN and I, as he recently has said, have been fighting this battle for a number of years. We have alternately introduced it. JOHN MCCAIN manages it one time, and I manage it another time—alternately introducing the line-item veto under different forms—enhanced rescission we called it. It is a statutory measure designed to secure passage with 51 votes instead of two-thirds. It is not a constitutional amendment. But we have been offering it in Congress after Congress, year after year, always falling short of the necessary number of votes to break a filibuster, because those who oppose line-item veto, those who believe Congress can exercise the will for fiscal discipline, those who feel that the power of making those decisions should not rest anywhere except in this body have been able to block our efforts.

Senator MCCAIN has been, as is his great talent, a man of extraordinary perseverance, extraordinary commitment, extraordinary dedication to this issue and many others that he has been involved with. He paid me a nice compliment by saying I shored him up at times when he was discouraged and we were not making more progress. He has picked me up equally as much, and maybe more. Sometime we think, what is the use, we are never going to get there, we are never going to break the power and the hold on the spending process that currently exists with those who see spending, or the control of the process, as advantageous, for whatever reason.

But I want to compliment him for continuing to persevere. He is a man of great perseverance. I want to compliment him for pushing through and insisting that we go forward. Together we are doing that. And we know we have the support of many colleagues and we have the support of a vast majority of the American people because they have lost confidence in Congress' promises, in Congress' ability to discipline itself. They know that we need system changes. They know that we need structural changes if we are going to get this accomplished.

It has become so easy to spend in this body that, every year, about $10 billion worth of appropriations are tacked onto an already loaded Federal budget for spending that meets no emergency request, is not formally authorized by Congress, and that means it has not been discussed and debated and examined by the authorizing committees and voted on and put forward to our colleagues to examine. Nor has it been requested by the President. On the contrary, it is $10 billion that serves only to appease or satisfy a particularly parochial special interest. As a result, Congress has become so addicted to spending other peoples' money, that the last time the Federal budget was balanced on a regular basis, Calvin Coolidge was still alive. Political scientist James Payne calls this a culture of spending. ''Members of Congress,'' says Payne, ''act as if Government money is somehow free.'' They distribute it like philanthropists helping worthy supplicants—except that they are usually lobbyists or special interests, and the money goes to a very narrow, very parochial use. In a recent tabulation of witnesses who testified at congressional hearings, Mr. Payne found that fully 95.7 percent of them came to urge more Government spending. Only 0.7 percent spoke against it. I do not know what happened to the other 3 or 4 percent. They probably just came to see the monuments and watch Congress in session.

This year, the President sent to Congress a budget that directs the Government to spend $1.6 trillion. Every month of that year, the Government will spend $134 billion; every week, $31 billion; every day, $4.4 billion; every hour, $184 million; $3 million a minute; every second of every day, the Federal Government will spend another $50,000 of someone else's money.

By the end of 1996, the Federal deficit will have increased by $200 billion, a figure that will be repeated in 1997, 1998, 1999, and the year 2000, after which it will rise even greater. That is a projection on which we almost always come in under what the actual figure is. But the sad fact is that even if the President could manage to send a balanced budget proposal to Congress, it probably would not make any difference. Congress would still choose to pad the bill with billions of extra dollars of parochial pork.

In some cases, these projects are tacked on—usually at the last minute—to legislation that is too important or too politically risky for the President to veto, like Federal disaster assistance when California is devastated by floods, when hurricanes devastate south Florida, or when the military needs a pay raise, or emergency spending is needed to cover deployments or costs that it has incurred, or benefits for veterans. These huge bills pass often, literally, in the dark of the night. But almost always we find tucked away in the very dark recesses of complicated bills, sometimes weeks and months later, we find items of appropriations that go for special interests, that go for special spending, which causes all of us to ask, how in the world did that become part of this bill? How in the world did the Congress ever pass something like that? In honesty, many of us say we did not even know we passed it. Well, it was part of the HUD-Independent Agencies appropriations bill. Well, that was a 1,300-page bill, and while we searched through it, we must have found tucked away in there—sometimes in very obscure language—spending that goes for something that the taxpayer finds is absolutely outrageous.

And every year, this type of spending adds up to billions of dollars worth of unnecessary spending that would wilt in a white-hot minute if it were forced to weather the glare of public scrutiny. If that item was brought to the floor of the Senate and debated solely on that item, and if Members were forced to vote yea or nay on that item, it would never pass; it would never stand the scrutiny of the light of public debate. Members would never risk a vote for an item that brings outrage to the American public when they hear about it.

The list goes on and on, and Senator MCCAIN and I will have the opportunity to detail some of that list. It is not our purpose tonight to castigate other Members. In one sense, we are all guilty. There is probably not a Member of Congress that has not gone to the Appropriations Committee and said, ''Do you think there is a way we can get this particular appropriated item in the bill? It is important to my constituents and it is something that I think is important. Can we get it tucked on there? Has it been authorized?'' ''No. You know it is going to be tough to get that through the authorization process, and my colleagues might not understand. But could we just add it to this bill? This bill is going through.''

There is probably not one of us that does not bear some responsibility, some blame, for this.

What we are saying here is that the system is bad, and the system needs to be changed. Some people make a career out of doing this. Others do it on occasion. But whether it is a standard operating procedure or whether it is just an occasional request, the system allows

it to happen and it is not right and it ought to stop.

If you happen to occupy an important position here, a position where you are influential in terms of appropriating certain funds, it is quite easy to add some items. Every year in appropriations bills, we find certain Members seem to do quite well, thank you. They happen to occupy positions that allow them that opportunity.

But we are not going to list the items. Americans read about them regularly in the newspapers, in the magazines. They hear about them on the national news. In fact, one network outlined on a regular nightly basis for several weeks—and perhaps it is still going on—how your money is spent. And each time they do that, our phones light up the next morning, the mail pours in, people stop you back at home and say, ''How in the world can you take my hard earned dollars and spend it on that item?''

Mr. President, we have a budget process that encourages delay, rewards subterfuge, and works to the detriment of the American people. But any spending that must be attached or hidden is spending that cannot be justified on its merits.

It is time for us to change the system. It is time for us to shine a light in the deep, dark corners of deficit spending. It is time to give the President and to give the American people the line-item veto.

Just as a yellow highlight earmarks and highlights a text, the line-item veto will give the President the power to highlight Government pork by drawing bright lines through the billions of dollars of added on Federal waste. No longer will unnecessary expenditures be able to hide in the dark details of necessary bills. The line-item veto will spotlight their existence and force legislators to defend their merits in open debate.

More importantly, the line-item veto means that pork finally stops at somebody's desk. Even if the Congress persists in passing wasteful spending measures, the people can still demand that the President line out parochial pork barrel projects that increase their tax burden and threatens their children's future. The line-item veto is a giant step forward in fiscal responsibility.

Mr. President, today objections raised by the Congress against the line-item veto seem to boil down to some fundamental questions. One of the questions is: Is the line-item veto the best solution to the problem?

As I said earlier, the best solution would have been a balanced budget amendment. Congress failed by one vote in that effort.

But the next best structural change that can take place would be the line-item veto, in this Senator's opinion, because it is clear the Congress cannot muster the will to, on a regular basis or even on an occasional basis, balance the budget.

As I said, Calvin Coolidge was still alive the last time we did balance the budget. Our record is pretty sorry, despite our promises, despite our best efforts.

The other objection raised is: Is this constitutional? Let me address the first one: Is it the best solution?

Obviously, the best solution would be for the Congress to put the interest of the country before its own parochial interests, to follow the basic principle, which we attempted to teach our children around the kitchen table or sitting in the family room, that every corporation in America has to follow, that every home owner has to follow: If you keep spending more money than you take in, you are going to get yourself in deep trouble.

How many times have I told my children, how many times have any of us told our children, ''Look, you can't spend more than you have. Sure you can get a plastic credit card, but the bill comes 30 days later and there is interest attached. And the interest is not cheap. It keeps adding up. And if you keep mounting that up, you are going to get yourself in a real hole.''

And there are a lot of Americans that have done that.

Well, we each are given a credit card when we come here. It is called our ID. In the House, they actually use it to put it in a machine and that records their vote. Here, we vote by voice vote. But this is the most expensive credit card in America. It says ''United States Senator.'' It allows us to walk in this Chamber and, because we can carry this card, we have license to the taxpayers' dollar.

What we are suggesting here is that that license has been abused. We have racked up the points. We have reached the limit and it is time to call each of us on that. And it is time to change the system, time to put some restrictions on the use of this card. Maybe I should say the abuse of this card.

We have demonstrated an institutional inability to restrain ourselves from unnecessary pork barrel spending. And perhaps the line-item veto is the only tool we have left.

Each year, Congress sends the White House massive bills, at most 13 appropriations bills. All of our spending is pretty much compressed into 13 bills.

Sometimes we send the President one continuing resolution. That combines all the bills that we have not passed separately into one bill and we have one vote, yes or no. We send this massive bill to the President—sometimes it is the entire spending for the entire Federal Government—and we say, ''Well, Mr. President, the fiscal year runs out on September 30 at midnight. We are going to send you a bill up about 10 p.m., September 30. That is going to allow you to continue Government running until we get around to passing the separate appropriations bills.''

Sometimes we never do. We just operate. In other words, we give him authority to continue spending the money that he had last year.

Send it up there about 10 o'clock and say, ''Mr. President, you have about 2 hours—I know the bill is several thousands of pages long—a couple hours to look at it. Now you can veto it. You might find some things in there you do not like. You can veto it. But, of course, the Government will shut down. Nobody will get paid. Everything stops. All the checks stop.''

And the President is held almost in a position of blackmail because his only choice is to either accept the whole bill or veto the whole bill.

So the ground rules offered by Congress are very clear. Tie the President's hands by leaving him with a take-it-or-leave-it decision and obscure in the process all the uncounted billions of dollars of unnecessary pork-barrel spending.

Now this maneuver is very commonplace in the Congress. Because it seems that our facility for outrage has been dulled by the repetition of the times that we have done this. But I would suggest it is also contemptible, for when we hide those excesses behind the shield of vital legislation, we do it precisely to avoid making hard choices, to mask our actions and to confuse the American taxpayer.

In other words, we avoid public ridicule by consciously attempting to keep citizens from knowing how their money is spent. We hope they do not find out.

We criticize the press sometimes, but sometimes we have to give them credit. Sometimes those people sit down and pore through those bills and say, ''Wait until you, American taxpayer, hear about this one.'' And we pick up the USA Today the next morning and there is the list of spending that just defies rationality, particularly at a time of burgeoning deficits.

In his 1985 State of the Union Address, President Reagan very effectively demonstrated this point; that is, the point of Congress dumping massive legislation on his desk in a take-it-or-leave-it proposition. The President slammed down 43 pounds and 3,296 pages of Congress' latest omnibus spending bill. He slammed it down on the desk of Tip O'Neill. It was the bill that represented $1 trillion worth of spending—one bill. Not one penny of which he had the power to veto unless he rejected the entire bill.

As my colleague, Senator MCCAIN, has pointed out, Congress' addiction to pork barrel politics has reached the point where it is threatening even our national security and consuming resources that could be better spent on returning it to the taxpayers in the form of tax cuts, on deficit reduction, or any one of a legitimate number of worthwhile programs that would benefit all Americans—not just the few who happen to live in one particular State or one particular district.

The seriousness of this problem demands a serious response. I suggest, as

Senator MCCAIN suggested, the line-item veto is a serious response because it will force this Congress to get serious about spending and end business as usual because ''business as usual'' is something that this country can no longer afford.

Mr. President, before the Budget Impoundment and Control Act of 1974, Presidents could eliminate or impound political pork by simply refusing to spend the appropriated funds. Using this tactic, President Johnson in 1967 eliminated 6.7 percent of total Federal spending, which in today's terms would amount to about $99 billion.

A few years later, President Nixon provoked Congress' wrath by impounding the money for more than 100 different programs. Typically, Congress was outraged, in 1974, it retaliated. Grab the power of unlimited political pork by passing legislation that would ''ensure congressional budget control.''

Now, I do not know if that is an oxymoron or not. I guess an oxymoron is just 2 years. Maybe this is an oxy-oxymoron. ''Congressional budget control,'' it is like airline food and the Postal Service—they just do not seem to ring quite right. Congressional budget control. Dare we use the term ''ensure'' congressional budget control when we have seen the national debt increase from $1 to $5 trillion in less than 15 years?

Under the new law passed in 1974, the President can still propose cuts. The Congress said, ''Well, listen, we will not take this power away from you completely. You can still propose cuts, but those cuts will not take effect,'' Congress said, ''unless both the House and the Senate vote to approve those cuts in 45 days.''

Well, as we can guess, this proved just a little too convenient for Congress. In order to kill a Presidential cut, Congress quickly learned it does not have to do anything, a skill at which we are very adept at, as history will testify.

So in the years that followed, only 7 percent of the proposed cuts that President Ford sent to the Congress were approved. From 1983 to 1989 we only approved 2 percent of President Reagan's proposed cuts. President Bush proposed 47 recisions. We approved one of them. Congress got its way.

But the result was not only more congressional control but more congressional spending. From 1969 to 1974, President Nixon kept domestic discretionary spending to an annual growth rate of 7.3 percent. In 1975, the first year the new recision provision went into place, that is, if Congress does nothing, the President cannot stop the spending, Federal spending, and nondefense discretionary programs grew by an unprecedented 26.4 percent. Let me make that point again: When he had the power to check congressional spending, congressional spending only grew, discretionary spending only grew at 7.3 percent a year.

The year after Congress took it away, took the President's power away to do this, it jumped to 26.4 percent. The wild growth in Federal spending can often be traced to a number of causes. One of the reasons is crystal clear: The President has had limited authority left to prioritize how funds are spent. Congress can no longer be checked by the prospects of Presidential impoundment.

Today what we have is a President with no reliable means to check the excesses of Congress, because by simple inaction Congress can perpetuate projects that we can no longer afford. Inertia is rewarded with scarce funds. Pet projects are shielded by our indecision. Predictably, the effect on the deficit has been dramatic.

Mr. President, I expect that the majority leader will introduce a substitute to the bill that Senator MCCAIN and I are introducing. We have been working very, very closely with the majority leader in crafting a measure which we believe is even more effective than the one which we proposed and which, hopefully, can secure additional support.

I want to commend the majority leader for his efforts in moving forward, in designating line-item veto as a top five priority for this Congress. Mr. President, S. 4 is the bill that was introduced by the majority leader. The one that Senator MCCAIN and I have been working on for a number of years, trying to refine the differences, pick up additional support.

We have been working now with the majority leader, the Chairman of the Budget Committee, and others in this Congress to write an even stronger bill, write an even better bill. We expect that the majority leader will be introducing that in a relatively short time—not tonight—but early next week.

Under that legislation, each item in an appropriations bill will be enrolled separately. That means it will be defined separately as a bill and presented to the President for his signature. In this way, the President will be able to pick and choose among funding, supporting those he considers worthy, and vetoing others.

Under this process, Congress will no longer be able to protect its excesses by simply wrapping egregious spending in one omnibus bill or tacking it in, hoping to hide it from public scrutiny. On the contrary, Congress will be forced to put itself on the record, and any conflict between the Congress and the President will be publicly aired before the American people.

The reform embodied in this amendment is not radical. It would simply restore a balance between the executive and legislative branches to what was regular practice for 185 years of American history.

As I said, since 1989 Senator MCCAIN and I have fought for the line-item veto as a tool to rein in out-of-control spending. I believe there is no surer sign of our commitment to real change than our willingness to have this Republican Congress, in one of its first defining acts, to give this tool to a Democrat President.

If President Clinton had the line-item veto, the savings would not be miraculous, but they could be substantial. For years, Senator MCCAIN and I heard the charges from the opposition. ''Well, you would not do this if it were a Democrat sitting in the White House. You would not give up that power.'' We said, ''yes, we would.'' We are not giving it to a particular person. We are giving it to the office, to the office of the Presidency, because we so firmly believe that Congress has abused its privilege of deciding and solely determining the power of the purse that we believe that the President needs a check, a balance, that the President had prior to 1974.

It is not like we are giving him something new. We are restoring something that he already had. We want to give him that authority. Whether it is a Republican President or a Democrat President, there needs to be a check on the excessive spending habits of Congress.

Senator MCCAIN has mentioned that the GAO report that says that in the mid-1980's we could have saved $70 billion if the President had line-item veto. Some will dispute that amount. No one can dispute—no one can dispute—that we would have saved money. No one can dispute that we would have prevented a great deal of excess wasteful pork-barrel spending, whatever the amount.

If it were $70 billion, think what that could have done. We can have doubled the personal exemption for families struggling to raise their children, to pay the bills. We could have paid for the entire student loan program for 5 years. We could have cut the national debt, and could have substantially reduced our interest obligations.

If the President gets this line-item veto authority, we will never know the full extent of the savings because what it will do is it will send a message to every Member of Congress that the days of pork-barrel spending are over.

The slick little habit that is exercised time and time again of attaching an item of spending that everybody knows deep down in their heart would never, never withstand the glare of public scrutiny, would never withstand the openness of public debate, would never achieve a majority of Senators voting for their particular item, that will never even get attached to a bill. But they know that the President has line-item veto authority and their spending item, their special interest parochial spending item is lined out and sent back to the Congress and that the only way it can be restored is to bring it to the floor and override the President's veto. We will never know how much money we will save in this process. We will never know how many

projects, how much special interest parochial spending would have been attached and hidden in the appropriations bills or a tax bill if the process is changed.

Mr. President, as I said, one of the other objections to this are the constitutional concerns. The majority leader's substitute will restore a healthy tension between the legislative and executive branches necessary for fiscal discipline. President Truman wrote:

> One important lack in the Presidential veto power, I believe, is authority to veto individual items in appropriations bills. The President must approve the bill in its entirety or refuse to approve it. . . it is a form of legislative blackmail.

Some will argue that the veto is too high a standard; that it is difficult to muster the numbers to override it. To those, I would say, that the greater challenge today is to reduce our Nation's debt and balance our Nation's books. In this day, it should be a formidable challenge to continue to spend our children's and grandchildren's money. It is time for a higher standard.

Others will say that the separate enrollment is inconvenient; the President will be forced to examine and sign hundreds of bills instead of one; how is the House going to process all this?

I find it interesting that every President since Ulysses Grant, with a couple of exceptions, has asked for a line-item veto. Not one of them has complained about the inconvenience of a line-item veto.

I also will say to my colleagues that modern technology, the information age, is upon us, the computer age is here. What used to be a tedious task, what used to be a complex process, what used to be a question as to the decisionmaking power of an enrollment clerk—that is someone who writes up the bills and presents them for final approval to the executive branch—what used to be a complex process is now a very simple process. Software has been written for computers that can process this in a matter of moments. And so to separately line item and enroll a large appropriations bill is no longer a difficult process. So the objection to the nightmare of the mechanical difficulty has been met through the miracle of modern technology.

As I said, some question the constitutional standard. Article I, section 5, says that each House of Congress has unilateral authority to make and amend rules governing its procedures. Separate enrollment speaks to the question of what constitutes a bill, it does nothing to erode the prerogatives of the President as that bill is presented. The Constitution grants the Congress sole authority for defining our rules. Our procedures for defining and enrolling a bill are ours to determine alone.

There is precedent provided in House rule XLIX, the Gephardt rule. Under this rule, the House Clerk is instructed to prepare a joint resolution raising the debt ceiling when Congress adopts a concurrent budget resolution which exceeds the statutory debt limit. The House is deemed to have voted on and passed the resolution on the debt ceiling when the vote occurs on the concurrent resolution. Despite the fact that a vote is never taken, the House is deemed to have passed it.

The American Law Division of the Congressional Research Service has analyzed separate enrollment legislation and found it constitutional. Let me quote from Johnny Killian of the CRS:

> Evident it would appear to be that simply to authorize the President to pick and choose among provisions of the same bill would be to contravene this procedure. In [separate enrollment], however, a different tack is chosen. Separate bills drawn out of a single original bill are forwarded to the President. In this fashion, he may pick and choose. The formal provisions of the presentation clause would seem to be observed by this device.

Prof. Laurence Tribe, a constitutional scholar, has also observed that the measure is constitutional. He recently wrote, and I quote:

> The most promising line-item veto idea by far is . . . that Congress itself begin to treat each appropriation and each tax measure as an individual ''bill'' to be presented separately to the President for his signature or veto. Such a change could be effected simply, and with no real constitutional difficulty, by a temporary alteration in congressional rules regarding the enrolling and presentment of bills.

He goes on to say:

> Courts construing the rules clause of article I, section 5, have interpreted it in expansive terms, and I have little doubt that the sort of individual presentment envisioned by such a rules change would fall within Congress' broad authority.

The distinguished Senator from Delaware, Senator BIDEN, during his tenure as chairman of the Senate Judiciary Committee, wrote extensive additional views in a committee report on the constitutional line-item veto. He wrote about a separate enrollment substitute he offered, and I quote:

> Each House of Congress has the power to make and amend the rules governing its internal procedures. And, of course, Congress has complete control over the content of the legislation it passes. Thus, the decisions to initiate the process of separate enrollment, to terminate the process through passage of a subsequent statute, to pass a given appropriations bill, and to establish the sections and paragraphs of that bill, are all fully within Congress' discretion and control.

He goes on to say:

> A requirement that Congress again pass each separately enrolled item would be only a formal refinement—not a substantive one. It would not prevent power from being shifted from Congress to the President, because under the statutory line-item veto, Congress will retain the full extent of its legislative power. Nor would it serve to shield Congress from the process of separate enrollment, because Congress will retain the discretion to terminate that process.

Mr. President, the line-item veto will discourage budget waste because it will encourage the kind of openness and conflict that enforces restraint. The goal is not to hand the Executive dominance in the budget process. It is not a return to impoundment. It is a gentle and necessary nudge toward an equilibrium of budgetary influence, a strengthening of vital checks on the excesses of this Congress.

The President's veto or ''revisionary'' power, as the Constitution defines it, was intended to serve two functions: To protect the Presidency from the encroachment of the legislative branch, and to prevent the enactment of harmful laws.

Certainly, any attempt by a President today to line out unnecessary spending would meet the second of the Framers' objectives, that of preventing the enactment of harmful laws.

In 1916, a Texas Congressman, who shall go unnamed but will be quoted, had this to say:

> There are a half a dozen places in my district where Federal buildings are being erected or have recently been constructed at a cost to the Federal Government far in excess of the actual needs of the communities where they are located. This is mighty bad business for Uncle Sam, and I'll admit it; but the other fellows in Congress have been doing it for a long time and I can't make them quit.
>
> Now we Democrats are in charge of the House and I'll tell you right now, every time one of those Yankees gets a ham, I'm going to get myself a hog.

Mr. President, that was colorful language. We do not use that kind of language too much around here in 1995. But the principle is the same. Everybody else is getting it for their district, so I better get it for mine. If that fellow over there can get a ham, I am going to see that I get a hog.

That is not spending in the national interest. That is not appropriate spending even if our budget is balanced, but I guarantee you it is not appropriate spending when you have an unbalanced budget, when needs are being unmet, when the taxpayer is paying a higher burden than he should, when the debt is running out of control, when we are saddling future generations with a debt obligation which will bury them and bury their opportunity to enjoy the same standard of living available to each one of us.

The line-item veto is a measure whose time has come. The American people voted for it. The House has passed it. The President wants it. And now only the Senate, only the Senate, stands in the way of the line-item veto. Let us make sure that the Senate is viewed as the world's greatest deliberative body and not the world's greatest deliberative obstacle to the line-item veto.

Mr. President, I contend it is time to pass the line-item veto.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. McCAIN. Mr. President, the Citizens Against Government Waste have sent a letter that says:

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, March 14, 1995.

DEAR SENATOR: The 600,000 members of the Council for Citizens Against Government Waste (CCAGW) strongly endorse S. 4, the enhanced rescissions bill. S. 4 was introduced by Senator Majority Leader Robert Dole (R-KS) and Senators John McCain (R-AZ) and Dan Coats (R-IN). This line-item veto truly provides the president with a veto of congressional spending, by requiring a ⅔ vote to override.

The House of Representatives heeded the President's call for fiscal soundness and overwhelmingly supported enhanced rescission legislation over ''expedited rescissions.'' Most Americans agree with the House and President Clinton on this issue—give the president the authority to weed out wasteful spending. In addition, CCAGW calls on the Senate to further strengthen S. 4 by extending the line-item veto power over tax and contract authority legislation, also havens for pork.

The inside-the-beltway crowd says the line-item veto will die in the Senate. It's time to prove them wrong. The defeat of the Balanced Budget Amendment made it painfully obvious that some members of Congress are not ready to give up their ''pork perk.'' However, their victory should be short-lived. Passing S. 4 will strike a blow against wasteful spending and begin the long journey back to sound fiscal policy.

Sincerely,

TOM SCHATZ,
President.

I would like to respond to my friends from Citizens Against Government Waste. We do intend in the Dole substitute, which will be brought up sometime early next week, to provide some power over taxing, in the respect that we are attempting to craft language that would eliminate the targeted tax benefits in the so-called transition rules which have really been egregious violations of the intentions of the law. They, like pork-barrel spending, are very anecdotal. An example is the person who owned a house on the ninth tee of the Augusta Golf Course in Augusta during the Masters tournament who rented it out for a week and got some huge tax writeoff.

The so-called transition rules that are hidden in tax bills, which give enormous tax breaks which the American taxpayer really never is aware of—certainly not sufficiently aware of—we are going to try to address that, I say to my friends at Citizens Against Government Waste. We have yet to figure out a way to address the contract authority situation, but I suggest, if we had the line-item veto that prevented the expansion of entitlements, that took care of targeted tax incentives, that took care of the appropriations aspect, we would go a very, very long way.

The National Taxpayers Union writes:

NATIONAL TAXPAYERS UNION,
Washington, DC, March 16, 1995.

Hon. JOHN MCCAIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: On behalf of our 300,000 members, National Taxpayers Union (NTU) strongly endorses S. 4, the ''Legislative Line-Item Veto Act,'' which is clearly the best line-item veto bill before the Congress.

The need for a line-item veto has become more pressing in recent years as Congress has tended to aggregate legislation into mammoth continuing resolutions and omnibus bills. Such a practice greatly reduces the likelihood that the president will use his veto power because of his objections to a relatively small provision in the legislation.

The all-too-common congressional tactic is to attach parochial, pork-barrel appropriations to must-pass legislation that the president has little choice but to sign. Since many of these provisions are neither the subject of debate nor a separate vote, many Members of Congress do not realize they exist. The legislative line-item veto would allow the president to draw attention to pork-barrel provisions and force their proponents to justify them. Meritorious provisions would be repassed by Congress, while the rest would be eliminated.

Additionally, the line-item veto would make the president more accountable on the issue of wasteful spending. Many presidents have repeatedly criticized Congress on spending. With line-item-veto authority, the president could no longer blame Congress for loading up spending bills with non-essential spending and would have to work actively, rather than rhetorically, to trim wasteful spending.

Some people warn that the line-item veto will affect the balance of power between the Executive Branch and the Legislative Branch. Our much greater concern, and I believe that of most Americans, is the risk inherent in a record amount of peace-time debt, which endangers our country's financial future. It is far beyond the point where we ought to quibble about whether this is going to slightly enhance the power of the president or Congress. We should recognize, as most people have, that the process has broken down and that our general interest as a nation lies in bringing our financial house to order.

The president is the only official elected by the nation who exerts direct control over legislation. It is entirely appropriate that the president be given an opportunity to veto items of spending that are not in the national interest. Again, National Taxpayers Union strongly endorses S. 4 and urges your colleagues to support it on the floor of the Senate.

Sincerely,

DAVID KEATING,
Executive Vice President.

Mr. President, these two organizations, the Citizens Against Government Waste and the National Taxpayers Union, along with the Citizens for a Sound Economy, who also strongly support this legislation, are three organizations on whom I have relied over the years to educate the American people. They have performed a signal service. These three organizations have fought against Government waste and pork barreling in a dedicated and effective fashion. I believe without their help we would not be here today on the floor of the Senate, considering this legislation.

I am grateful for their participation. I am grateful for their support. Occasionally it is a bit amusing when we go to the annual publication of the ''Pig Book,'' which is published by the Citizens Against Government Waste. There are these cute little pigs there, and every year they issue a Citizens Against Government Waste—this is the ''Congressional Pig Book,'' and a State-by-State breakdown of projects.

It is partially entertaining but sometimes it is also very saddening. It is entertaining to see the uses and creativity of some Members and their staffs in appropriating funds to certain projects. Again I will relate my all time favorite of a couple of years ago, the $2.5 million which was spent on studying the effect on the ozone layer of flatulence in cows. But there are many others. At the same time, when we view tens of millions and sometimes billions of dollars that are wasted in such a profligate fashion, then it is no longer amusing. It is very, very disturbing.

I want to emphasize what Mr. Keating said in his letter from the National Taxpayers Union, that there will be dire warnings, the tocsin will be sounded: You are transferring all this power over to the executive branch. You cannot do it. If you do it we are upsetting the balance of powers and our Founding Fathers will be spinning in their graves, et cetera, et cetera.

First of all, I do not believe it is true. Second, I have quoted extensively from the Federalist Papers as to the intent of our Founding Fathers. I think it is appropriate to mention that Thomas Jefferson said, in retrospect, long after the Constitution was written, that if he had it to do over again he would put in some mechanism that would force the Congress and the Nation to balance revenues with expenditures.

There is no doubt whatsoever that the President in most respects had the authority from the time that Thomas Jefferson refused to spend $50,000 in 1801 to build some gunships, to 1974 when the President, President Nixon, unfortunately in my view, in a weakened Presidency, used the impoundment powers in such an abusive fashion that the Congress rose up and passed the 1974 Budget Impoundment Act.

From that point on—not since 1787, not since 1802, not since 1905—since 1974 has been when the deficit has sprung out of control and the debt has accumulated at a rate never seen before in the history of this country.

So, as the debate wears on, I ask my colleagues to keep in mind that all of the talk about the Greek civilization, the Roman Empire, the precedents set in the British parliament, are all very interesting if not entertaining expositions of history. But I must say, Mr. President, what we are really talking about is what has happened with the Federal deficit since 1974.

Mr. President, I had a chart up here earlier that showed for most of this century how both the expenditures and revenues had basically matched each

other with certain changes. With the exception of wartime, basically it had been a priority of this Nation to keep our financial house in order as every family in America is required to do. Something happened. Maybe in the view of some there was just some huge change in attitude. Maybe in the view of some it was a coincidence that the Budget and Impoundment Act was passed in 1974. I do not believe it was a coincidence. I know it is not a coincidence. I know what happened—that expenditures began to exceed revenues at an alarming rate.

This habit of tucking projects into appropriations bills became more and more rampant. The situation grew out of control because fundamentally the executive branch had no choice but to do two things: One, veto a bill which would then for all intents and purposes shut down the Government, or certain branches of Government, and deprive our citizens of much needed benefits and services provided by the Government and sort of have a showdown with the Congress. The other choice was to send forth a package of rescissions and hope that the Congress would act. Two things have happened since the Congress was not required to act. One is that Congress has simply not acted. That has been more and more the case since President Ford's administration, and the other is to take a rescission request on the part of the President and then change it all around so that it bears no recognition to the original rescission request made by the President.

So what we have really done is removed a check and balance that was fundamentally in place for nearly 200 years. Now what we are seeking to do is restore that balance and restore that check so that some fiscal sanity is restored.

Mr. President, I can thumb through this book and find most anything in here. Some of them I say are amusing. Electric vehicles—$15 million for electric vehicles. That is out of the Defense appropriations bill; $15 million. That was last year. I know that electric vehicles are probably something of the future. I hope that we will be able to develop them. I believe that they are probably important. But I am not sure where they fit into our defense requirements when we have 20,000 men and women in the military on food stamps, when we have not enough steaming hours or flying hours or training hours or pay raises for our military. But we want to spend $15 million on electric car development out of the Defense appropriations bill.

I can pick out from any page of that several hundred pages of these projects. My point is that for many of these projects, if the sponsors of these particular lines knew that a President of the United States would say, ''Here is the electric car. I do not know if they are needed or not, but we sure don't need to take it out of defense because we are having to cancel every modernization program and weapons system that we have and we do not have enough money to maintain readiness. We are having trouble recruiting, and we need to have more money for that. And electric cars just is not my priority. So I am line-item vetoing it,'' I would suggest to you that the person who put that particular appropriation in with the best of intentions would certainly think twice before putting it in, especially if it was not deemed a priority by the Department of Defense.

Let me also point out that there are other projects which are worthy projects.

By the way, one just jumps out at me: The shrimp aquaculture, $3.54 million for shrimp aquaculture. And I am astounded to see that one of the States that is getting part of this $3 million is my home State of Arizona. We have a lot of wonderful things in Arizona but water is not in abundance. I am intensely curious—and I will find out, and put a statement for the RECORD—where the shrimp aquaculture project is in my State and how much money we have gotten for it. By the way, this shrimp aquaculture $3 million is divided up amongst five different States.

Again, shrimp aquaculture might be a very vital project for my State's economy. I would be surprised to know that. But there are a lot of things that I do not know about my State. But if shrimp aquaculture is an important part of my State's economy, at least I think I would have known about it or been told about it before I had to read it in the congressional ''Pig Book.'' So this is the kind of thing that in my view would never be inserted in an appropriations bill because it would be open to ridicule.

Frankly, Mr. President, being on the floor of the Senate and if somebody said, ''You know. We are spending $3 million or part of $3 million in your State for shrimp aquaculture, what do you think about that?''—I would have to say in all candor I think it may be nice but I have not known in my 12 years of representing the State of Arizona, 4 years in the House and 8 years in U.S. Senate that it was an important item. In fact, in all seriousness I would have a great deal of difficulty defending it on the floor of the Senate if it were line-item vetoed by the President.

As I say, these items are sometimes amusing. But the reality is I do not think those items would creep in. So when we say how much money would be saved if we had the line-item veto, frankly we will never know. We will never know that. But when I see people like the former Governor, now our colleague, John Ashcroft, who was a very well-respected and regarded Governor of his State, say that he does not believe that there would have been fiscal sanity in his State during his two terms as Governor had he not had the ability to exercise the line-item veto, then I think we should notice that.

Mr. President, before this debate is over, we will have letters from nearly every one of those 43 out of 50 Governors in America that have a line-item veto telling us how important a tool it is for them.

Let me just quote from several we have received already.

> Besides providing greater authority to veto . . . the threat of a veto allows great flexibility in negotiating with the legislature or Congress. The key to a good budget is negotiations between both sides. This device is a mechanism for negotiation.

That is from a Utah Republican, Governor of the State of Utah.

> I support the line-item veto because it is an executive function to identify budget plans and successful items.

That is from Hugh Carey, a New York Democratic Governor from 1975 to 1983.

> Congress' practice of passing enormous spending bills means funding for everything from a Lawrence Welk museum to a study of bovine flatulence.

I am glad Governor Wilson also found that would be one of his favorite slips through Congress.

> The President may be unable to veto a major bill that includes such spending abuses because the majority of the bill is desperately needed. A line-item veto would let the President control the irresponsible spending that Congress cannot. A line-item veto already works at the State level. It not only allows a Governor to veto wasteful spending but it works as a deterrent to wasteful-spending legislators who know it will be vetoed.

Pete Wilson, Governor of California.

I find Pete Wilson's statements most interesting because Pete Wilson, as opposed to most, has gone from being a Senator to Governor, rather, as many in our body, have been former Governors.

But I think it is also important to point out, whether I happen to like it or not, the State of California is by far the largest State in America with a population of some 30 million people. If we were looking from purely a gross national product standpoint, it would be the fifth-largest nation in the world—from a gross national product standpoint. And the Governor of that State is unequivocally committed to a line-item veto.

So I suggest that this Governor of California, Pete Wilson, has also had to struggle with a severe recession in his State and has had to make some very difficult budgetary decisions. I know for a fact because he told me that a line-item veto was a critical arrow in his quiver in his ability to be able to bring his State out of a terrible, terrible financial recession.

''Legislators love to be loved, so they love to spend money. Line-item veto is essential to enable the executive to hold down spending.'' That was William F. Weld, Governor of Massachusetts.

Mr. President, I happen to remember the days in the late 1980's when the Massachusetts miracle, as they called it, crumbled. I remember when the State of Massachusetts was in terrible shape, and I also know that Governor Weld has gotten well-deserved credit

for bringing the State of Massachusetts into a situation where, again, it has a very healthy economy.

I think his description is probably a little more blunt than some use around here. ''Legislators love to be loved, so they love to spend money.'' But, at the same time, I am not going to argue with that language, even if I might not use it myself.

Of course, my favorite of all, obviously, is that of Ronald Reagan who said:

When I was Governor in California, the Governor had the line-item veto, so you could veto parts of a bill, or even part of the spending in a bill. The President can't do that. I think, frankly—of course, I am prejudice—Government would be far better off if the President had the right of line-item veto.

Speaking of the President, in December 1992, after President Clinton was elected, an article appeared in the Wall Street Journal and it was titled, ''Where We Agree: Clinton and I on Line-Item Veto,'' by Ronald Reagan.

When Bill Clinton called on me the other day, it didn't take us long to find several things we agreed about, such as the line-item veto and trimming the size of Government in some areas. We also agreed on the importance of public-private sector dialog and cooperation in the planning of many Government programs.

Soon after the election, President Bush and President-elect Clinton named the leaders of their transition teams, the teams were formed and the process is moving forward in an orderly and completely civil manner.

* * * In the course of our meeting, Governor Clinton spoke of his plan to trim the Federal work force through attrition. He wants to begin by downsizing the administrative staff at the White House. And he has invited Congress to do the same with its staff.

* * * Both Mr. Clinton and I have had experience with the line-item veto as Governors. Our States, along with 41 others, allow their Governors to delete individual spending items from the annual budget without having to veto the entire thing. At the Federal level, it could become an important part of the system of checks and balances, as well as a significant tool in the deficit reduction process.

As President, Bill Clinton may have only a short time in which to get Congress to do his bidding before the new Members are overwhelmed by the impulse to spend more and to dish out pork to please the special interest groups. He should use the ''honeymoon'' period to get the line-item veto from Congress first.

Mr. President, I am disappointed that President Clinton did not take President Reagan's advice. I am doubly disappointed because I remember, with great clarity, when President Clinton came to have lunch with the Republican Senators shortly after his inauguration, which is the custom for incoming Presidents—to go to lunch with both Republican and Democrat Senators at their respective luncheons. I remember with great clarity, as President Clinton was speaking—and I still remember what a fine job he did that day—he said, ''I am looking forward to working with Senator MCCAIN on the line-item veto.'' I must say that I was buoyed by that remark of President Clinton's.

Unfortunately, there never was any followup. Unfortunately, when Senator COATS and I took up the line-item veto again some 8 or 9 months later and sought to propose it as an amendment, since we were in a minority and unable to bring it up as a freestanding bill as we are now, I wrote a letter to the President asking for his support for Senator COATS' and my effort. The response I got back was disingenuous at best. It said that the President would support a line-item veto only when it came up as a free-standing bill. He could not provide his support if it were proposed as an amendment. Obviously, at that time, that was a catch-22 answer because the leadership on that side of the aisle, which was the majority, was not about to let the line-item veto be brought up. So we were stymied and did not receive the commitment I thought I had from the President that day at lunch.

Now, Mr. President, we are in a different situation. I do not want to confuse my remarks to ''Mr. President,'' who is presiding in the Chamber—who perhaps should be President some day—with the President of the United States. Mr. President, I am speaking of the President of the United States when I say now is the opportunity of the President of the United States to do what he said in ''putting people first''; but he said ''putting people first,'' which was his campaign commitment to the American people, which was sent around to every library in America. It stated:

I strongly support the line-item veto because I think it is one of the most powerful weapons we can use in our fight against out of control deficit spending.

What the President said to me and what the President has said publicly and stated on several occasions after the 1994 elections, has usually been in the context that ''I want to work with the Congress on some issues,'' and he almost invariably states the line-item veto.

Mr. President, we know what the reality is around here. We know we will probably have 54 Republican votes for cloture. The question is, Will we have six Democrats? I believe that, at last count, after the last crossover, there are now 46 Members on the opposite side of the aisle. I am asking the President of the United States to persuade 6 of them—not 46, but 6; not 26, not 36, not even 16, but 6.

So the responsibility, to a large degree, will rest on the President of the United States. Governor Clinton, on ''Larry King Live,'' said, ''we ought to have a line-item veto.'' Candidate Clinton emphasized ''putting people first'' and line-item veto to eliminate pork barrel projects and cut Government waste. He said, ''I will ask Congress to give me the line-item veto.''

Mr. President, I hope that the President of the United States will weigh in on this issue not only because of the fact that it would make his job a lot easier, because I am convinced that it would, but because we must show some sanity and return ourselves to fiscal sanity. And there is no way of doing that, in my view, without a line-item veto.

Let me repeat, Mr. President—and I will say this on many occasions in the next few days—we will not balance the budget of the United States with a line-item veto alone. You cannot believe that. But the budget of the United States cannot be balanced without a line-item veto. The Chamber of Commerce sent me a letter, Mr. President, which said:

Dear Senator MCCAIN:

In the next few days, the Senate will consider legislation granting line-item veto authority to the President. The U.S. Chamber of Commerce—the world's largest business federation, representing 215,000 businesses, 3,000 State and local Chambers of Commerce, 1,200 trade and professional associations, and 72 American Chambers of Commerce abroad—strongly urges you to vote YES on S. 4, the legislative line-item veto.

The American business community believes that meaningful long-term deficit reduction can come about only through spending restraint. While a primary weapon in the fight against the deficit is a balanced budget amendment, our arsenal must also include a line-item veto or enhanced rescission authority. Such authority would provide the surgical strike capability necessary to take out specific spending targets.

S. 4, true enhanced rescission or legislative line-item veto, would provide the President with the ability to reduce or eliminate specific spending proposals. These cuts would become law unless Congress votes to disapprove the rescissions within a limited period. The President may then veto the disapproval, which Congress can subsequently override with a two-thirds majority vote. With such a framework, S. 4 appropriately restores the impoundment prerogative of every President from Jefferson to Nixon.

The American people have placed fiscal responsibility high on the agenda for the 104th Congress. We now urge you to act accordingly by voting YES on S. 4.

Sincerely,

R. BRUCE JOSTEN.

Mr. President, while my colleague from Indiana was talking on the floor, I must confess that I did not remain on the floor for all of his remarks, which I knew were illuminating and important. I did go in the Cloakroom, because previously today, a talk show in my State had asked to talk to me about the line-item veto. And the talk show host had advertised that I was coming on the show. In the Cloakroom, I spoke on the talk show back in the State of Arizona on KFYI. The talk show host—an individual I have gotten to know very well—named Bob Mohan, informed me that all of the lines had been full since he had mentioned the line-item veto, and that his listeners were overwhelmingly in support of the line-item veto.

Mr. President, he also said something else that I thought was interesting and should be interesting to at least the Members on my side of the aisle.

He said, ''You know, I am getting a lot of calls and they are saying that

the Senate is dragging their feet and they are not really doing anything, and that Republicans are not staying together and that Republicans are really not committed to the Contract With America. Can you allay some of those fears and concerns that we are hearing more and more of in our calls from our listeners?''

I said to Mr. Mohan, ''Well, I can allay most of those fears. I would remind you that it was only one on this side of the aisle, one person that voted against the balanced budget amendment. And we decided in our Republican caucus that a vote of conscience on the part of any Senator was something that we not only would allow but we would respect.''

But I did agree with him, to the extent that we are perhaps not pushing our agenda as hard as we could and as far as we could. At the same time, I attempted to explain that the rules of the Senate are far different than from that of the other body.

I guess what I am saying, Mr. President, is that we have a lot at stake here, not just those of us who reside on this side of the aisle, but I think that Congress has a lot at stake as far as our credibility with the American people.

I believe that most Americans believed, after the November 8 elections, starting and beginning on November 9, that the Congress of the United States would really fulfill the Contract With America. It is the first time in this century that I know of where a campaign was run on a national basis where there was commitments to do certain things. It was called a contract.

The American people's definition of a contract is an agreement between two parties which is binding. And some American citizens today are wondering if they, as a result of their votes, fulfilled their end of the contract and whether we are fulfilling our end of it.

Now, I believe we are making great efforts to do so on this side. But I would suggest that, after the defeat of the balanced budget amendment, it would be very, very important for all of us to recognize how serious the line-item veto is. I believe we will revisit the balanced budget amendment, Mr. President. I believe we will revisit it and I believe we will pass it because I have to believe that, when the overwhelming majority of American public opinion favors such a thing, a representative body—even one that plays the role of the saucer where the coffee is cooled—is going to, sooner or later, respond to the popular will.

Now, the balanced budget amendment is not some mania that swept across the country and everyone said, ''Oh, gee, we need a balanced budget amendment,'' woke up in the morning and decided that.

Mr. President, the balanced budget amendment and the line-item veto, which I consider the crown jewels of the Contract With America, have longstanding, deeply-held support on the part of the American people. And as they hear more and more and more excerpts from the ''Pig Book,'' they hear more and more times on April 15 that their taxes have gone up and up and up, they are now sending more and more of their money to the Federal Government in Washington and, in their view, getting less and less in return.

Mr. President, in 1950, a family of four of median income sent $1 out of every $20 they earned to Washington, DC, in the form of Federal taxes. This April 15, that same median-income family of four will send $1 out of every $4 that they earn to the Federal Government in Washington. And if nothing changes, if nothing changes and we do not enact a single new entitlement program, we do not enact a single increase in expenditure, by the turn of the century, that will be $1 out of every $3 that they are sending to Washington in the form of taxes.

Mr. President, that is an enormous burden on median-income families. Then when you add in the State and local taxes, depending on which State they reside in, this jumps up to somewhere around 40 to 43 percent of their earnings go in the form of taxes. And then, bearing that heavy burden, they turn around and see their money spent on things which really do not bear the scrutiny of anyone. They see that and they rebel and they lose confidence in their elected representatives as a body.

And, strangely enough, they even lose confidence and faith in their elected representatives as individuals. We saw a strange phenomena in 1994. It used to always be, how do you feel about Congress? It was very low approval ratings, 10, 30 percent, whatever it was. But we saw a very great phenomena. Even the approval rating of their own elected representatives, Congressmen and Senators, also dropped dramatically.

And again I want to return though this situation of confidence in Government.

It is fascinating because every nation in the world that has emerged from oppression and repression, especially those that emerged from behind the Iron Curtain since the Berlin Wall came down and the Soviet Union collapsed, look to the United States as a model for how government should be run and how people should be represented and what really liberty and freedom are all about.

The students at Tiananmen Square erected a statue of liberty as their symbol of resistance to Communist oppression.

One of the most interesting experiences of my life was traveling to Albania and seeing the empty pedestals that once held the statues of their dictator Hoxha, who was one of the most incredible dictators in history in Albania, and the words ''Long live Bush'' on the pedestals. ''Long live Bush.''

Everywhere I travel in the world, it is the United States that is the role model—freedom, democracy, all of the things that have to do with the rights of men and women. And yet, here in the United States in 1994, the place that they all admire, there was a dramatic upheaval. And that upheaval was largely bred by dissatisfaction with Government; not satisfaction, dissatisfaction and outright anger.

Now, Mr. President, a lot of that anger was understandably focused on the fact that their money was not being well spent. And not only not being well spent, it was wasted.

American families, many of them, over the last 10 to 15 years, experienced a real decrease in income. And that has been the case with many middle-American families. They have received increases in salary, but it has not kept up with inflation, it has not kept up with the taxes, it has not kept up with other things, and they find themselves running in place. And when that happens to American families, two bad things happen. One is, they lose confidence in their children's futures and they lose confidence in their Government.

The most astounding and alarming exit polling data of the 1994 election was this: for the first time since we have been taking polls, a majority of the American people believe that their children will not be better off than they are.

Mr. President, the essence of the American dream was that someone comes here from someplace else, they may come to Ellis Island, live in a ghetto in New York or Chicago, or some other place, and live under the most terrible conditions. But they work and save and they improve themselves and their own lives and most importantly provide an opportunity for their children. That is what America is all about. Story after story after story of poor people who come here penniless and they work and sacrifice and their dreams are fulfilled in their children. And now, most Americans believe that their children are not going to be as well off as they are.

How does all of this diatribe come back to the line-item veto? It means that unless we restore confidence in the American people in their Government, we are not going to restore the American dream.

Is a line-item veto all of that? No, clearly. But if we continue to fail to make the reforms that are necessary that will restore that confidence, then there will not be a restoration of the American dream.

Mr. President, I mean it. I mean it. I run into my fellow Arizonans every weekend when I am home, and they say, ''Why are you doing this? I didn't send you there to do that.'' Maybe I, individually, had not done that, but we as a Congress have.

Maybe it is only a few million here. Maybe it is only $15 million for the electric car; maybe only $3 million for the aquaculture shrimp center, whatever it is; maybe it is only a small

amount of money when we are talking about a $1.5 trillion budget.

To the average citizen, $3 million is a lot of money. To the average citizen, $15 million for electric cars is a lot of money. One of the things that I find most jading about our experiences here is how we throw around big numbers, $100 million here, $1 billion there, $2 billion there, this for that program. After a while, it kind of loses its meaning. It is sort of like being at a crap table in a casino and playing only with chips, until you lose all the chips and then figure out that it was real money. I must say I have done that, too, Mr. President.

The fact is that the American people expect Congress to exercise fiscal sanity. There is a lot at stake here in this debate. There is a lot at stake—not because Senator COATS and I have worked for 10 years on this issue and obviously we feel very strongly and subjective about this issue—but it is important and critical, this issue is, because it is important and critical to the American people.

I hope that we can continue to conduct this debate, when the debate begins, on a very high plane. We can go a couple ways in this debate. I am not going to impugn anybody's integrity. I am not going to impugn anyone's motives. But I will make it perfectly clear what we have done since 1974. And what we have done is not a great service to the American people. In fact, it is a great disservice.

I hope that working with the people of the United States, working with some like-minded individuals such as Senator FEINSTEIN from California who is a cosponsor of this bill, and working together, we can persuade a sufficient number of our colleagues to cut off debate, in the form of invocation of cloture, and move forward with passage of the bill.

Now, Mr. President, I have talked with the majority leader, who obviously controls our activities here on the floor. The majority leader does not intend, and I agree with him, to drag out this debate for weeks as we did the balanced budget amendment.

This issue is very well known, Mr. President. It is not really a very complex issue. It is not nearly as complex as a number of issues that we address in a much shorter period of time on the floor of the Senate. The majority leader wants Members to put in long hours and put in a very few number of days and get this issue passed and behind us, because we do have a very large agenda. We do have a lot of issues that the American people expect the Senate to address.

I hope that we will maintain a high level of debate. I hope that we will put in long evenings, if it is necessary to do so. I hope in a very relatively short period of time we will be able to resolve this issue.

If we cannot resolve this issue favorably and enact a line-item veto, then, obviously, Senator COATS and I will not give up our quest for this very, very, very crucial measure. At the same time, it would be rather pleasant for both Senator COATS and I to move on to other issues which also would command our attention.

I would like to say I appreciate the patience of the President in the chair. I know the hour is late. I want to thank him for that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

A CHECKLIST APPROACH TO TELECOMMUNICATIONS

Mr. PRESSLER. Mr. President, I wish to print in the RECORD a possible proposal for a checklist approach to the telecommunications bill. I invite comments for improving it from my colleagues. There have been many suggestions, and I hope my colleagues will consider these suggestions.

I ask unanimous consent that the checklist approach be printed in the RECORD at this point.

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

[Discussion Draft]

March 16, 1995

"SEC. 255. INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

''(a) IN GENERAL.—Notwithstanding any restriction or obligation imposed before the date of enactment of the Telecommunications Act of 1995 under section II(D) of the Modification of Final Judgment, a Bell operating company, or any subsidiary or affiliate of a Bell operating company, that meets the requirements of this section may provide—

''(1) interLATA telecommunications services originating in any region in which it is the dominant provider of wireline telephone exchange or exchange access services after the Commission determines that it has fully implemented the competitive checklist found in subsection (b)(3) in the area in which it seeks to provide interLATA telecommunications services;

''(2) interLATA telecommunications services originating in any area where that company is not the dominant provider of wireline telephone exchange or exchange access service in accordance with the provisions of subsection (d); and

''(3) interLATA services that are incidental services in accordance with the provisions of subsection (e).

''(b) DUTY TO PROVIDE INTERCONNECTION.—

''(1) IN GENERAL.—A Bell operating company that provides telephone exchange or exchange access service has a duty under this Act upon request to provide, at rates that are just, reasonable, and nondiscriminatory—

''(A) for the exchange of telecommunications between its end users and the end users of another telecommunications carrier; and

''(B) interconnection that meets the requirements of paragraph (3) with the facilities and equipment of any other telecommunications carrier for the purpose of permitting the other carrier to provide telephone exchange or exchange access services.

''(2) INTERCONNECTION AGREEMENT PROCESS.—The provisions of section 251 (c), (d), (e), (f), and (g) apply to the negotiation of a binding interconnection agreements under this section.

''(3) COMPETITIVE CHECKLIST.—Interconnection provided by a Bell operating company to other telecommunications carriers under this section shall include:

''(A) Nondiscriminatory access that is at least equal in type, quality, and price to the access the local exchange carrier affords to itself or to any other entity.

''(B) The capability to exchange telecommunications between customers of the local exchange carrier and the telecommunications carrier seeking interconnection.

''(C) Nondiscriminatory access to the poles, ducts, conduits, and rights-of-way owned or controlled by the local exchange carrier where it has the legal authority to permit such access.

''(D) Local loop transmission from the central office to the customer's premises, unbundled from local switching or other services.

''(E) Local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services.

''(F) Local switching unbundled from transport, local loop transmission, or other services.

''(G) Nondiscriminatory access to—

''(i) 911 and E911 services;

''(ii) directory assistance services to allow the other carrier's customers to obtain telephone numbers; and

''(iii) operator call completion services.

''(H) White pages directory listings for customers of the other carrier's telephone exchange service.

''(I) Before the date by which neutral telephone number administration arrangements must be established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with the neutral telephone number administration arrangements.

''(J) Nondiscriminatory access to databases and associated signaling, including signaling links, signaling service control points, and signaling service transfer points, necessary for call routing and completion.

''(K) Before the date by which the Commission determines that telephone number portability is technically feasible and must be made available, telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with full number portability.

''(L) Nondiscriminatory access to whatever services or information may be necessary to allow the requesting carrier to implement local dialing parity in a manner that permits consumers to be able to dial the same number of digits when using any telecommunications carrier providing telephone exchange service or exchange access service.

''(M) Reciprocal compensation arrangements for the origination and termination of telecommunications.

''(N) Telecommunications services and network functions provided on an unbundled basis without any conditions or restrictions on the resale or sharing of those services or functions, including both origination and termination of telecommunications services, other than reasonable conditions required by the Commission or a State. For purposes of this subparagraph, it is not an unreasonable

condition for the Commission or a State to limit the resale—

''(i) of services included in the definition of universal service to a telecommunications carrier who intends to resell that service to a category of customers different from the category of customers being offered that universal service by such carrier if the Commission or State orders a carrier to provide the same service to different categories of customers at different prices necessary to promote universal service; or

''(ii) of subsidized universal service in a manner that allows companies to charge another carrier rates which reflect the actual cost of such services, exclusive of any universal service support received for providing such services.

[Note in margin indicates that the following is to be placed in section 251: "The cost of establishing neutral number administration arrangements and number portability shall be borne by all providers on a competitively neutral basis."]

''(3) COMPENSATION.—Amounts charged by a local exchange carrier for interconnection under this section shall meet the requirements of section 251(x)(x).

''(4) RELATIONSHIP TO SECTION 251 MINIMUM STANDARDS.—For the purpose of determining whether a Bell operating company may provide interLATA services under subsection (c), the provisions of this subsection shall be applied in lieu of any requirement under section 251(b).

''(5) COMMISSION MAY NOT EXPAND COMPETITIVE CHECKLIST.—The Commission shall adopt rules to implement the competitive checklist found in subsection (b)(3), but may not, however, by rule or otherwise, limit or extend the terms used in the competitive checklist.

''(c) IN-REGION SERVICES.—

''(1) APPLICATION.—Upon the enactment of the Telecommunications Act of 1995, a Bell operating company or its subsidiary or affiliate may apply to the Commission for authorization notwithstanding the Modification of Final Judgment to provide interLATA telecommunications service originating in any area where such Bell operating company is the dominant provider of wireline telephone exchange or exchange access service. The application shall describe with particularity the nature and scope of the activity and of each product market or service market, and each geographic market for which authorization is sought.

''(2) DETERMINATION BY COMMISSION.—

''(A) DETERMINATION.—Not later than 90 days after receiving an application under paragraph (1), the Commission shall issue a written determination, on the record after a hearing and opportunity for comment. Before making any determination under this subparagraph, the Commission shall consult with the Attorney General regarding the application.

''(B) APPROVAL.—The Commission may only approve the authorization requested in any application submitted under paragraph (1) if it finds that—

''(i) the requested authorization is consistent with the public interest, convenience and necessity;

''(ii) the petitioning Bell operating company has fully implemented the competitive checklist found in subsection (b)(3); and

''(iii) the requested authority will be carried out in accordance with the requirements of section 252.

''(3) PUBLICATION.—Not later than 10 days after issuing a determination under paragraph (2), the Commission shall publish in the Federal Register a brief description of the determination.

''(4) JUDICIAL REVIEW.—

''(A) COMMENCEMENT OF ACTION.—Not later than 45 days after a determination by the Commission is published under paragraph (3), the Bell operating company or its subsidiary or affiliate that applied to the Commission under paragraph (1), or any person who would be threatened with loss or damage as a result of the determination regarding such company's engaging in the activity described in such company's application, may commence an action in any United States Court of Appeals against the Commission for judicial review of the determination regarding the application.

''(B) JUDGMENT.—

''(i) The Court shall enter a judgment after reviewing the determination in accordance with section 706 of title 5 of the United States Code.

''(ii) A judgment.—

''(I) affirming any part of the determination that approves granting all or part of the requested authorization, or

''(II) reversing part of the determination that denies all or part of the requested authorization,

shall describe with particularity the nature and scope of the activity, and of each product market or service market, and each geographic market, to which the affirmance or reversal applies.

''(5) REQUIREMENTS RELATING TO SEPARATE SUBSIDIARY; SAFEGUARDS; AND INTRALATA TOLL DIALING PARITY.—

''(A) SEPARATE SUBSIDIARY; SAFEGUARDS.—Other than interLATA services authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgment before the date of enactment of the Telecommunications Act of 1995, a Bell operating company, or any subsidiary or affiliate of such a company, providing interLATA services in that market only in accordance with the requirements of section 252.

''(B) INTERLATA TOLL DIALING PARITY.—

''(i) A Bell operating company granted authority to provide interLATA services under this subsection shall provide intraLATA toll dialing parity throughout that market coincident with its exercise of that authority. If the Commission finds that such a Bell operating company has provided interLATA service authorized under this clause before its implementation of intraLATA toll dialing parity throughout that market, or fails to maintain intraLATA toll dialing parity throughout that market, the Commission, except in cases of inadvertent interruptions or other events beyond the control of the Bell operating company, shall suspend the authority to provide interLATA service for that market until the Commission determines that interLATA toll dialing parity is implemented or reinstated.

''(ii) A State may not order the implementation of toll dialing parity in intraLATA area before a Bell operating company has been granted authority under this subsection to provide interLATA services in that area.

''(d) OUT-OF-REGION SERVICES.—A Bell operating company or its subsidiary or affiliate may provide interLATA telecommunications services originating in any area where such company is not the dominant provider of wireline telephone exchange or exchange access service upon the enactment of the Telecommunications Act of 1995.

''(e) INCIDENTAL SERVICES.—

''(1) IN GENERAL.—A Bell operating company may provide interLATA services that are incidental to the purposes of—

''(A)(i) providing audio programming, video programming, or other programming services to subscribers of such company,

''(ii) providing the capability for interaction by such subscribers to select or respond to such audio programming, video programming, or other programming services, to order, or control transmission of the programming, polling or balloting, and ordering other goods or services, or

''(iii) providing to distributors audio programming or video programming that such company owns, controls, or is licensed by the copyright owner of such programming, or by an assignee of such owner, to distribute,

''(B) providing a telecommunications service, using the transmission facilities of a cable system that is an affiliate of such company, between LATAs within a cable system franchise area in which such company is not, on the date of the enactment of the Telecommunications Act of 1995, a provider of wireline telephone exchange service,

''(C) providing a commercial mobile service except where such service is a replacement for land line telephone exchange service for a substantial portion of the telephone land line exchange service in a State in accordance with section 332(c) of this Act and with the regulations prescribed by the Commission,

''(D) providing a service that permits a customer that is located in one LATA to retrieve stored information from, or file information for storage in, information storage facilities of such company that are located in another LATA area, so long as the customer acts affirmatively to initiate the storage or retrieval of information, except that—

''(i) such service shall not cover any service that establishes a direct connection between end users or any real-time voice and data transmission,

''(ii) such service shall not include voice, data, or facsimile distribution services in which the Bell operating company or affiliate forwards customer-supplied information to customer- or carrier-selected recipients;

''(iii) such service shall not include any service in which the Bell operating company or affiliate searches for and connects with the intended recipient of information, or any service in which the Bell operating company or affiliate automatically forwards stored voicemail or other information to the intended recipient; and

''(iv) customers of such service shall not be billed a separate charge for the interLATA telecommunications furnished in conjunction with the provision of such service;

''(E) providing signaling information used in connection with the provision of exchange or exchange access services to a local exchange carrier that, together with any affilated local exchange carriers, has aggregate annual revenues of less than $100,000,000; or

''(F) providing network control signaling information to, and receiving such signaling information from, interexchange carriers at any location within the area in which such company provides exchange services or exchange access.

''(2) LIMITATIONS.—The provisions of paragraph (1) are intended to be narrowly construed. The transmission facilities used by a Bell operating company or affiliate thereof to provide interLATA telecommunications under subparagraphs (C) and (D) of paragraph (1) shall be leased by that company from unaffiliated entities on terms and conditions (including price) no more favorable than those available to the competitors of that company unless the Commission or a State approves different terms and conditions. The interLATA services provided under paragraph (1)(A) are limited to those interLATA transmission incidental to the provision by a Bell operating company or its affiliate of video, audio, and other programming services that the company or its affiliate is engaged in providing to the public and, except as provided in paragraph (1)(A)(iii),

does not include the interLATA transmission of audio, video, or other programming services provided by others.

''(3) REGULATIONS.—

''(A) The Commission shall prescribe regulations for the provision by a Bell operating company or any of its affiliates of the interLATA services authorized under this subsection. The regulations shall ensure that the provision of such service by a Bell operating company or its affiliate does not—

''(i) permit that company to provide telecommunications services not described in paragraph (1) without receiving the approvals required by subsection (c), or

''(ii) adversely affect telephone exchange ratepayers or competition in any telecommunications services market.

''(B) Nothing in this paragraph shall delay the ability of a Bell operating company to provide the interLATA services described in paragraph (1) immediately upon enactment of the Telecommunications Act of 1995.

''(f) DEFINITIONS.—As used in this section—

''(1) LATA.—THE TERM 'LATA' MEANS A LOCAL ACCESS AND TRANSPORT AREA AS DEFINED IN UNITED STATES v. WESTERN ELECTRIC CO., 569 F. SUPP. 990 (UNITED STATES DISTRICT COURT, DISTRICT OF COLUMBIA) AND SUBSEQUENT JUDICIAL ORDERS RELATING THERETO.

''(2) AUDIO PROGRAMMING SERVICES.—The term 'audio programming services' means programming provided by, or generally considered to be comparable to programming provided by, a radio broadcast station.

''(3) VIDEO PROGRAMMING SERVICES; OTHER PROGRAMMING SERVICES.—The terms 'video programming service' and 'other programming services' have the same meanings as such terms have under section 602 of this Act.

''(g) CURRENTLY AUTHORIZED ACTIVITIES.—Subsection (a) does not prohibit a Bell operating company, or its subsidiary or affiliate, from engaging, at any time after the date of enactment of the Telecommunications Act of 1995, in any activity authorized by an order entered by the United States District Court for the District of Columbia pursuant to the Modification of Final Judgement if such order was entered on or before such date of enactment.''.

RECOGNITION OF JOSEPH E. SEAGRAMS & SONS

Mr. MACK. Mr. President, in 1988 Joseph E. Seagrams & Sons, Inc., founded Meals-on-Wheels America to help communities across the Nation feed their homebound elderly. Mr. President, I rise to speak today to recognize Joseph E. Seagrams & Sons, Inc. for their $5,000 grant to the North Miami Foundation for Senior Citizens' Services, Inc., who in conjunction with Meals-on-Wheels America, will expand their services and increase the number of recipients of this important program.

In addition, I commend the volunteers from the Seagram family and Senior Citizens Services, Inc., for their tireless efforts in distributing and serving the meals. Through their hard work and dedication, they have improved the quality of life for the homebound elderly. As our elderly population continues to grow, our country will become increasingly dependent on the altruistic efforts of groups like Joseph E. Seagrams & Sons and the North Miami Foundation for Senior Citizens' Services, Inc.

TRIBUTE TO JOHN BYRNE, IBEW LOCAL UNION NO. 401

Mr. REID. Mr. President, on occasion, like other Members of this body, I am pleased to take the opportunity to recognize residents of my home State who have made significant contributions to their community. These comment are then included in the CONGRESSIONAL RECORD where they become a permanent part of our Nation's history.

Today, I am proud to recognize a native Nevadan, and a good friend, John Byrne, on the occasion of his retirement. Throughout his career as an electrician and labor official, John has exemplified the traits of excellence and leadership.

John grew up in the historic mining town of Virginia City, NV, graduating from Storey County High School in 1943. After completing his electrical apprenticeship in Medford, OR, he returned to Reno where he was employed by Landa Electric as general foreman. In 1951, he transferred his union membership to IBEW Local 401 in Reno.

During the next 6 years, John earned the respect and admiration of his fellow electrical workers and, in 1957, as elected financial secretary and business manager of the local. He held this position until 1966 when he accepted the appointment as secretary and business representative of the Northern Nevada Building Trades Council, a position he held until 1971. Following an interim appointment as secretary/business representative of the Honolulu Building Trades Council, he returned to Reno and was reelected financial secretary and business manager of IBEW Local 401.

In addition to these professional achievements, John has also been active in civic and community affairs. He has served on the Washoe County Building Code Appeal Board, the Reno Electrical Board of Examiners, the Nevada Employment Security Board of Review, the Nevada State Apprenticeship Council, as chairman of the Nevada OSHA Review Board, and as president of the California State Electrical Association.

As a member of the Governor's Committee for the Restoration of Virginia City, he played an active role in the preservation of the historic Fourth Ward School and other projects that preserved our State's early history. He has also served as a member of the Virginia City Volunteer Fire Department and has been named to the Virginia High School Hall of Fame for outstanding achievement.

John Byrne's reputation in the State is reflected in an award bestowed upon him by the Associated General Contractors for Skill, Integrity, and Responsibility. John is the only labor representative in Nevada history to be recognized with the S.I.R. award.

On March 30, 1995, John will be honored by his friends and coworkers at a luncheon in Reno, NV. It is a privilege for me to recognize his achievements, and his dedication and commitment to the State and his profession. On behalf of all Nevadans, I wish him the best for his future goals.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let's do that little pop quiz again: How many million dollars are in $1 trillion? When you decide upon an answer, no matter what it is, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business yesterday, Wednesday, March 15, the total Federal debt—down to the penny—stood at $4,847,771,555,727.54—meaning that every man, woman, and child in America now owes $18,402.22 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion and headed shortly for $5 trillion and higher.

A TRIBUTE TO MAX HAWK

Mr. PRESSLER. Mr. President, I rise today to recognize one of South Dakota's dedicated educators, Max Hawk of Yankton. For the past 38 years, Hawk has been a teacher and a coach, serving in Scotland for 8 years and Yankton for the remaining 30. While admired and respected as a committed teacher, he is best known in South Dakota for his exemplary skill as a football coach. Hawk earned 284 career gridiron victories, making him second on South Dakota's all-time list. His teams have earned eight State titles, including the Class 11AA title this past fall, and 20 conference titles. In all those years, his teams only had one losing season.

Hawk is not only respected by his students and players, but also by his peers nationwide. He has been awarded many honors, including being inducted into the South Dakota High School Coaches Association Hall of Fame in 1979 and being named National High School Football Coach of the Year in 1986.

When Max Hawk retires this spring, South Dakota will be losing a great asset. However, his legacy of excellence will live on for years to come. I join with the citizens and students of Yankton and South Dakota who honor Max Hawk for his devotion to his profession, his community, and his State.

Mr. President, I ask unanimous consent to place an article about Mr. Hawk from the Sioux Falls Argus Leader in the RECORD at this point.

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

[From the Argus Leader, Oct. 26, 1994]

HAWK'S FINAL FLIGHT

(By Brian Kollars)

The final bell at Yankton High School has sounded. Class is out, and Max Hawk is putting on his game face.

It's time for football practice, and the Bucks' legendary coach is suddenly rejuvenated. Hawk is 61, but he briskly exits his office and leaves behind the walls covered with portraits of past YHS stars.

His first stop: the locker room.

''Come on Bucks,'' he snaps. ''You guys are getting slower every day.''

Hawk, with longtime assistant Jim Miner flanking him, breezes past the sign that reads ''Your Mother Doesn't Work Here, Clean Up After Yourself,'' and finds the stairway that takes him out of the basement classroom into the soothing sunlight.

Time for some philosophy.

''You can always tell a freshman or sophomore—they'll have their shirt out and they'll be walking to practice,'' Hawk laments, ''Varsity guys run.''

So do coaches, so Hawk and Miner are off. They dodge cars in the student parking lot and quickly reach the place where they are most at ease: the football field.

Max Hawk is in his 38th and final season as a high school football coach. His two-syllable name says a lot about him: no nonsense and to the point. It's also synonymous with football in Yankton, a town that has responded favorably to its coach's stern style.

''The kids here all want to play football,'' Hawk said. ''The town and school expect them to play, and they expect a winner.''

The Bucks, who host Lincoln Thursday in a Class IIAA playoff opener, have won 228 games during Hawk's 30-year run. Add five mythical state championships and two playoff titles and you have a resume as powerful as Yankton's running game.

Hawk's 271 career victories put him second on South Dakota's all-time list. Only Howard Wood, whose career at Washington High began in 1908 and ended in '47, has more wins (286).

The Bucks' boss says he hasn't lost his enthusiasm for the game, but will make a clean break when the playoffs conclude.

''I'm tired of the long days and the routine of teaching and coaching,'' he said. ''A lot of people get burned out and bitter. I don't want to do that.''

What Hawk does yearn for is a return trip to the DakotaDome and a shot at his eighth state title. He'll try to get there using the same old plays and formations.

''I'm still winning games with the same stuff I used 35 years ago,'' Hawk said. ''If that's old-fashioned, yeah, I'm old-fashioned.''

The same playbook?

''We try to convince people of that, so when we put in a new play they're not ready for it,'' Miner says.

Hawk quickly points to the continuity of his coaching staff when talking about Yankton's success. There's Milner, his defensive coordinator for 29 years. Sophomore/freshman coach Ray Kooistra, who also is retiring, has been with Hawk 28 years.

Longtime assistant Gary Satter died of cancer last winter. It was one reason Hawk announced his retirement before this season started.

''When Gary Satter died, we had to replace him,'' Hawk said. ''If everyone knew I would stay for just one year, we'd get good applicants.''

The new man on the staff is Arlin Likness, who guided Hamlin to three Class 11B titles before joining the Bucks.

CLOSE TO HOME

Hawk, who grew up in Wessington Springs and was a standout center and linebacker at Northern State, began his career at Scotland in 1957.

He wasn't your normal raw recruit. In addition to a football background, Hawk had military experience, logging two years with a helicopter crew during the Korean War.

''My claim to fame was we took part in the atomic and nuclear tests,'' Hawk said. ''I got to witness three atomic bombs go off.''

Scotland got to witness Hawk in his formative coaching years.

Joe Foss was residing in the governor's mansion, Dwight D. Eisenhower was dealing with integration problems in Little Rock and Hawk was winning 13 of his first 15 games.

Hawk turned down more money from Faith to coach in Scotland because he wanted to mold an 11-man program. He also had an offer to coach in Lovell, Wyo., but opted to stay in South Dakota.

''You know, one time me and my wife drove out there to see what we missed and it was beautiful, right by Yellowstone Park,'' Hawk said of Lovell, located in northwest Wyoming.

The view wasn't as spectacular in the South Eastern South Dakota Conference, but Hawk was too busy to notice. When it wasn't football season, Hawk was helping his mentor, Pete Baker, coach basketball. The two split track and field duties down the middle.

Hawk and his wife, Jane, also began a family, and had all three of their children by the time Yankton came calling in 1965.

BUCK POWER

Hawk lost seven games in his first two seasons at Yankton, but in 1970 the Bucks went 9–0 and were mythical state champions. Hawk's reputation had solidified. He was tough, but fair. His teams were fundamentally sound, and big.

That combination has worked wonders in Yankton, which has come to expect victories at Crane-Youngworth Field like water running down the Missouri River. Hawk dishes out the discipline—freshmen are ''dumb freshmen,'' no matter how brilliant they were in middle school—and his teams grind out the wins.

Yankton enjoyed back-to-back 9–0 seasons in 1975–76. In seven autumns from '79 to '85, the Bucks went 67–8. Yankton won state playoff titles in '82 and '84.

Hawk, the national coach of the year in 1986, can be a very intimidating hurdle for a wide-eyed 14-year-old who has heard all the stories about the high school drill sergeant, but he stands by his successful philosophy.

''I know this,'' he said, ''I expect more out of kids than they expect out of themselves.''

Hawk is at his best when motivating. He said he got physical with a student in anger just once, at Scotland.

''I had a kid one time and I tore his shirt off,'' Hawk said. ''I didn't mean to, and he and I had some fierce words. I thought I might've made an enemy for life.''

That football player went on to serve in Vietnam and was wounded, Hawk said. When he got home, his first order of business was to seek out his ex-coach. He came in peace.

''He said things he learned in football might have saved his life,'' Hawk said.

HALFTIME TALKS

When any of Hawk's players get together and talk about the glory days, it doesn't take long for them to focus on that brief break between the second and third quarters.

If Yankton is behind at halftime, get ready for the volcano to erupt.

''I always measure his halftime talks on a 1-to-10 basis,'' said Duane Reaney, who signed on as Yankton's team doctor in 1980. ''When he has a 10, the roof almost comes off.

''I've seen sophomores and juniors wide-eyed at halftime, while the seniors may be twiddling their thumbs because they've heard it before.''

Miner, one of Hawk's possible successors, says the Bucks don't mind the turned-up volume.

''Our kids like to have Max give his halftime talks when he gets fired up,'' Miner said.

Mike Kujak, an All-State fullback in '82, always seemed to be in Hawk's line of fire and heard more than a few ''that's terrible'' lines.

''He coached everybody different,'' Kujak said. ''Some people he'd yell at, like me. Other guys he'd pat on the back. He made you want to work harder.

''Everybody took a piece of Max Hawk with them.''

Says Hawk: ''They say I'm tough on kids. I bite 'em in the butt, but 30 seconds later I'm on to something else.

''Kids know if they screw up they might as well come and talk to me, because I'll find them on the sidelines.''

Hawk has been known to haul off and kick anything in sight during his speeches. Twenty-five years ago in Watertown, he met his match when he picked out a bench that was bolted to the floor. Hawk kicked, and broke a toe.

''He kicked it and it never moved,'' said Doug Nelson, a 1970 All-State halfback and father of current Bucks star Jason Nelson. ''He never said anything and walked out. We made a big comeback and won, and on the way home nobody said anything.''

The road trip is still vivid in Hawk's memory.

''The damn bench was attached,'' he said. ''I remember how much it hurt, but I didn't flinch.''

Hawk can do more than talk a good game. He's been known to give his players first-hand demonstrations on the practice field.

''If there's a certain play I want done, I'll run the quarterback on the scout team,'' he said. ''I've got a terrible arm, but I can run the option play.''

He can also punt. Well, sort of.

Pat Lynch, an All-State defensive end, recalled one rainy day in '72 when Hawk took matters into his own hands.

''He was trying to find someone who could punt the football 35 yards,'' Lynch said. ''He said 'Hell, hike me the ball.' He kicked it and it went sailing. His feet went out from under him and he landed on his butt in the mud.

''Everybody wanted to laugh, but you could've heard a pin drop. He got up and kicked it again, about 45 yards, and said 'That's how you do it.'''

There weren't a whole lot of laughs that year. Yankton went 4–5, Hawk's only losing season. Lynch, who lives in Sioux Falls, got an earful.

''I got hell at halftime several times,'' he said. ''He pointed right at me, looking for a little leadership.''

The Lynch family provided plenty of help for Hawk. Pat was one of four Lynch brothers who were All-State performers. Dan, who played at Nebraska, was a high school All-American.

GRANDPA MAX

By all accounts, Hawk has mellowed somewhat. But he can still get his point across with that trademark glare, complemented by the craggy nose and gray hair.

Yes, gray hair. Hawk, you see, is a grandpa. His daughter, Jenny Heirigs, has two sons: Colter, 3, and Stetson, 1 month.

Two years ago at a game in Brookings, Hawk stunned those close to him with a tender act.

''In the middle of the fourth quarter, in the middle of the game, he turned around and found his grandson and waved,'' recalls Hawk's daughter, Lynne Tramp. ''Everybody's mouth dropped.''

Hawk adores his grandsons, who have been regulars at Buck games.

''In his first three weeks, (Stetson) has been to two Bucks football games, which, as a grandmother I thought was a little insane,'' Jane said last week.

Lynne, who teaches at Whittier Middle School, knows all about her father's tough reputation.

''I dated different guys, but I'm sure a lot of guys were scared to death to talk to me,'' she said. ''And God forbid they call the house.''

''She seemed to have enough dates,'' Hawk said.

Hawk's days as Yankton's coach are numbered, and everyone is asking what retirement holds for a guy who's so emotionally tied to teaching football.

The old coach isn't too concerned.

''Everybody's worried about what I'm going to do except me,'' Hawk chuckles. ''I can become a full-time sports fan and get along just fine.''

But first, there's one last playoff run. And the weather makes no difference to Hawk.

''One thing that amazes me is (Hawk's) enthusiasm under adversity, those nights it's snowing and sleeting out,'' Miner said. ''Max goes up to another level and has a good time, and the kids have a good time.

''He keeps hoping for ugly weather in the playoffs. He thinks the Bucks get tougher then.''

MILESTONES

Some out-of-season highlights in Max Hawk's professional career:

1968: Named executive secretary of the South Dakota High School Coaches Association. Currently serves as executive director.

1979: Inducted into SDHSCA Hall of Fame.

1980: President, National High School Athletic coaches Association.

1984: SDHSCA presents first Max Hawk Award. Hawk's wife, Jane, won the award in '88.

1988: National High School Football Coach of the Year.

1987: Coached South to 19–12 win in first state high school All-Star Game in Aberdeen.

1983: Presented with Gatorade Coaches Care award.

One of eight South Dakota coaches in SDHSCA Hall of Excellence.

Lifetime member, board of directors, NHSACA.

HEALTH PROFESSIONS CONSOLIDATION AND REAUTHORIZATION BILL—S. 555

Mr. KENNEDY. Mr. President, access to quality health care for all should be a central goal of the American health care system. But for too often, we fail to achieve it. Lack of access is an especially serious problem for people in underserved rural and urban areas.

Health insurance coverage for all is an essential part of making good health care widely available, but it is only a part of the solution. The success of health reform also depends heavily on our ability to train an adequate number of more health professionals. No health care system can function effectively without an adequate supply of well-trained and capable physicians and other providers.

The past two decades have seen impressive increases in the total number of health care professionals. The quality of training in American medicine is generally superb. Despite these successes, however, some types of health professionals—particularly those in primary care—remain in short supply, and the distribution of health manpower leaves many parts of the country underserved, or barely served at all. The task of maintaining an adequate supply of professionals from disadvantaged backgrounds, who typically have a strong interest in serving underserved communities, remains a major challenge. Millions of Americans, especially the very young and the elderly in underserved communities, have little or no access to primary and clinical preventive health care services.

The dual purpose of our current health professions programs is to train more health professionals in occupations where the supply is too low, and to encourage them to locate and remain in underserved areas.

An important subsidiary goal is to assist disadvantaged students and institutions training these students, in order to expand the opportunities of those from disadvantaged backgrounds to enter the health professionals and to help meet the needs of underserved areas. These are programs that work. As studies have shown again and again, health providers from disadvantaged backgrounds are far more likely to practice their professions in underserved communities. That needed result is enhanced by community-based training, which also encourages health professionals to stay on in underserved and shortage areas.

Training programs under titles VII and VIII of the Public Health Service Act are the key mechanisms by which the Federal Government provides assistance to medical students and encourages the training of health professionals to meet national priorities. These programs are overdue for consolidation and better targeting, and I commend Senator KASSEBAUM on the constructive role she has played in analyzing these programs and proposing meaningful, practical reforms. I look forward to continuing to work with Senator KASSEBAUM and with the Clinton administration to achieve these goals responsibly and maintain adequate levels of resources. We must advance, rather than undercut, the central goal of these two titles of the Public Health Service Act—to train a health work force that can meet the needs of the American people.

This important legislation will enhance the quality of the Nation's health professions work force and, by doing so, it will drastically improve the health and well-being of our people. I look forward to its enactment.

MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 41. Concurrent resolution providing for an adjournment of the House from Thursday, March 16, 1995, to Tuesday, March 21, 1995.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 377. An Act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore of the Senate (Mr. THURMOND).

At 4:00 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 16, 1995 she had presented to the President of the United States, the following enrolled bill:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, 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–534. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation entitled ''Panama Canal Amendments Act of 1995''; to the Committee on Armed Services.

EC–535. A communication from the Secretary of Defense, transmitting, pursuant to

law, the report of the Reserve Forces Policy Board for fiscal year 1994; to the Committee on Armed Services.

EC–536. A communication from the Executive Director of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on savings associations for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–537. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled ''The U.S. Mint Managerial Staffing Act of 1995''; to the Committee on Banking, Housing, and Urban Affairs.

EC–538. A communication from the Secretary of Housing and Urban Development's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the report of salary rates for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–539. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Maritime Security Act of 1995''; to the Committee on Commerce, Science, and Transportation.

EC–540. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance program in the Merchant Marine Act, 1936, as amended; to the Committee on Commerce, Science, and Transportation.

EC–541. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The Maritime Administration Authorization Act for fiscal year 1996''; to the Committee on Commerce, Science, and Transportation.

EC–542. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled ''Tanker Safety and Liability''; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 219. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes (Rept. No. 104–15).

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 464. A bill to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes.

S. 532. A bill to clarify the rules governing venue, and for other purposes.

S. 533. A bill to clarify the rules governing removal of cases to Federal court, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

J. Don Foster, of Alabama, to be United States Attorney for the Southern District of Alabama for the term of 4 years.

Martin James Burke, of New York, to be United States Marshal for the Southern District of New York for the term of 4 years.

Charles B. Kornmann, of South Dakota, to be United States District Judge for the District of South Dakota.

Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Janet Bond Arterton, of Connecticut, to be United States District Judge for the District of Connecticut.

Willis B. Hunt, Jr., of Georgia, to be United States District Judge for the Northern District of Georgia.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. COATS (for himself, Mr. GRAMS, Mr. CRAIG, Mr. LOTT, Mr. BROWN, Mr. MCCAIN, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, and Mr. GRAMM):

S. 568. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending; to the Committee on Finance.

By Mr. HARKIN:

S. 569. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to combat waste, fraud, and abuse in the medicare program, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have 30 days to report or be discharged.

By Mr. GORTON:

S. 570. A bill to authorize the Secretary of Energy to enter into privatization arrangements for activities carried out in connection with defense nuclear facilities, and for other purposes; to the Committee on Armed Services.

By Mrs. BOXER (for herself, Mr. PRYOR, Mr. GRASSLEY, Mr. KOHL, Mr. BRADLEY, Mr. DORGAN, Mr. AKAKA, Mr. HOLLINGS, Mr. ROTH, Mr. HARKIN, Mr. REID, Mr. LIEBERMAN, Mr. BAUCUS, Mr. ABRAHAM, Mr. SIMON, and Mr. ROBB):

S. 571. A bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes; to the Committee on Armed Services.

By Mr. COATS:

S. 572. A bill to expand the authority for the export of devices, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PRYOR:

S. 573. A bill to reduce spending in fiscal year 1996, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions, that if one Committee reports the other Committee have thirty days to report or be discharged.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. SIMPSON):

S. 574. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. JOHNSTON, and Mr. BREAUX):

S. 575. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 576. A bill to prohibit the provision of certain trade assistance to United States subsidiaries of foreign corporations that lack effective prohibitions on bribery; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. BURNS, Mr. DOLE, and Mr. DASCHLE:

S. Res. 88. A resolution honoring the 92d birthday of Mike Mansfield, and for other purposes; considered and agreed to.

By Mr. FEINGOLD:

S. Res. 89. A resolution regarding bribery in international business transactions and the discrimination against United States exports that results from such bribery; to the Committee on Foreign Relations.

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 90. A resolution to authorize testimony by a Senate employee; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COATS (for himself, Mr. GRAMS, Mr. CRAIG, Mr. LOTT, Mr. BROWN, Mr. MCCAIN, Mr. KYL, Mr. INHOFE, Mr. GRAMM, and Mrs. HUTCHISON):

S. 568. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending; to the Committee on Finance.

THE FAMILY INVESTMENT RETIREMENT SAVINGS AND TAX FAIRNESS ACT

Mr. COATS. Mr. President, this morning we rise to introduce legislation to put the American family first. Mr. President, I send to the desk legislation which will do just that and will explain its content.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. COATS. Thank you, Mr. President.

Our colleagues on the other side of the Capitol already have begun to take action on many of the reforms that I have laid out in this legislation. But now it is time for the Senate to deliver on a promise and give family tax relief to hard-working, overtaxed middle Americans.

Over that past few years Americans have heard a lot of talk about tax relief

but they have yet to see Washington act on their promises. Today, Mr. President, we signal our intent to not just talk about, but to act upon tax relief for our citizens, especially our families.

This legislation is a blueprint that shows that deficit reduction and tax relief can go hand-in-hand. These goals are not mutually exclusive if Congress is willing to make the hard choices necessary to put our fiscal house in order. We clearly need to restore fiscal integrity and economic soundness to the budget process. We need the kind of change that will force Congress to act differently by rewriting the ground rules of the game. For too long we have chosen to take the easy road by putting off or ignoring the frugal spending path that over and over we have laid out but failed to adhere to.

This legislation we introduce today includes a real sequester provision so that if Congress once again cannot make the hard spending choices they will be made anyway. The Family, Investment, Retirement, Savings and Tax Fairness Act—families first—charts a different course and reorders our spending priorities.

Last year's election proves that the American people are fed up with the status quo—they want action. Action taken to eliminate the deficit and the ever growing debt that we are burdening our children with and action to relieve them of the taxes that are stifling their quality of life and leaving them with less and less in every pay check.

Families first recognizes three central principles.

First, American families are overtaxed. High taxes rob families of the resources needed to care for children.

Second, the private sector, not government creates jobs. We must reduce the cost of capital and encourage productive investment by reducing the tax on growth. We will find new jobs in a growing economy, not in a growing government.

Third, the American people want deficit reduction upfront—obviously the President did not hear that message. His fiscal year 1996 budget just keeps reinventing the same spending cuts that will take place some time in the future. Is this any kind of leadership when the Nation's debt now stands at over $4.7 trillion? That is over $18,500 for every man, woman, and child in this Nation. This is a carefully planned, meticulously documented theft from our children.

Specifically, the families first bill does the following:

First, it provides relief to American families with children through a tax credit of $500 per child;

Second, it provides incentives for businesses to create jobs, including a reduced capital gains tax rate, a neutral cost recovery plan for capital investments, and expanded IRA's;

Third, it repeals the retirement earnings test on older Americans;

Fourth, it places a 2 percent cap on the growth of Federal spending;

Fifth, it creates a commission, modeled after the Base Closure Commission, to identify the legislative changes needed to meet the cap. If Congress fails to approve the commission's plan by a date certain, the cap would be enforced by sequester, holding Social Security harmless.

The bill is not only entirely paid for by the spending cap—our plan cuts the deficit by half in 5-years, eliminating it altogether in less than 10 years.

I would like to take a moment to discuss the family tax credit component of this plan which addresses an inequity that has been developing for decades.

Families are finding it more and more difficult to bear the financial costs of raising children. According to Family Economics Review, the average American family it faces costs of between $4,000 and $5,000 per year, per child.

This is because, over the last several decades, tax burdens have been radically redistributed, not from poor to rich or rich to poor, but directly on families with children.

The facts are these. Adjusting for inflation, single people and married couples with no children pay about the same percentage of their income in taxes as they did at the end of World War II. In 1948, the typical family of four paid just 3 percent of its income to the Federal Government in direct taxes. In 1992, the equivalent family paid nearly 24.5 percent of its income to the Federal Government. This is an increase of over 717 percent. It is time to restore fairness in the Tax Code.

The reason is simple. The personal exemption—the way the Tax Code adjusts for family size—has been eroded by inflation and neglect. The exemption that once protected families with children has fallen significantly in the last six decades. Currently, the personal exemption is $2,450 if this had kept pace with inflation the personal exemption would be over $7,000.

Many households now have two working parents who spend greater amounts of time away from their children out of simple necessity. Rising healthcare and education costs in particular place the family under great financial pressure.

This tax burden translates into less time that families can spend together. Families have 40 percent less time to spend together today than they did 25 years ago. Families are clearly working harder, longer, for less.

A $500-per-child tax credit would give a family of four over $80 a month extra for groceries, school clothes for the kids, or savings for education, et cetera. Our bill will reduce the tax burden, allowing families to keep more of their hard earned dollars. It will empower families to make their own choices and rely less on government; 50 million children are eligible for this credit. In my own State of Indiana, 1.1 million children are eligible, enabling Hoosier families to keep $555 million of their hard earned money each year.

Advocating family tax relief, President Clinton said, ''$400, people say it's not very much money. I think it is a lot of money. It is enough for a mortgage payment. It is enough for clothes for the kids, and enough to have a big, short-term impact on the economy.''

No change is more urgent for average families than tax reform. Increased taxation on families with children is a tool of the bully, picking on the weak. For larger families it has meant a recession in both good times and bad, a recession that never seems to end. But for decades families have suffered quietly.

There are many programs like the earned income tax credit designed specifically to help impoverished families—as there should be. This commitment is constant and important. But we must not forget that it is middle income families who have not only been forgotten, but given extra financial burdens. It is time to target this group for relief—as we have done in the past for others. Over 85 percent of the family tax relief provided by this credit goes to Americans with family incomes of less than $75,000. This relief is not a handout. It is a matter of simple justice. It is a return to tax fairness.

This plan tackles the two great threats to the American family—the budget deficit and the ever growing tax burden. In addition, it recognizes that only a growing economy will provide jobs. It recognizes that high taxes bleed an economy of its productive power. They strip individuals of incentive and devalue their work.

For too long we have dismissed their needs to answer the calls of other interests. I hope my colleagues will join us in this fight for the American family. We must give them the tax relief they deserve.

KEY FACTS ON TAX CREDIT

Fifty million children eligible for the credit.

It eliminates the total tax burden for families making less than $23,000.

Some 4.7 million families would have their tax liability eliminated.

Mr. President, over the past few years Americans have heard a lot of campaign promises and a lot of talk about tax relief, but they have yet to see Washington act on these promises.

Today, Mr. President, in sending this legislation to the desk for consideration, we signal our intent to not just talk about tax relief but to act upon it for our citizens, and especially for our families.

I am pleased that this morning my new Senate colleague, Senator Grams from Minnesota, who joined with me in the last Congress as a Member of the House of Representatives in sponsoring this legislation, has joined us and will be joining me in advancing this legislation before this body.

Already our colleagues on the other side of the Capitol have begun to take

action on many of the reforms that are laid out in this legislation. Now it is time for the Senate to deliver on a promise made by so many to give family tax relief to the hard-working, overtaxed, middle-income Americans.

This legislation is a blueprint that shows that deficit reduction, which surely we must engage in, and tax relief can go hand in hand. These goals are not mutually exclusive, if we are willing to make the hard choices necessary to put our fiscal house in order but in doing so recognizing the impact on the average American family today and their need for substantive relief and deal with the burdens and expenses of raising children in today's society.

Our efforts are incorporated in legislation with the acronym FIRST. FIRST stands for family, investment, retirement savings, and tax fairness. It combines efforts to address a glaring deficiency in our Tax Code, a deficiency that robs middle-income Americans of hard-earned dollars to spend as they see fit and as they see the need to raise their children, to pay the mortgage, to rent the apartment, to make the car payments, to buy the clothes, to save for the education, to meet the needs, the ever-growing needs, of their ever-growing children.

It combines that relief with real, meaningful incentives for the business enterprises of America, to expand, to accumulate capital and to create the jobs which those children will be seeking as soon as they finish their education. And it adds to that relief for our senior citizens who are able and want to keep working beyond retirement age but whose income is severely eroded by the offsets that are required under the current law. We lift the earnings requirement so that those seniors that are willing and are able to continue working beyond retirement can do so without penalty.

There are incentives for contributions to an IRA, an IRA designed to help with those burdens and those expenses of providing for education and providing for the purchase of a home and other needs.

It does so with the recognition that we have to pay real attention to the ever-growing debt burden which is saddling this generation, and particularly future generations, with a debt and an interest cost that they may be unable to pay and that will surely limit their opportunities in the future.

Deficit reduction is a serious effort that must be undertaken by this Congress and not future Congresses. So we are trying to reconcile two very important goals, and we think we have done that in this first legislation, because combined with these incentives for family relief and for business growth and for help for our seniors, combined with this is an effort to rein in the costs—excessive costs—of the spending of this Congress and of this Government, by placing a cap on the overall rate of growth.

I want to stress that phrase ''rate of growth.'' Those who say that we need to drastically slash this and that, and take money away from this program or that program, are not recognizing the reality that if we simply limit the rate of growth of Government spending, we can free up money to provide significant deficit reduction, put us on a path to a balanced budget and, at the same time, reorder our priorities and direct funds into areas where they are needed the most.

Our job as elected representatives is to wisely, efficiently, and effectively spend the taxpayers' hard-earned dollars and make sure that those dollars spent at the Federal level are spent in a way that gives us the best results. We have been pointing to a whole number of programs that are marginal at best and, clearly, as we look at limiting the rate of growth of the Federal Government, we will need to look at our priorities.

There are some programs that probably are not performing the service that was intended and they ought to be flat out eliminated. They no longer are needed or are not doing the job. Other programs have marginal benefit but do not rank high in the priority list. I suggest that those programs need to be reduced in the amount of expenditures and amount of budget they are given each year. Some may be 1 or 2 years, some may be 5, 10, some 30—who knows. We need to look at the effectiveness of those programs and reduce that spending. Others ought to be frozen. They are providing an effective service, but we cannot afford to continue increasing them at the past rate, so let us freeze at the current level.

Yes, Mr. President, there are probably some programs that ought to be increased because they are meeting necessary needs for Americans. They go to important programs and they deserve an increase. With the first bill, we are saying let us put an overall cap on the rate of growth at about 2 percent, and in doing so let us back it up with a spending commission that will recommend cuts and provide the mechanism, as we have done in base closing, to ensure that Congress lives up to its promise. If we do that, as I said, we can balance the budget over a number of outyears—roughly 8 years—we can balance the budget. We can also reprioritize our spending in the areas that I have talked about—family relief, investment in new jobs, help for our seniors, and some other important programs.

The core of this program is the family relief. Families today are struggling to meet ever-rising tax demands. American families are overtaxed, and they rob our families of the resources needed to care for children.

In 1948, a typical family of four paid just 3 percent of its income to the Federal Government in direct taxes. In 1992, the equivalent family paid nearly 24½ percent of its income to the Federal Government—an increase of over 717 percent. At times, special-interest deductions have been granted to all types of special interests in our country under our Tax Code. But the most special of all special interests—the family—has been shorted. These other deductions have been at the families' expense. They are struggling to keep up.

Personal exemption has not kept pace. Today, it is $2,450 per dependent. If it had kept pace with inflation, it would be well over $7,000. Today, families have 40 percent less time to spend with their children, partly because they are out working trying to make ends meet. They are clearly working harder, longer, for less.

The $500 per child tax credit for children under 18 will provide real relief for families struggling to meet the needs of their family and to pay the bills. It is the central part of the package that we are introducing. Over 85 percent of this family tax relief provided by this credit will go to American families with incomes of less than $75,000. The relief is not a handout. It is a matter of simple fairness and simple justice. It is a return to tax fairness under the code.

Surely, Mr. President, as we look at how we spend the taxpayers' dollars, as we look at how we reprioritize our spending—and that is the exercise we are going through here in this Congress—surely there will be room, or there should be room, for families. Surely, we can find a way to direct our expenditure of Federal dollars to help struggling families. And we are not giving them the money back. We are saying we are going to allow you to keep more of your hard-earned dollars; you are going to be able to send less of your paycheck to Washington, and you are going to be able to make the decisions which are in the best interests of your children and your family. Surely, in all of our debate as to where we spend the taxpayers' dollars and how we spend the taxpayers' dollars, we can make room for the family.

Mr. President, I am pleased that Senator GRAMS and I are joined by a number of our colleagues as original cosponsors. I ask unanimous consent that Senators GRAMS, CRAIG, LOTT, BROWN, MCCAIN, KYL, and INHOFE be added as original cosponsors.

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

Mr. COATS. I also note, Mr. President, that last year, as part of the Republican alternative budget, every Republican Senator voted for that Republican alternative budget which, unfortunately, failed. We did not have enough votes to gain a majority. But the core of that alternative Republican budget was this first bill and the family tax relief, which is the heart of that.

So I anticipate that most of our colleagues, if not all, will join Senator GRAMS and I. I am so pleased to have him join us in the U.S. Senate. He will

be carrying the ball with all of us, advancing what I think is an extraordinarily important concept and idea.

We have terrific support in the House of Representatives. Just 2 days ago, the Ways and Means Committee reported out a bill with many of these features, the central part of that bill. So it is now time for the Senate, Mr. President, to act on its promises, to fulfill its commitment, and to put families at the centerpiece of the actions that we take this year.

With that, Mr. President, I yield my time and yield whatever time the Senator from Minnesota wishes to consume.

How much time remains?

The PRESIDING OFFICER. We have 20 minutes remaining.

Mr. COATS. I yield to the Senator from Minnesota.

Mr. GRAMS. Mr. President, I am pleased to join the distinguished Senators from Indiana and Idaho this morning, and a number of the other Senators who will be joining us later this morning, to talk about this very important issue—tax cuts—and to help continue the leadership on this most important issue.

I am proud to be a coauthor of this very important legislation, families first.

Mr. President, today we begin a debate that has been too long in coming. The American people are in desperate need of relief from their own Government, a Government that thinks it can spend our money better than we can spend our money. It has spent the last four decades just trying to prove that point.

In 1947, Americans paid just 22 percent of their personal income in the form of taxes—all taxes—to Federal, State, and local governments, including property taxes and the like.

Today, 40 years and hundreds of tax increases later, nearly 50 cents of every dollar earned by middle-class Americans goes to the Government to feed Government priorities. ''We will solve all of our problems,'' says Washington, ''if you will just send us more of your money.'' So we do, year after year. We have reached the point now where most families pay more tax dollars to the Federal Government than they spend for food, clothing, transportation, insurance, and recreation combined.

The 1993 Clinton tax bill did not help, either. As the largest tax increase in American history, it hit middle-class Americans right where it hurts the most—in their wallets.

Mr. President, the bottom line is taxes are just too high. The tax burden falls too heavily on the middle class. And, Mr. President, the result is that more and more Americans are being forced out of the working class and being forced into the welfare class.

But with their ballots last November, Americans called for tax relief. With the change in leadership in Washington, Congress is now finally in a position to deliver on that request.

Mr. President, we are taking the first step today with the introduction of the families first act—legislation calling for a $500 per child tax credit.

The $500 per child tax credit is relief for middle-class America.

And I would just like to show one of the few charts that we have out here this morning and talk about what this means.

In my home State of Minnesota, families first, if enacted, would provide nearly $500 million every year in tax relief to families across the State of Minnesota—$500 million into the pockets of families and individuals who will decide best on how to spend on those important needs such as food, clothing, shelter, education, or health care. They will make those decisions rather than some bureaucrat 1,100 miles away from Minnesota in Washington.

If you look at the home State of Senator DAN COATS in Indiana and what this would mean, it would mean for Indiana residents over $550 million a year in tax relief—$550 million every year. You add this total, and for all States it would be a $25 billion-a-year tax cut that would go into the pockets of families to decide how to spend. It would take that decisionmaking process out of Washington and put it down where it really belongs, and that is with the individuals who know best how to handle the problems that their families are facing.

As this chart clearly shows, our plan would return, as I said, $25 billion every year to families nationwide. And that includes from $418 million in Alabama every year to $61 million for the State of Wyoming residents. Again, $500 million a year would be dedicated to families in my home State of Minnesota.

Fully more than 90 percent of the tax relief would go to working Americans making annual salaries of $60,000 or less. So this is a plan that is targeted. More than 90 percent of the tax relief goes right to the individuals that have felt the burden the most over the last 30 years, and that is families making $60,000 or less.

Most importantly, our $500 per child tax credit would let 53 million working families keep more of their own hard-earned tax dollars. And $500 per child adds up to a lot more than just some pocket change.

I think, if you pick up the phone and ask many of the constituents in your districts if $500 or $1,000 for two children or $1,500 for three children would not make a big difference in their finances every year, for middle-income taxpayers, it may mean health insurance for their families where there was not any before, or maybe a better education for their children when before there were no other options. To lower income Americans, it may mean not having to pay any taxes at all.

Mr. President, there is widespread support also for the $500 per child tax credit among Americans in every income range, in every age bracket, among those with children and those without. These are the people who feel the pain every April 15 when they pay their taxes and who think it is time for the Government to feel a little bit of that pain instead.

But how can a government grappling with a $4.8 trillion national debt afford tax relief of any kind?

Well, the families first bill, which became the centerpiece of the budget plans offered last year by both Senate and House Republicans, pays for the tax credit by cutting Government spending. Every single dollar in tax relief is offset by another dollar in spending cuts.

I just want to refer again to the charts for the support that we have nationwide for a tax cut proposal. If you look at this one chart and you look at the different age groups, 18 to 25, 76 percent would approve of a tax cut. In the age group 26 to 40, 77 percent said, yes, let us have a tax cut. From 41 to 55, over 56 percent, and so on; 62 percent for 55 to 65; and, 65 and older, 58 percent said, yes, they would favor tax relief.

And if you look at income levels, people below $20,000, said, yes, they would like to have some more tax relief. And in all income groups it is either in the 60 or 70 percent range that say yes. So this is overwhelming support nationwide by every age group, every income group that really believes we are being taxed too much.

And by putting the Federal Government on a strict diet by capping the growth of Federal spending at 2 percent, we can balance the budget by the year 2002, including the tax cuts. Our bill proves that we can afford tax relief at the same time that we begin to restore some fiscal sanity to Washington.

During the debate ahead, we will hear calls to water down the $500 per child tax credit. We will be asked to means test it or to even lower the dollar amount. Some will want to limit the ages of the children eligible, or duck out on real relief by substituting an increase in the personal deduction. Some may oppose tax relief completely.

But that is not what the Americans were promised last year, or what the voters mandated in November. If we backtrack now, we will have to face an American public that is tired of being led on by politicians who promise one thing and then never deliver.

We have to hold firm on behalf of every American taxpayer and deliver the tax relief that we promised.

I want to commend our colleagues on the House Ways and Means Committee, who this week kept the covenant they made with the voters in the Contract With America and passed the $500 per-child tax credit. This was a victory for the taxpayers and a clear signal to the American people that they have not been forgotten by this Congress.

Mr. President, I am proud that Senator COATS and our Senate colleagues—

what we call the 500 club—will be following up on the House's good work and fighting for the promises made in November: the promises of lower taxes, smaller government, stronger families.

Those are the principles embodied by the $500 tax credit—the principles that will once again put families first.

I would like to now yield some time to my good friend and colleague from Arizona.

Mr. KYL. I thank the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I am pleased to be an original cosponsor of the families first legislation that our colleague, Senator ROD GRAMS, is introducing today. This important legislation would provide badly needed tax relief for American families. It would repeal the Social Security earnings limitation. It would cut capital gains taxes and provide other pro-growth economic incentives, while still putting the budget on track to balance by the year 2002. It does so by cutting spending.

Balancing the budget does not mean that taxes have to be increased. Nor does it preclude consideration of tax cuts. The problem is not that the Federal Government is collecting too little in tax revenue. The Government is simply spending too much.

As a result of the tax increase Congress approved in 1990, Americans paid over $20 billion in new taxes. They paid another $35 billion as a result of President Clinton's tax increase in 1993. Taxes increased, but so did Federal spending. It climbed from $1.2 trillion in 1990 to about $1.5 trillion this year, and it will rise to $1.6 trillion next year. That is a 33 percent increase in spending in just 6 years. Taxes—which are already too high—will never be high enough to satisfy Congress' appetite for spending.

Since 1948, the average American family with children has seen its Federal tax bill rise from about 3 percent of income to about 24.5 percent today. Combined with State and local taxes, that burden rises to a staggering 37.6 percent.

Senior citizens have been hit hard by tax increases as well. The earnings limitation is bad enough, but combined with the 1993 Clinton tax increase on Social Security benefits, the marginal rate now experienced by some seniors amounts to 88 percent, twice the rate paid by millionaires. That is not taxation. It is confiscation.

Mr. President, the American people know what it means to balance a budget—to struggle to make ends meet—and they know better than the Government how to provide for themselves and their children. Parents just want a chance to keep more of what they earn to put food on the table, a roof over their heads, and their kids through school. The $500 per child tax credit in the families first bill is no panacea, but it is an important step in the right direction.

In fact, about 35 million families across the nation would be eligible for the bill's $500 per child tax credit. Among those who would benefit the most are 4.7 million low-income families who would see their entire Federal tax burden eliminated—4.7 million families.

As pointed out in a Heritage Foundation report last year, ''a $500 per child tax credit would give a family of four earning $18,000 per year a 33-percent tax cut, and a family earning $40,000 per year a 10-percent tax cut, while giving a family earning $200,000 per year a cut of only 1.5 percent.''

So the families first credit is fair. It targets relief to those who need it most—low- and middle-income families across the Nation. The bill also repeals the Social Security earnings limitation which is inherently unfair to people who need and deserve their full Social Security benefits and who also want to work. Not only should the earnings test be repealed, the Clinton tax increase on Social Security should be repealed as well.

I know there are those who will say that deficit reduction is more important than tax relief, and they may oppose the bill. I disagree. I have never understood how taking more money out of the pockets of the American people can make them better off. Taxing people too much makes them worse off, and it slows down the economy. If the goal is to maximize tax revenues, as opposed to tax rates, then tax relief is not inconsistent with the goal of deficit reduction. It is integral to the goal of reducing the deficit.

As my colleagues have heard me point out on a number of occasions, revenues to the Treasury have fluctuated around a relatively narrow band of 18 to 20 percent of gross national product for the last 40 years. That is despite tax increases and tax cuts, recessions and expansions, and economic policies pursued by Presidents of both parties.

Since revenue as a share of the gross domestic product is virtually constant, the only way to raise revenue is to enact policies that foster economic growth and opportunity. In other words, 18 to 20 percent of a larger GDP represents more revenue to the Treasury than 18 to 20 percent of a smaller GDP.

That is the basis for these Federal spending limits that I proposed in other legislation. It is the reason the tax cuts in the families first bill make good economic sense. Empower American families and they can do more for themselves and depend less on Government. Cut taxes and stimulate the economy and more people can go to work. There will actually be more economic activity to tax, more revenue to the Treasury, despite the lower tax rates.

Last fall, the American people sent a loud and clear message to Congress: It is time to end business as usual. They want less Government, not more. They want tax relief and lower Government spending. Let Congress help President Clinton keep the promise he made in putting people first, to grant additional tax relief to families and children. Let Congress pass the families first bill.

Mr. COATS. Mr. President, may I inquire how much time remains?

The PRESIDING OFFICER. There are 6 minutes remaining.

Mr. COATS. I yield 5 minutes to the Senator from Texas and reserve the last minute for the Senator from Minnesota.

Mrs. HUTCHISON. Thank you, Mr. President. I want to thank my colleague, Senator COATS, who sponsored this bill last year. I was a willing and hopefully helpful cosponsor. Now we have Senator GRAMS, a new freshman, who did sponsor it on the House side last year and has come in to cosponsor it this year.

This is a very important step that we must take. In 1930, we saw the beginning of the change in course in our country, the beginning of more Government, bigger Government, more spending, which also brought more encroachment on everyone's lives.

I think in 1994, the people of America said, ''No, stop. Stop the big Government growth. Stop the encroachment on our lives. Stop the arrogance in Washington, DC. Enough is enough.'' They said, ''We want to go back to self-help and self-reliance. We want to go back to the basics, and we want the American family to be the strength that it has been, the fabric of society that it has been, that has brought us to this strong and great America that we have.''

We have dissipated so much of the strength of our family through the dependence of Government. I remember the story of a woman who was in the grocery store line who said, ''I saw someone using food stamps, buying items of food that I had passed up because I was trying to save to buy something for my children, that I had to do as a little bit of an extra.''

It was that frustration that I think people felt when they went to the polls in 1994 and said, ''We do not think that's right.'' The people who are pulling the wagon, the people who are saying, ''We are saving our money to raise our families, and we are having a hard time doing it,'' wanted a change.

The families first legislation will bring about that change, and I have to say that I do admire the Ways and Means Committee and the chairman, BILL ARCHER, who did report a bill out that has many of the things in the families first bill that we are introducing today. Perhaps they will pass those in the House first.

I will be proud, then, to come in and take some of those items from our families first legislation that we are reintroducing today. The $500 per child tax credit is something that will help those families make ends meet, the ones who are having a hard time. After

all, it is their money. It is their money that they have worked so hard to earn. Why should they not be able to keep it? Why should they not decide what is best for them, rather than having someone from Big Brother Government deciding what is best for them.

I think if the American people believe that they can manage their own resources better than the Federal Government, that we should humor them and let them keep their money. That is what the families first legislation will do.

I have been a proponent of increasing IRA's, because I think if we help people retire with security that that will be good for our country. It is self-help. It is allowing people to have that security in their old-age years by encouraging savings, which encourages investments, which encourages new jobs in this country, too.

I have introduced a bill to give homemakers IRA's, and if we can get this families first bill to the floor, I know that Senator COATS and Senator GRAMS are going to support my amendment to have homemakers added to IRA's because that is a very important issue. It is important to say that the work done inside the home is every bit as important, if not more important, than the work done outside the home, because that is what keeps this country strong—the families, where the families are together. If the homemaker is staying home and raising children, I think we should reward her efforts, just as much as anyone who is working outside the home.

I have seen my colleague, Senator COVERDELL, come in, and I want to make sure everyone has a chance to weigh in on this legislation. I will just say, Mr. President, that this is families first.

It is time to go back to basics, to appreciate how important the family unit is, that balancing the budget is for the future of our children and grandchildren. That is a commitment that I have, and all who are cosponsoring this legislation will work to try to make sure that we give to our children and grandchildren the same kind of strong America that we were able to grow up in and love. Thank you.

Mr. COATS. Mr. President, I ask unanimous consent to add Senator HUTCHISON as an original cosponsor of this legislation.

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

Mr. COATS. Mr. President, I yield the remaining time to Senator GRAMS.

Mr. GRAMS. Mr. President, I ask unanimous consent to have printed in the RECORD copies of the tables we have presented here.

There being no objection, the tables were ordered to be printed in the RECORD.

[Chart 1]

$500 PER-CHILD TAX CREDIT RETURNS MONEY TO THE TAXPAYER

State	Number of children eligible	Amount State could receive annually
Alabama	836,486	$418,243,000
Alaska	134,962	67,481,000
Arizona	744,524	372,262,000
Arkansas	524,241	262,120,500
California	6,625,012	3,312,506,000
Colorado	737,544	368,772,000
Connecticut	723,674	361,837,000
Delaware	172,017	86,008,500
District of Columbia	81,195	40,597,500
Florida	2,233,271	1,116,635,000
Georgia	1,226,073	613,036,500
Hawaii	295,346	147,673,000
Idaho	263,945	131,972,500
Illinois	2,501,462	1,250,731,000
Indiana	1,110,887	555,443,500
Iowa	641,094	320,547,000
Kansas	651,174	325,587,000
Kentucky	648,121	324,060,500
Louisiana	868,702	434,351,000
Maine	223,255	111,627,500
Maryland	1,038,365	519,182,500
Massachusetts	1,110,453	555,226,500
Michigan	1,866,891	933,445,500
Minnesota	946,639	473,319,500
Mississippi	540,359	270,179,500
Missouri	981,008	490,504,000
Montana	197,938	98,969,000
Nebraska	427,724	213,862,000
Nevada	247,958	123,979,000
New Hampshire	246,361	123,180,500
New Jersey	1,522,756	761,378,000
New Mexico	321,854	160,927,000
New York	3,575,251	1,787,625,500
North Carolina	1,359,138	679,569,000
North Dakota	146,786	73,393,000
Ohio	2,392,172	1,196,086,000
Oklahoma	644,733	322,366,500
Oregon	607,615	303,807,500
Pennsylvania	2,507,260	1,253,630,000
Rhode Island	159,461	79,730,500
South Carolina	777,909	388,954,500
South Dakota	158,309	79,154,500
Tennessee	829,778	414,889,000
Texas	3,628,180	1,814,090,000
Utah	473,448	236,724,000
Vermont	116,058	58,029,000
Virginia	1,286,275	643,137,500
Washington	1,141,341	570,670,500
West Virginia	346,642	173,321,000
Wisconsin	1,175,695	587,847,500
Wyoming	122,668	61,334,000

DOLLARS RETURNED TO EACH STATE BY A $500 PER-CHILD TAX CREDIT

[Source: US Census, 1992 Current Population Survey]

State	Number of families in each State	Number of families with children in each State	Number of children eligible for a $500 tax credit	Amount each State could receive annually from $500 per-child tax credit
Alabama	984,846	607,775	836,486	$418,243,000
Alaska	131,801	83,770	134,962	67,481,000
Arizona	901,059	472,805	744,524	372,262,000
Arkansas	572,309	366,520	524,241	262,120,500
California	6,864,996	4,444,459	6,625,012	3,312,506,000
Colorado	832,055	493,148	737,544	368,772,000
Connecticut	835,801	466,951	723,674	361,837,000
Delaware	181,252	105,034	172,017	86,008,500
District of Columbia	101,346	63,940	81,195	40,597,500
Florida	3,410,974	1,698,710	2,233,271	1,116,635,500
Georgia	1,555,254	909,966	1,226,073	613,036,500
Hawaii	293,296	167,417	295,346	147,673,000
Idaho	251,430	151,431	263,945	131,972,500
Illinois	2,873,440	1,622,908	2,501,462	1,250,731,000
Indiana	1,454,936	851,840	1,110,887	555,443,500
Iowa	683,268	383,031	641,094	320,547,000
Kansas	637,247	393,479	651,174	325,587,000
Kentucky	901,634	536,468	648,121	324,060,500
Louisiana	996,911	646,684	868,702	434,351,000
Maine	298,512	156,799	223,255	111,627,500
Maryland	1,194,734	675,067	1,038,365	519,182,500
Massachusetts	1,437,080	750,685	1,110,453	555,226,500
Michigan	2,254,735	1,273,610	1,866,891	933,445,500
Minnesota	1,043,603	570,424	946,639	473,319,500
Mississippi	572,963	425,312	540,359	270,179,500
Missouri	1,256,963	697,847	981,008	490,504,000
Montana	205,770	124,551	197,938	98,969,000
Nebraska	414,899	237,460	427,724	213,862,000
Nevada	313,332	168,220	247,958	123,979,000
New Hampshire	307,359	158,319	246,361	123,180,500
New Jersey	1,893,615	1,006,496	1,522,756	761,378,000
New Mexico	365,776	239,867	321,854	160,927,000
New York	4,138,706	2,494,133	3,575,251	1,787,625,500
North Carolina	1,663,710	940,231	1,359,138	679,569,000
North Dakota	146,146	87,390	146,786	73,393,000
Ohio	2,650,194	1,577,405	2,392,172	1,196,086,000
Oklahoma	782,007	456,751	644,733	322,366,500
Oregon	745,406	422,519	607,615	303,807,500
Pennsylvania	3,057,172	1,568,632	2,507,260	1,253,630,000

DOLLARS RETURNED TO EACH STATE BY A $500 PER-CHILD TAX CREDIT—Continued

[Source: US Census, 1992 Current Population Survey]

State	Number of families in each State	Number of families with children in each State	Number of children eligible for a $500 tax credit	Amount each State could receive annually from $500 per-child tax credit
Rhode Island	240,767	111,470	159,461	79,730,500
South Carolina	891,157	569,749	777,909	388,954,500
South Dakota	173,385	96,221	158,309	79,154,500
Tennessee	1,242,636	637,780	829,778	414,889,000
Texas	3,964,267	2,582,258	3,626,180	1,814,090,000
Utah	390,211	249,945	473,448	236,724,000
Vermont	142,093	81,163	116,058	58,029,000
Virginia	1,528,524	859,620	1,286,275	643,137,500
Washington	1,252,277	737,136	1,141,341	570,670,500
West Virginia	452,953	266,844	346,642	173,321,000
Wisconsin	1,252,892	722,639	1,175,695	587,847,500
Wyoming	117,117	69,514	122,668	61,334,000

Mr. GRAMS. Mr. President, these charts show strong support from every age and income group across the country, their support for a tax cut, and also for some information, how much it would mean to each.

I say to the good Senator from Texas who just spoke, for families in Texas alone, it would be over $1.8 billion a year in tax relief.

Mr. President, I am pleased to join the distinguished Senators from Indiana and Idaho, who I thank for their early and continued leadership on this most important issue.

I thank my distinguished colleague from Indiana, and I am proud to be a coauthor of this important legislation to put families first.

Mr. President, today we begin a debate that has been too long in coming.

The American people are in desperate need of relief from their own Government—a Government that thinks it can spend our money better than we can, and has spent the last four decades trying to prove it.

In 1947, Americans paid just 22 percent of their personal income in the form of taxes.

Today, 40 years and hundreds of tax increases later, nearly 50 cents of every dollar earned by middle-class Americans goes to the Government, to feed the Government's priorities.

''We'll solve all your problems,'' says Washington, ''if you'll just send us more money.''

So we do; year after year.

We've now reached the point where most families pay more tax dollars to the Federal Government than they spend for food, clothing, transportation, insurance, and recreation combined.

The 1993 Clinton tax bill didn't help, either. As the largest tax increase in American history, it hit middle-class Americans right where it hurt the most—their wallets.

Mr. President, taxes are too high.

The tax burden falls too heavily on the middle class.

And, Mr. President, the result is that more and more Americans are being forced out of the working class and into the welfare class.

But with their ballots in November, Americans called for tax relief. With

the change in leadership in Washington, Congress is finally in a position to deliver.

Mr. President, we are taking the first step today with the introduction of the families first act—legislation calling for a $500 per-child tax credit.

The $500 per-child tax credit is relief for middle-class America.

As this chart clearly shows, our plan would return $25 billion every year to families nationwide, from $418 million in Alabama to $61 million in Wyoming.

$500 million would be dedicated to families in my home State of Minnesota.

Fully 90 percent of the tax relief goes to working Americans making annual salaries of $60,000 or less.

Most importantly, our $500 per-child tax credit would let 53 million working families keep more of their own hard-earned tax dollars. And $500 per child adds up to a lot more than just pocket change.

For middle-income taxpayers, it may mean health insurance for their families, where there wasn't any before, or a better education for their children, when before there were no options.

For lower income Americans, it may mean not having to pay any taxes at all.

Mr. President, there is widespread support for the $500 per-child tax credit among Americans in every income range and every age bracket—among those with children and those without.

These are the people who feel the pain every April 15 when they pay their taxes and who think it's time for the government to feel a little of the pain instead.

But how can a government grappling with a $4.8 trillion national debt afford tax relief of any kind?

The families first bill, which became the centerpiece of the budget plans offered last year by both Senate and House Republicans, pays for the tax credit by cutting government spending.

Every single dollar in tax relief is offset by another dollar in spending cuts.

And by putting the Federal Government on a strict diet by capping the growth of Federal spending at 2 percent, we'll balance the budget by the year 2002.

Our bill proves that we can afford tax relief at the same time we're restoring fiscal sanity in Washington.

During the debate ahead, we'll hear calls to water down the $500 per-child tax credit.

We'll be asked to means test it or lower the dollar amount.

Some will want to limit the ages of the children eligible or duck out on real relief by substituting an increase in the personal deduction.

Some may oppose tax relief completely.

That's not what Americans were promised last year, or what the voters mandated in November.

If we backtrack now, we'll have to face an American public that is tired of being led on by politicians who promise one thing and never deliver.

We have to hold firm on behalf of every American taxpayer and deliver the tax relief we promised.

I want to commend our colleagues on the House Ways and Means Committee, who this week kept the covenant they made with the voters in the Contract With America and passed the $500 per-child tax credit.

This was a victory for the taxpayers and a clear signal to the American people that they have not been forgotten by this Congress.

Mr. President, I'm proud that Senator COATS and our Senate colleagues—what we call the 500 Club—will be following up on the House's good work and fighting for the promises made in November: the promises of lower taxes, smaller government, stronger families.

Those are the principles embodied by the $500 tax credit, the principles that will once again put families first.

I would like to close by saying how important I feel about tax cuts for Americans, and American families specifically. We promised, we campaigned, we talked about tax relief for American families across the country during the 1994 elections, and the Americans spoke loud and clear at the polls in November that they agreed, because they know how hard it hits them in the wallet every year.

My good friend from Wisconsin, the Senator from Wisconsin, is among those leading the charge on the Senate floor every day, talking about how we do not need tax cuts, how Government in Washington should continue to expect to receive these tax dollars, and that these Chambers can better make the decision on how to spend your money than you can spend it yourself.

In Wisconsin, that means about $590 million a year in tax relief, something the Senator from Wisconsin does not think is important to the residents of Wisconsin. I ask him to call some of his residents to see how important they feel any form of tax relief would be in 1995 for them.

I just wanted to wrap up again by thanking the Senator from Indiana and the other Senators who have spoken this morning on behalf of American taxpayers. I hope that we can rely on their support and the public support in making their calls and rallying behind this very, very, important issue of tax cuts and tax relief.

We are to a point now where we assume that every dollar that Americans make belongs to Government in some form and that we will decide through tax cuts or tax credits or tax breaks how much they are going to keep and how much Washington is going to get. I think, as the Senator from Indiana pointed out very succinctly, it is their money and this will allow them to keep more of their hard-earned tax money in their pockets.

So I wanted to thank the other Senators for helping this morning. I yield back my time.

By Mr. HARKIN:

S. 569. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to combat waste, fraud, and abuse in the Medicare Program, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE MEDICARE PROTECTION ACT OF 1995

● Mr. HARKIN. Mr. President, today I am introducing legislation, the Medicare Protection Act of 1995, which would save taxpayers and senior citizens over $16 billion by the end of the decade by curbing waste, fraud, and abuse in the Medicare Program. I hope that the Senate will consider this important legislation as we work to reduce the Federal budget deficit and to improve Medicare.

For 6 years, as chairman and now ranking Democrat of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I have targeted fraud, waste, and abuse in the programs under our jurisdiction. I have given particular attention to exposing and eliminating waste and abuse in Medicare. In hearing after hearing, our subcommittee has uncovered examples of lost Medicare funds due to fraud and poor program oversight. While some of the problems we have uncovered are due to weaknesses in Medicare law, billions of dollars are lost every year due to inadequate audits and other program safeguard activities. At least $2 billion of unallowable and sometimes fraudulent medical charges will be improperly paid by Medicare this year alone.

The General Accounting Office [GAO], Office of Inspector General of the Department of Health and Human Services [HHSIG], and the Health Care Financing Administration [HCFA] have each documented the savings to the Medicare Program achieved through investments in program safeguard activities. They have testified that for every dollar spent on program safeguards, $13 to $16 are saved by stopping inappropriate Medicare payments. This is not some pie-in-the-sky-hoped-for return on investment, it is documented, and proven that this saves us significant sums. For the coming fiscal year, the administration estimates that the projected program safeguard investment will result in $6.16 billion in Medicare savings, a return on investment of 16 to 1.

Yet funding for these cost saving activities is inadequate. While Medicare is an uncapped entitlement program, the funds to effectively administer Medicare are funded through discretionary outlays. They must compete with other important programs like Head Start, job training, childhood immunizations, and college loans. Because we have a cap on overall discretionary spending, at a time when the number and size of Medicare claims is

growing steadily, funding for audits and claims review have not kept up. This despite the fact that we know that for every dollar invested, Medicare saves from $13 to $16.

For several years now I have been working to correct this shortsighted budget policy. Based on recommendations by the GAO, I have pushed legislation like that I am introducing today. The Medicare Protection Act would allow us to adequately fund critical Medicare antifraud and abuse activities without cutting other critical programs. This legislation allows for a 10-percent increase in support for these activities annually through fiscal year 2000 without violating the discretionary spending ceilings. The 10-percent increase is pegged to the rate of growth in Medicare claims in recent years.

Mr. President, even assuming the most conservative estimates of savings—a 13-to-1 return on investment—the Medicare Protection Act would save taxpayers and Medicare beneficiaries $2 billion this year and over $16 billion through the end of the decade. At a time when some in Congress are proposing major reductions in Medicare that could directly impact senior citizens and critical health providers, this legislation is just common sense. I am certain that my colleagues would agree that we need to cut the fat before the bone. Let's make war on waste, not our senior citizens.

Mr. President, I will work with my colleagues on both sides of the aisle to try to gain approval of this common sense deficit reducing proposal. It is one change that we should be able—for which we should be able to achieve strong bipartisan support. So I commend this bill to my colleagues and urge that it be included in any package we consider to further reduce the Federal deficit.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 569

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 ''Medicare Protection Act of 1995''.

SEC. 2. ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.

(a) ADJUSTMENTS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)) is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively; and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) MEDICARE ADMINISTRATIVE COSTS.—To the extent that appropriations are enacted that provide additional new budget authority (as compared with a base level of $1,609,671,000 for new budget authority) for the administration of the medicare program by sections 1816 and 1842(a) of title XVIII of the Social Security Act, the adjustment for that year shall be that amount, but shall not exceed—

''(i) for fiscal year 1995, $161,000,000 in new budget authority and $161,000,000 in outlays;

''(ii) for fiscal year 1996, $177,000,000 in new budget authority and $177,000,000 in outlays;

''(iii) for fiscal year 1997, $195,000,000 in new budget authority and $195,000,000 in outlays;

''(iv) for fiscal year 1998, $214,000,000 in new budget authority and $214,000,000 in outlays;

''(v) for fiscal year 1999, $236,000,000 in new budget authority and $236,000,000 in outlays;

''(vi) for fiscal year 2000, $259,000,000 in new budget authority and $259,000,000 in outlays; and

the prior-year outlays resulting from these appropriations of budget authority and additional adjustments equal to the sum of the maximum adjustments that could have been made in preceding fiscal years under this subparagraph.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 603(a) of the Congressional Budget Act of 1974 (2 U.S.C. 655b(a)) is amended by striking ''section 251(b)(2)(E)(i)'' and inserting ''section 251(b)(2)(F)(i)''.

(2) Section 606(d) of the Congressional Budget Act of 1974 (2 U.S.C. 665e(d)) is amended—

(A) in paragraph (1)(A) by striking ''section 251(b)(2)(E)(i)'' and inserting ''section 251(b)(2)(F)(i)''; and

(B) in paragraph (2), by inserting ''251(b)(2)(E),'' after ''251(b)(2)(D),''.●

By Mr. GORTON:

S. 570. A bill to authorize the Secretary of Energy to enter into privatization arrangements for activities carried out in connection with defense nuclear facilities, and for other purposes; to the Committee on Armed Services.

THE DEPARTMENT OF ENERGY PRIVATIZATION ACT OF 1995

● Mr. GORTON. Mr. President, today I am introducing a bill that dramatically changes how we clean nuclear waste sites across the Nation. Clearly we have a window to address these profound national problems. My bill does just that.

Mr. President, this legislation is designed to change how DOE manages the cleanup of its defense nuclear sites. This bill applies to all DOE nuclear defense sites, because the cleanup problems we are addressing are national concerns—not parochial.

The bill's strengths rest in addressing how DOE compensates performance. Today we are cornered into agreements based on cost plus scenarios. The taxpayer reimburses the contractor for all costs related to overhead, salaries and other out-of-pocket expenses. On top of that sum comes a bonus which is a percentage of those direct costs. That means that higher overheads mean bigger bonuses. My bill dictates the opposite: You don't do the job, you don't get paid. Period.

Mr. President, this bill makes good sense. I know that the American people are anxious for cleanup to happen at our nuclear defense sites. The people of Washington State are anxious too. This bill takes the DOE out of the managerial role and puts it into the role of client and consumer. It puts the burden of capital risk on investors eager to join the cleanup process, yet does not hold them responsible for a mess that is not theirs.

Under this bill, the Secretary of Energy will have the authority to enter into long-term contracting arrangements—30 years plus two 10-year renewals—for the treatment, management and disposition of nuclear waste and nuclear waste by-products.

The contractor's facility must be within a 25-mile radius of the DOE site. Community development and site-worker preference are key to this bill. The Secretary is instructed to give preference to those contractors who intend to reinvest in the communities where their work is conducted. The Secretary must also give preference to contractors whose bids include employment for local workers, or workers with previous site experience.

Indemnification and other legal protection is included to inoculate contractors from preexisting conditions that were not caused by the contractor. This bill places strict limits on contractor liability during cleanup, except in cases of negligence. This ensures that a contractor is not responsible for waste not created on their watch.

Through commercialization, the bill will encourage innovation in cleanup. By permitting the contractor to use technologies developed at the site for commercial use and resale even while cleanup is taking place, the legislation rewards success instead of stifling it. In the past, DOE has frowned on similar allowances, primarily because of the Government's desire to keep new technology ''in house.'' Instead, the bill grants contractors immediate patent rights to new technologies developed in the cleanup process.

Another important provision protects the contractor from subsequent rule changes by the Department of Energy or Congress that directly affect cleanup efforts. Language states that if the Department of Energy mandates new environmental regulations or laws which will adversely affect the cleanup schedule and performance, the contractor is entitled to renegotiate the contract without penalty. Likewise, if regulations are eased, the contractor is given the option of abiding by the rules in place, or opening discussions again to adjust for the less stringent requirements.

This legislation also allows the Secretary to lease federally owned land to contractors at a negotiable rate. By leasing the land, the Government permits the contractor to undertake non-DOE site related activities. For example, a contractor may retain a non-DOE client who wants to vitrify waste at the DOE site. With this legislation the contractor could open its facility to such an endeavor.

I urge that all of my colleagues, particularly those with similar interests in their States, support this bill and join as cosponsors.

Mr.President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 570

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRIVATIZATION OF WASTE CLEANUP AND MODERNIZATION ACTIVITIES OF DEFENSE NUCLEAR FACILITIES.

(a) CONTRACT AUTHORITY.—Notwithstanding any other law, the Secretary of Energy may enter into 1 or more long-term contracts for the procurement, from a facility located within 25 miles of a current or former Department of Energy defense nuclear facility, of products and services that are determined by the Secretary to be necessary to support waste cleanup and modernization activities at such facilities, including the following services and related products:

(1) Waste remediation and environmental restoration, including treatment, storage, and disposal.

(2) Technical services.

(3) Energy production.

(4) Utility services.

(5) Effluent treatment.

(6) General storage.

(7) Fabrication and maintenance.

(8) Research and testing.

(b) CONTRACT PROVISIONS.—A contract under subsection (a)—

(1) shall be for a term of not more than 30 years;

(2) shall include options for 2 10-year extensions of the contract;

(3) when nuclear or hazardous material is involved, shall include an agreement to—

(A) provide indemnification pursuant to section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d));

(B) indemnify, protect, and hold harmless the contractor from and against all liability, including liability for legal costs, relating to any preexisting conditions at any part of the defense nuclear facility managed under the contract;

(C) indemnify, protect, and hold harmless the contractor from and against all liability to third parties, including liability for legal costs, relating to claims for personal injury, illness, property damage, and consequential damages; and

(D) provide for indemnification of subcontractors as described in subparagraphs (A), (B), and (C);

(4) shall permit the contractor (in accordance with Federal law) to obtain a patent for and use for commercial purposes a technology developed by the contractor in the performance of the contract;

(5) shall not provide for payment to the contractor of cost plus a percentage of cost or cost plus a fixed fee; and

(6) shall include such other terms and conditions as the Secretary of Energy considers appropriate to protect the interests of the United States.

(c) PREFERENCE FOR LOCAL RESIDENTS.—In entering into contracts under subsection (a), the Secretary of Energy shall give preference, consistent with Federal, State, and local law, to entities that plan to hire, to the maximum extent practicable, residents of the vicinity of the Department of Energy defense nuclear facility concerned and to persons who have previously been employed by the Department of Energy or its private contractor at the facility.

(d) SUBSEQUENTLY ENACTED REQUIREMENTS.—

(1) DEFINITION.—In this subsection, the term ''applicable requirement'' means a requirement in an Act of Congress or regulation that applies specifically to activities described in subsection (a).

(2) INCREASED COSTS.—

(A) IN GENERAL.—A contractor under a contract under subsection (a) shall be exempt from an applicable requirement that would increase the cost of performing the contract that is—

(i) imposed by regulation by a Federal, State, or local governmental agency after the date on which the contract is entered into unless the regulation is issued under an Act of Congress described in the exception stated in clause (ii); or

(ii) imposed by an Act of Congress enacted after the date of enactment of this Act, except an Act of Congress that refers to this paragraph and explicitly states that it is the intent of Congress to subject such a contractor to the requirement.

(B) AMENDMENT OF CONTRACT.—In the case of enactment of an Act of Congress described in the exception stated in subparagraph (A)(ii), the Secretary of Energy and the contractor shall negotiate an amendment to a contract under subsection (a) providing full compensation to the contractor for the increased cost incurred in order to comply with any additional requirement of law.

(3) REDUCED COSTS.—

(A) IN GENERAL.—A contractor under a contract under subsection (a) may elect to be governed by a change in a requirement that would reduce the cost of performing the contract that is—

(i) adopted by regulation by a Federal, State, or local governmental agency after the date on which the contract is entered into, unless the change is made pursuant to an Act of Congress that refers to this paragraph and explicitly states that it is the intent of Congress to continue to subject such a contractor to that requirement, as in effect prior to the date of enactment of that Act of Congress; or

(ii) enacted by an Act of Congress enacted after the date of enactment of this Act, except an Act of Congress that refers to this paragraph and explicitly states that it is the intent of Congress to continue to subject such a contractor to that requirement, as in effect prior to the date of enactment of that Act of Congress.

(B) AMENDMENT OF CONTRACT.—In the case of a change in a requirement that is to be applied to a contractor that will reduce the cost of performing the contract, the Secretary of Energy and the contractor shall negotiate an amendment to a contract under subsection (a) providing for a reduction in the amount of compensation to be paid to the contractor commensurate with the amount of any reduction in costs resulting from the change.

(e) PAYMENT OF BALANCE OF UNAMORTIZED COSTS.—

(1) DEFINITION.—In this subsection, the term ''special facility'' means land, a depreciable building, structure, or utility, or depreciable machinery, equipment, or material that is not supplied to a contractor by the Department of Energy.

(2) CONTRACT TERM.—A contract under subsection (a) may provide that if the contract is terminated for the convenience of the Government, the Secretary of Energy shall pay the unamortized balance of the cost of any special facility acquired or constructed by the contractor for performance of the contract.

(3) SOURCE OF FUNDS.—The Secretary of Energy may make a payment under a contract term described in paragraph (2) and pay any other costs assumed by the Secretary as a result of the termination out of any appropriations that are available to the Department of Energy for operating expenses for the fiscal year in which the termination occurs or for any subsequent fiscal year.

(f) LEASE OF FEDERALLY OWNED LAND.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Energy may lease federally owned land at a current or former Department of Energy defense nuclear facility to a contractor in order to provide for or to facilitate the construction of a facility in connection with a contract under subsection (a).

(2) TERM.—The term of a lease under this paragraph shall be the lesser of—

(A) the expected useful life of the facility to be constructed; or

(B) the term of the contract.

(3) TERMS AND CONDITIONS.—A lease under paragraph (1) shall—

(A) require the contractor to pay rent in amounts that the Secretary of Energy considers to be appropriate; and

(B) include such other terms and conditions as the Secretary of Energy considers to be appropriate.

(g) NUCLEAR STANDARDS.—The Secretary of Energy shall, whenever practicable, consider applying commercial nuclear standards to a facility used in the performance of a contract under subsection (a).

(h) LIMITATION ON LIABILITY.—

(1) DEFINITIONS.—In this subsection, the terms ''hazardous substance'', ''pollutant or contaminant'', ''release'', and ''response'' have the meanings stated in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) IN GENERAL.—A contractor under a contract under subsection (a) or a subcontractor of the contractor shall not be liable under Federal, State, or local law for any injury, cost, damage, expense, or other relief on a claim by any person for death, personal injury, illness, loss of or damage to property, or economic loss caused by a release or threatened release of a hazardous substance or pollutant or contaminant during performance of the contract unless the release or threatened release is caused by conduct of the contractor or subcontractor that is negligent or that constitutes intentional misconduct.

(3) REPOSE.—No action (including an action for contribution or indemnity) to recover for damage to real or personal property, economic loss, personal injury, illness, death, or other expense or cost arising out of the performance under this section of a response action under a contract under subsection (a) may be brought against the contractor (or subcontractor of the contractor) under Federal, State, or local law after the date that is 6 years after the date of substantial completion of the response action.

SEC. 2. PREFERENCE AND ECONOMIC DIVERSIFICATION FOR COMMUNITIES AND LOCAL RESIDENTS.

(a) DEFINITION.—In this section, the term ''qualifying Department of Energy site'' means a site that contains at least 1 current or former Department of Energy defense nuclear facility for which the Secretary of Energy is required by section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h) to develop a plan for restructuring the work force.

(b) PREFERENCE.—In entering into a contract with a private entity for products to be acquired or services to be performed at a qualifying Department of Energy site, the Secretary of Energy and contractors under the Secretary's supervision shall, to the maximum extent practicable, give preference to an entity that is otherwise qualified and within the competitive range (as determined under section 15.609 of title 48, Code of Federal Regulations, or a successor regulation,

as in effect on the date of the determination) that plans to—

(1) provide products and services originating from communities within 25 miles of the site;

(2) hire residents living in the vicinity of the site, especially dislocated site workers, to perform the contract; and

(3) invest in value-added activities in the vicinity of the site to mitigate adverse economic development impacts resulting from closure or restructuring of the site.

(c) APPLICABILITY.—Preference shall be given under subsection (b) only with respect to a contract for an environmental management and restoration activity that is entered into after the date of enactment of this Act.

(d) TERMINATION.—This section shall expire on September 30, 1999.●

By Mrs. BOXER (for herself, Mr. PRYOR, Mr. GRASSLEY, Mr. KOHL, Mr. BRADLEY, Mr. DORGAN, Mr. AKAKA, Mr. HOLLINGS, Mr. ROTH, Mr. HARKIN, Mr. REID, Mr. LIEBERMAN, Mr. BAUCUS, Mr. ABRAHAM, Mr. SIMON, and Mr. ROBB):

S. 571. A bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes; to the Committee on Armed Services.

VIOLENT CRIMINALS LEGISLATION

Mrs. BOXER. Mr. President, today I am introducing legislation that will put an end to an outrageous waste of tax dollars and immediately stop a taxpayer-funded cash reward for violent criminals.

Believe it or not, each month, the Pentagon pays the salaries of military personnel convicted of the most heinous crimes while their cases are appealed through the military court system—a process than often takes years. During that time, these violent criminals sit back in prison, read the Wall Street Journal, invest the money they get from the military, and watch their taxpayer-funded nest eggs grow.

According to data provided by the Defense Finance Accounting Service and first published in the Dayton Daily News, the Department of Defense spent more than $1 million on the salaries of 680 convicts in the month of June 1994, alone. In that month, the Pentagon paid the salaries of 58 rapists, 164 child molesters, and 7 murderers, among others.

Just this morning, the Pentagon confirmed to me that at least 633 military convicts remained on the payroll in December 1994, costing the Government more than $900,000.

I can't think of a more reprehensible way to spend taxpayer dollars. No explanation could ever make me understand how the military could reward rapists, murderers, and child molesters—the lowest of the low—with the hard earned tax dollars of law-abiding citizens. This policy thumbs its nose at taxpayers, slaps the faces of crime victims, and is one of the worst examples of Government waste I have seen in my 20 years of public service.

Congress must act now to end this practice.

The individual stories of military criminals receiving full pay are shocking. In California, a marine lance corporal who beat his 13-month-old daughter to death almost 2 years ago still receives $1,105 each month—about $25,000 since his conviction. He spends his days in the brig at Camp Pendleton and does not pay a dime of child support. This criminal has been paid $25,000 since his conviction.

I spoke with the murdered child's grandmother who now has custody of a surviving 4-year-old grandson. She is a resident of northern California. She was outraged to learn that the murderer of her grandchild still receives full pay. She was understandably outraged to learn that the murderer of her daughter still receives a Government paycheck.

Another Air Force sergeant who tried to kill his wife with a kitchen knife continues to receive full pay while serving time at Fort Leavenworth. He told the Dayton Daily News, ''I follow the stock market * * * I buy Double E bonds.''

And believe it or not, Francisco Duran, who was arrested last October after firing 27 shots at the White House was paid by the military while in prison. According to DOD records, Duran was paid $17,537 after his conviction for deliberately driving his car into a crowd of people outside a Hawaii bowling alley in 1990. Some of that money may well have paid for the weapon he used to shoot at the White House.

Since I began working on this issue, I have received letters of support from concerned citizens around the country. Recently, a woman from North Carolina wrote me. This woman's sister was murdered by her husband, a Navy chief stationed in South Carolina. He is now serving a 24-year sentence at Fort Leavenworth. He receives full pay.

This courageous woman is now raising her sisters' three children. The children's father, who murdered this woman's sister, agreed to send back his paychecks for child support, but he kept threatening to stop. Desperate, she asked the staff at Fort Leavenworth how she could ensure that his paychecks would continue to be sent to her. Finally, when she asked the staff of the Fort Leavenworth military prison for guidance, she was told that the only way she could receive guaranteed child support payments was to, ''kiss his butt'' and hope for the best.

Imagine that. The only way to ensure that she will have the means to support her murdered sister's children is to ''kiss the butt'' of her murderer.

This policy is crazy, and it has got to stop.

In January, I introduced legislation, S. 205, which would terminate pay to members of the Armed Forces under confinement pending dishonorable discharge. This bill generated significant bipartisan support and was cosponsored by 10 Senators.

Following the introduction of S. 205, several Senators, the DOD's Office of Legal Counsel, and the Undersecretary for Personnel and Readiness, offered suggestions for improvements. Many of these suggestions have been incorporated into the bill I am introducing today.

I am very proud that this bill has 15 cosponsors. It has the support of Democrats and Republicans; liberals and conservatives. This is truly an issue that transcends political and ideological boundaries.

In summary, this bill would terminate pay to any member of the Armed Forces sentenced by a court martial to confinement and dishonorable discharge, bad-conduct discharge, or dismissal. Pay would terminate immediately upon sentencing. If at any point in the appeals process the conviction were reversed or the sentence were otherwise set aside, full back pay would be awarded.

This bill also authorizes the Secretary of Defense to establish a program to pay transitional compensation to the spouses and dependents of military personnel who lose their pay as a result of this pay termination. This compensation could be paid for a maximum of 1 year at a level not to exceed the amount that the member of the Armed Forces would have received had he been in pay status.

The Department of Defense strongly supports changing the current policy. Shortly after I first wrote Secretary Perry about this issue late last year, a working group was established to study the issue and report to the Secretary no later than February 28. That date has passed, but we have still received no word from the Department.

It has now been nearly 3 months since I first brought this issue to light. I believe strongly that we must act immediately to fix this problem. Each month that goes by, about $1 million is wasted. That money could be used to improve the quality of life for our military personnel. It could be used to enhance the readiness of our forces. It could even be used to reduce the budget deficit. But instead, the Pentagon is paying $1 million each month to vile, violent criminals.

We do not have a moment to waste. Let us pass this important legislation quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 571

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAY AND ALLOWANCES OF MEMBERS SENTENCED BY A COURT-MARTIAL TO CONFINEMENT AND PUNITIVE DISCHARGE OR DISMISSAL.

(a) TERMINATION OF ENTITLEMENT.—(1) Chapter 47 of title 10, United States Code

(the Uniform Code of Military Justice), is amended by adding at the end of subchapter VIII the following new section:

"§ 858b. Art. 58b. Sentences to confinement and punitive discharge or dismissal: termination of pay and allowances

''(a) TERMINATION OF ENTITLEMENT.—A member of the armed forces sentenced by a court-martial to confinement and to a punishment named in subsection (c) is not entitled to pay and allowances for any period after the sentence is adjudged by the court-martial.

''(b) RESTORATION OF ENTITLEMENT.—If, in the case of a member sentenced as described in subsection (a), none of the punishments named in subsection (c) are included in the sentence as finally approved, or the sentence to such a punishment is set aside or disapproved, then, effective upon such final approval or upon the setting aside or disapproval of such punishment, as the case may be, the termination of entitlement of the member to pay and allowances under subsection (a) by reason of the sentence adjudged in such case ceases to apply to the member and the member is entitled to the pay and allowances that, under subsection (a), were not paid to the member by reason of that termination of entitlement.

''(c) COVERED PUNISHMENTS.—The punishments referred to in subsections (a) and (b) are as follows:

''(A) Dishonorable discharge.

''(B) Bad-conduct discharge.

''(C) Dismissal.''.

(2) The table of sections at the beginning of subchapter VIII of chapter 47 of such title is amended by inserting after the item relating to section 858a (article 58a) the following:

''858b. 58b. Sentences to confinement and punitive discharge or dismissal: termination of pay and allowances.''.

(b) CONFORMING AMENDMENTS.—(1) Section 857 of title 10, United States Code (article 57 of the Uniform Code of Military Justice), is amended by striking out ''(a) No'' and inserting in lieu thereof ''(a) Except as provided in section 858b of this title (article 58b), no''.

(2)(A) Section 804 of title 37, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 15 of such title is amended by striking out the item relating to section 804.

SEC. 2. TRANSITIONAL COMPENSATION FOR SPOUSES, DEPENDENT CHILDREN, AND FORMER SPOUSES OF MEMBERS SENTENCED TO CONFINEMENT AND PUNITIVE DISCHARGE OR DISMISSAL.

(a) AUTHORITY TO PAY COMPENSATION.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1059 the following new section:

"§ 1059a. Members sentenced to confinement and punitive discharge or dismissal: transitional compensation for spouses, dependent children, and former spouses

''(a) AUTHORITY TO PAY COMPENSATION.—The Secretary of the executive department concerned may establish a program to pay transitional compensation in accordance with this section to any spouse, dependent child, or former spouse of a member of the armed forces during any period in which the member's entitlement to pay and allowances is terminated under section 858b of this title (article 58b of the Uniform Code of Military Justice).

''(b) NEED REQUIRED.—(1) A person may be paid transitional compensation under this section only if the person demonstrates a need to receive such compensation, as determined under regulations prescribed pursuant to subsection (f).

''(2) Section 1059(g)(1) of this title shall apply to eligibility for transitional compensation under this section.

''(c) AMOUNT OF COMPENSATION.—(1) The amount of the transitional compensation payable to a person under a program established pursuant to this section shall be determined under regulations prescribed pursuant to subsection (f).

''(2) The total amount of the transitional compensation paid under this section in the case of a member may not exceed the total amount of the pay and allowances which, except for section 858b of this title (article 58b of the Uniform Code of Military Justice), such member would be entitled to receive during the one-year period beginning on the date of the termination of such member's entitlement to pay and allowances under such section.

''(d) RECIPIENTS OF PAYMENTS.—Transitional compensation payable to a person under this section shall be paid directly to that person or to the legal guardian of the person, if any.

''(e) COORDINATION OF BENEFITS.—Transitional compensation in the case of a member of the armed forces may not be paid under this section to a person who is entitled to transitional compensation under section 1059 or 1408(h) of this title by reason of being a spouse, dependent child, or former spouse of such member.

''(f) EMERGENCY TRANSITIONAL ASSISTANCE.—Under a program established pursuant to this section, the Secretary of the executive department concerned may pay emergency transitional assistance to a person referred to in subsection (a) for not more than 45 days while the person's application for transitional assistance under the program is pending approval. Subsections (b) and (d) do not apply to payment of emergency transitional assistance.

''(g) REGULATIONS.—The Secretary of the executive department concerned shall prescribe regulations for carrying out any program established by the Secretary under this section.

''(h) DEFINITIONS.—In this section:

''(1) The term 'Secretary of the executive department concerned' means—

''(A) the Secretary of Defense, with respect to the armed forces, other than the Coast Guard when it is not operating as a service in the Navy; and

''(B) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.

''(2) The term 'dependent child' has the meaning given that term in section 1059(l) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1059 the following:

''1059a. Members sentenced to confinement and punitive discharge or dismissal: transitional compensation for spouses, dependent children, and former spouses.''.

SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

(a) PROSPECTIVE APPLICABILITY.—Subject to subsection (b), the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply with respect to pay and allowances for periods after such date.

(b) SAVINGS PROVISION.—(1) If it is held unconstitutional to apply section 858b of title 10, United States Code (article 58b of the Uniform Code of Military Justice), as added by section 1(a), with respect to an act punishable under the Uniform Code of Military Justice that was committed before the date of the enactment of this Act, then—

(A) with respect to acts punishable under the Uniform Code of Military Justice that were committed before that date, the amendments made by this Act shall be deemed not to have been made; and

(B) the amendments made by this Act shall apply with respect to acts punishable under the Uniform Code of Military Justice that are committed on or after the date of the enactment of this Act.

(2) For purposes of paragraph (1), the term ''Uniform Code of Military Justice'' means the provisions of chapter 47 of title 10, United States Code.

● Mr. BRADLEY. Mr. President, I am pleased to be an original cosponsor of this bill to take violent criminals off the Pentagon's payroll. I was an original cosponsor of S. 205, the first bill to address this problem. I congratulate Senator BOXER on introducing this improved version that introduces an element of compassion for the families of those taken off the payroll.

I was shocked to learn that our Government spends more than $1 million per month on salaries and benefits for military personnel who have been convicted of violent crimes. This is morally wrong. This is an insult to the brave men and women of our Armed Forces. And this is bad fiscal policy.

Mr. President, it is morally wrong to pay salaries to murderers, rapists, child molesters, and other violent criminals. Imagine, the families of victims and, indeed, even victims themselves pay tax dollars that end up in the pockets and savings accounts of the very people who victimized them. In some cases, these violent criminals even continue to receive pay after they are released from prison.

This situation is also an insult to the brave men and women who serve in our Armed Forces. They work hard and make many sacrifices to give us the best military in the world. Their efforts are degraded when we pay the same salaries to convicted felons that we pay to them.

Finally, it is bad fiscal policy to waste taxpayer money in this way. How can we justify paying $1 million a month to convicted criminals when we are at the same time cutting back on payments to needy children? We just spent 5 weeks trying to one-up each other on our commitment to balance the Federal budget. How can we ever hope to do so if we squander millions of dollars not on incarcerating criminals, but rewarding them?

As the Dallas Morning News stated in a February 5, 1995, editorial, ''this change is a no-brainer. Congress should act quickly to end this travesty.'' I could not agree more.●

By Mr. COATS:

S. 572. A bill to expand the authority for the export of devices, and for other purposes; to the Committee on Labor and Human Resources.

THE MEDICAL DEVICE EXPORTATION ACT OF 1995

● Mr. COATS. Mr. President, today I am introducing the Medical Device Exportation Act of 1995. This bill will allow American companies to export

approved medical devices without forcing those companies to endure costly and unnecessary delays in the FDA approval process.

Under current law, a company that seeks to export its drug overseas to Japan or Europe where that drug is already approved for marketing, must get the approval of the FDA before it may be exported. Approval is granted only after the FDA determines that exportation would not jeopardize public health and safety and that the country has approved the drug.

Unfortunately, the FDA takes several weeks or even months to approve the exportation of devices that Japan or other advanced nations in Europe have already approved for marketing.

This delay in approving the exportation of a device that is already approved for marketing by some of the most sophisticated device-approval systems in the world can cost Americans millions in lost revenue and thousands of jobs. A recent survey of device company CEO's confirms the cost of this unnecessary delay. Forty percent of CEO's said that their companies had reduced the size of their work force as a result of regulatory delays. Twenty-two percent had already moved jobs offshore due to the delays.

This bill is narrowly targeted to the problem. It simply eliminates one bureaucratic step that serves no public health function in light of other extensive controls. This bill changes the current law that requires the FDA to make an independent determination of safety and approval and simply directs that the FDA rely on approval by the sophisticated device approval systems in Japan or the European Community.

Of course, any device that is banned in the United States would remain prohibited for export. And any country that would prohibit importation of the device retains that sovereign right.

I am confident that this legislation is not controversial. In the House, Congressman KIM has introduced a virtually identical measure, H.R. 485, with 17 cosponsors. Moreover, the Department of Commerce has proposed a similar administrative fix.

I urge all my colleagues to cosponsor this important legislation that will help keep America competitive, retain American jobs and revenues, and serve the public health needs of nations worldwide.●

By Mr. PRYOR:

S. 573. A bill to reduce spending in fiscal year 1996, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions, that if one Committee reports the other Committee have 30 days to report or be discharged.

THE SPENDING REDUCTIONS ACT OF 1995

MR. PRYOR. Mr. President, I wish to address the Senate on the question of where to cut Government spending and to offer some suggestions, if I might, on where we might cut spending due to the very intensive debate we have had over the last several weeks in this body.

This issue has risen again and again during the debate over the balanced budget amendment. As we argue now over how to reach the desired goal of reducing the deficit to zero, I thought it might be a good time to come forward with a specific list, not major, but a specific list of spending cuts that I hope all of my colleagues will support and consider. In fact, if the speeches that have been made in the Chamber of the Senate are any indication or to be believed, then I think these proposals should receive widespread support. These spending reductions are contained in the Spending Reductions Act of 1995. This bill which I am introducing at this time will contain five sections that consist of areas I think can either be reduced or eliminated to provide the taxpayers with some long overdue relief. Mr. President, $5.6 billion in total savings would result from this bill for 1 year alone. If we continued basically down this track, we could save approximately $30 billion over the next 5 years.

The first section of my bill involves a very modest reduction in Government spending for private contractors who do the work for the Federal Government. We have seen since 1980 alone the cost of Government contractors rise from $47.6 billion to 1994's high of $105 billion.

Today, I am not proposing to address all of the problems involved in the Federal Government's extensive reliance on outside workers. I simply want to address the concern expressed by the taxpayers and the voters in both the 1992 and 1994 elections giving us the mandate to shrink the size of Government.

Congress has already partially responded to this mandate by voting to cut the number of civil servants by nearly 12 percent. However, the Congress has failed to order a corresponding reduction in the Federal Government's exploding contractor work force. If we cut civil servants and do nothing about the tremendous rise in the cost of outside contractors that the Government then employs, we are going to see basically no savings whatsoever.

Mr. President, my proposal is so simple I am almost embarrassed to introduce it. It would reduce by $5 billion the 1996 budget the amount spent to hire Federal contractors. It is simple, it is clean, it is $5 billion in savings.

This modest reduction will still permit agencies to get their work done, but it will also reduce some of the waste that results when too much money is spent without adequate oversight.

At my request, the Inspector General at the Pentagon has been looking at some of these contracts awarded by the Star Wars program. Listen to the problems that the IG said existed.

First, cost overruns on the contracts totaled several million dollars.

Second, the contractor awarded prohibited subcontracts worth several million dollars. These are contracts awarded to subcontractors in violation of Federal regulations but still cost millions of dollars of taxpayers' money. The contractor charged the Government for 588 hours of work that it actually did not perform. Again, this is from the report of the Inspector General at DOD to me.

I hope a reduction in the spending on service contracts will force agencies to spend their money more wisely, and to eliminate some of the waste which has resulted.

The second section of my bill will reduce the spending on federally funded research and development centers. These are called FFRDC's at the Department of Defense. That is pretty bureaucratic sounding. But these FFRDC's like Mitre, Rand, the Center for Naval Analysis, are actually private contractors who work solely for the Federal Government. They receive all of their contracts on a sole-source basis. There is no bidding procedure. The contractor simply states what they will charge to perform a particular service and then they find themselves being written a check. There is no competition whatsoever.

These entities may provide a valuable service to the Federal Government, but again, in this time of concern over reducing the budget deficit, I think it is appropriate to question every item of spending. Since I am proposing a reduction in spending on outside workers, I say that we should also cut back a reasonable amount on these in-house consulting companies which have no competition for the taxpayers' dollars.

Our taxpayers should not continue being billed at the very high salaries and overhead being charged by these Government-run consulting firms. For example, the head of Aerospace Corp., a FFRDC, or federally funded research and development center—was paid in 1991 $230,000 in salaries and who knows what else in expenses. We paid him, in 1992, $265,000 as a salary and no one knows how much for expenses. And, in both of these years this person, who is president of the Aerospace Corp., funded by the American taxpayer, made more money than the President of the United States.

My proposal would reduce the spending on FFRDC's by $250 million in 1996. This would leave over $10 billion to be spent on these organizations and I think that would be more than sufficient.

The third item where I would cut spending is an issue I have worked on for a number of years with many of my colleagues. This is the exporting of arms to countries all over the world. I am not very proud of the fact that the United States is the leading exporter of arms in the world today. However, this proposal is not targeted, once again, at reforming this arms trade. That is a battle for another day. My proposal is

simply aimed at reducing the budget deficit. We are spending, today, $3.2 billion on financing arms sales to foreign governments. I think, as we contemplate reduction in Medicare and school lunches, we should also look at this area as well. I propose we reduce this spending by $200 million in 1996. It is a modest cut. It is a cut that makes common sense.

I have a fourth proposal. That fourth proposal to cut spending would cut the United States funding to the International Development Association and the International Finance Corporation, two of the institutions which make up the World Bank Group, by approximately 15 percent in cuts. This would save the American taxpayer some $200 million. As my colleagues know, the World Bank has come under serious Congressional scrutiny in the past few years, due to administrative waste and flawed development policies.

For example, salaries at the World Bank average today $123,000 — all tax free. In recent years the Bank has spent approximately $30 million on first-class travel for its executives. As for the operational record of the World Bank, internal audits have estimated that nearly 40 percent of the bank's loans and projects are failures.

Unfortunately, although the World Bank admits to these problems, reform has been slow or nonexistent. In 1993 I called for the establishment of an inspector general function at the World Bank. Despite receiving support from both the Clinton administration and our colleagues in the Senate, the World Bank has, today, failed to establish an adequate internal oversight function.

It is time once again for the Senate to address the issue of World Bank mismanagement. The funding cut which I propose is, once again, modest. But I think it will send a signal to the executives of the World Bank while at the same time saving taxpayers' dollars from further misuse.

The final cut I am proposing, while it may be the smallest, in many ways provides the clearest example of our overall spending problem. In 1995 we gave the Department of Defense $65 million for humanitarian assistance programs. That sounds reasonable enough until one stops to question the rationale of the Department of Defense's having a humanitarian assistance budget in the first place.

Humanitarian programs are not the primary part of DOD's mission. The United States already has an agency solely dedicated to humanitarian and development programs, the Agency for International Development. In addition, we appropriate millions of dollars to multilateral institutions for humanitarian purposes.

I believe the Department of Defense neither wants nor needs a growing humanitarian mission. I base this statement on the careless way in which humanitarian programs are run by the Department of Defense. In 1993, the General Accounting Office took a close look at DOD's humanitarian and civic assistance projects, and GAO concluded that these projects—and I quote from the GAO report—". . . were not designed to contribute to U.S. foreign policy objectives, did not appear to enhance U.S. military training, and either lacked the support of the host country or were not being used."

Let me highlight one example provided by the General Accounting Office on this program. A few years ago, some very well-meaning U.S. National Guard soldiers were asked to build a school in Honduras. Unfortunately, once completed this three-building complex was never used. That is because the Honduran Government had already built and was operating a school of this nature only a few hundred yards away.

Unfortunately, it is probable that poorly coordinated projects like the Honduran school are continuing today. In a recent meeting with our staff, GAO analysts reported that the Department of Defense had done little or nothing to address the defects in its humanitarian programs. By cutting this program by 50 percent, saving $25 million in 1996, the Congress will force the agency to define its mission and concentrate where the military can play a useful role in overseas humanitarian programs.

Mr. President, in conclusion, I hope my colleagues will join me in supporting these very reasonable, very modest cuts that will save us $5.6 billion this year. Each spending reduction is designed to promote economy and efficiency in the operation of the Federal Government, and will save an enormous amount in dollars.

I believe that this is what the American people certainly want, and that my constituents and our constituents are not as concerned with the Contract With America as they are concerned with our priorities. With or without a balanced budget amendment, Senators on both sides of the aisle were sent here with the mandate to make tough decisions. It is with that mandate in mind that I bring this legislation before the Senate today.

Mr. President, I yield the floor.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. SIMPSON):

S. 574. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the founding of the Smithsonian Institution; to the Committee on Banking, Housing, and Urban Affairs.

THE SMITHSONIAN INSTITUTION COMMEMORATIVE COIN ACT

● Mr. MOYNIHAN. Mr. President, I introduce the Smithsonian Institution Commemorative Coin Act of 1996. I introduce this legislation on behalf of my distinguished colleagues, Senators COCHRAN and SIMPSON, with whom I have the privilege to serve on the Smithsonian Institution's Board of Regents.

August 10, 1996, will mark the 150th anniversary of the founding of the Smithsonian Institution, one of the Nation's finest examples of successful public-private partnership. This legislation provides for the minting of coins to commemorate this momentous occasion.

Created as a Federal trusteeship by Congress in 1846, the Smithsonian Institution is today the largest research and museum complex on Earth. Its various museums were visited more than 26 million times last year, and unlike so many other museums, the Smithsonian remains free of charge to the public. In addition, thousands of Americans and foreign scholars have used the Institution's vast repository of knowledge and artifacts to assist in a variety of research activities.

The Smithsonian's sesquicentennial commemoration provides us the opportunity to celebrate both the Institution's great accomplishments and its future role and mission. The central goal of the commemoration, however, will be to increase the sense of ownership of, and participation in, the Smithsonian by the American people.

Throughout its 150th year, the Smithsonian will undertake a series of programs and stage a number of events to commemorate its founding and to explore new ways in which it can serve the public. These activities, while extensions of the existing framework of Smithsonian programs, will require significant financial resources.

In light of the existing budget constraints under which the Federal Government must operate, the Smithsonian's Board of Regents concluded it would not seek any additional appropriated funds to support sesquicentennial programming. Rather, the Smithsonian will concentrate its efforts to raise support for the anniversary programming from non-Federal sources. The commemorative coins would be one such effort.

The coins would be issued on August 10, 1996, exactly 150 years from the actual date of the act of Congress which established the Smithsonian Institution. The issuance of Smithsonian sesquicentennial commemorative coins will provide an opportunity for the American public to obtain a valued memento and support the Institution's mandate to preserve our Nation's cultural and historical heritage. In addition, the fund derived from the sale of these commemorative coins will not only enable the Smithsonian to showcase its 150-year service to the Nation, but will also transfer the financial responsibility for the sesquicentennial activities from the American taxpayer to voluntary contributions.

Further, the legislation provides that 15 percent of the total proceeds remitted to the Institution would be designated to support the numismatic collection at the National Museum of American History. This component of the legislation is strongly supported by the numismatic community and in a very tangible way demonstrates our appreciation for their support of all

congressionally authorized commemorative coin programs.

Without exception, every Senator has constituents who visit, communicate with, and otherwise benefit from the Smithsonian. From eager first-graders to learned scholars and researchers, the public is consistently served by the vast resources and expertise of the Smithsonian and its staff. Enactment of this legislation will give the American people the opportunity to celebrate the Smithsonian's unique contributions to American culture and learning over the last 150 years.

Mr. President, I urge all my colleagues to join me in sponsoring this bill to celebrate and honor the 150th anniversary of the Smithsonian Institution.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 574

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 ''Smithsonian Institution Sesquicentennial Commemorative Coin Act''.

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—The Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue the following coins:

(1) $5 GOLD COINS.—Not more than 100,000 $5 coins, which shall—

(A) weigh 8.359 grams;

(B) have a diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) $1 SILVER COINS.—Not more than 800,000 $1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) GOLD.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

(b) SILVER.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the scientific, educational, and cultural significance and importance of the Smithsonian Institution and shall include the following words from the original bequest of James Smithson: ''for the increase and diffusion of knowledge''.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''1996''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Smithsonian Institution and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on August 10, 1996, and ending on August 9, 1997.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Except as provided in subsection (b), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Smithsonian Institution for the purpose of supporting programming related to the 150th anniversary and general activities of the Smithsonian Institution.

(b) NATIONAL NUMISMATIC COLLECTION.—Not less than 15 percent of the total amount paid to the Smithsonian Institution under subsection (a) shall be dedicated to supporting the operation and activities of the National Numismatic Collection at the National Museum of American History.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Smithsonian Institution as may be related to the expenditures of amounts paid under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.●

By Mr. STEVENS (for himself, Mr. MURKOWSKI, Mr. JOHNSTON, and Mr. BREAUX):

S. 575. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, and for other purposes; to the Committee on Energy and Natural Resources.

OCS IMPACT ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Mr. STEVENS. Mr. President, Senator MURKOWSKI and I are introducing a bill today which we believe to be of importance to the Nation's domestic energy supply and our precious coastal resources. We are pleased to have Senators JOHNSTON and BREAUX as cosponsors.

The Outer Continental Shelf [OCS] impact assistance legislation is similar to legislation we introduced in the 102d Congress and have worked on for the past two decades. It is intended to stimulate oil and gas exploration on the Outer Continental Shelf and provide funds from revenues generated by oil and gas production on the OCS to coastal States and communities which share the burdens of exploration and production off their coastlines.

OCS impact assistance is an avenue for States and communities to be in full partnership with the Federal Government in the development of OCS energy by investing a small portion of new OCS revenue back into the coastal States.

This legislation establishes a fund for impact assistance from leased tracts for distribution to coastal States within 200 miles of such tracts. The funds will benefit States and local governments directly and indirectly impacted by OCS leasing activities. The bill would allocate 27 percent of new revenues generated from oil and natural gas development into the trust. These funds would be shared on a 50–50 basis among States and the eligible counties and coastal jurisdictions.

The impact assistance provided under this legislation will be distributed to counties, and in Alaska, borough governments, located no more than 60 miles from a State's coastline. The premise of sharing revenues derived from the development of resources in a specific locale with those that are primarily affected is a wise objective.

The funds would be used to assist coastal regions in projects and activities that OCS activities may impact, such as air and water quality, fish and wildlife, wetlands, or other coastal resources. In addition, the receiving governments could use their funds for much-needed public health and safety services, infrastructure construction, cultural activities, and other government services.

The Commerce Department recently reported that our national security is at risk because we now import more than 50 percent of our domestic petroleum requirements. OCS development has played an important role in offsetting even greater dependence on foreign energy. The OCS accounts for 23 percent of our Nation's natural gas production and 14 percent of its oil production. We need to ensure that the OCS plays an important role in meeting our future domestic energy needs.

The States and communities that bear the responsibilities should now share the benefits of the program.

The Senate in the past has passed my legislation to provide OCS impact assistance but we have not been successful in getting this enacted into law. I hope the administration will support this bill, which shows a State and Federal cooperation and partnership consistent with some past programs that exist in mineral, grazing, and forest resource revenue sharing. I look forward to working with my colleagues to provide our coastal States and communities the funds they need and deserve.

I want to thank Mike Poling and Greg Renkes of the Energy and Natural Resources Committee, who were invaluable in drafting this legislation. And I am also grateful to my assistant, Anne McInerney, for her work on this legislation.

I state again that the revenue sharing will be only from new production under this bill.

I also want to express my gratitude to my colleague from Alaska, Senator MURKOWSKI, for his leadership as chairman of the Energy and Natural Resources Committee and for his personal efforts on this legislation.

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

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

S. 575

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

SECTION 1. DEFINITIONS.

For purposes of this Act only, the term—

(1) ''coastline'' has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 et seq.);

(2) ''county'' means a unit of general government constituting the local jurisdiction immediately below the level of State government. This term includes, but is not limited to, counties, parishes, villages and tribal governments which function in lieu of and are not within a county, and in Alaska, borough governments. If State law recognizes an entity of general government that functions in lieu of and is not within a county, the Secretary may recognize such other entities of general government as counties;

(3) ''coastal State'' means any State of the United States bordering on the Atlantic Ocean, the Pacific Ocean, the Arctic Ocean, the Bering Sea or the Gulf of Mexico;

(4) ''distance'' means minimum great circle distance, measured in statute miles;

(5) ''leased tract'' means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing and producing oil or natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks and/or portions of blocks, as specified in the lease, and as depicted in an Outer Continental Shelf Official Protraction Diagram;

(6) ''new revenues'' means monies received by the United States as royalties (including payments for royalty taken in kind and sold pursuant to section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353)), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act, but only from leased tracts from which such revenues are first received by the United States after the date of enactment of this Act;

(7) ''Outer Continental Shelf'' means all submerged lands lying seaward and outside of an area of ''lands beneath navigable waters'' as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control; and

(8) ''Secretary means the Secretary of the Interior or the Secretary's designee.

SEC. 2. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) There is established a fund in the Treasury of the United States, which shall be known as the ''Outer Continental Shelf Impact Assistance Fund'' (hereinafter referred to in this Act as ''the Fund''). Allocable new revenues determined under subsection (c) shall be deposited in the Fund.

(b) The Secretary of the Treasury shall invest excess monies in the Fund, at the written request of the Secretary, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(c) Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), amounts in the Fund, together with interest earned from investment thereof, shall be paid at the direction of the Secretary as follows:

(1) The Secretary shall determine the new revenues from any leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State (hereinafter referred to as an ''eligible coastal State'').

(2) The Secretary shall determine the allocable share of new revenues determined under paragraph (1) by multiplying such revenues by 27 percent.

(3) The Secretary shall determine the portion of the allocable share of new revenues attributable to each eligible coastal State (hereinafter referred to as the ''eligible coastal State's attributable share'') based on a fraction which is inversely proportional to the distance between the nearest point on the coastline of the eligible coastal State and the geographic center of the leased tract or portion of the leased tract (to the nearest whole mile). Further, the ratio of an eligible State's attributable share to any other eligible State's attributable share shall be equal to the inverse of the ratio of the distances between the geographic center of the leased tract or portion of the leased tract and the coastlines of the respective eligible coastal States. The sum of the eligible coastal States' attributable shares shall be equal to the allocable share of new revenues determined under paragraph (2).

(4) The Secretary shall pay from the Fund 50 percent of each eligible coastal State's attributable share, together with the portion of interest earned from investment of the funds which corresponds to that amount, to that State.

(5) Within 60 days of enactment of this Act, the governor of each eligible coastal State shall provide the Secretary with a list of all counties, as defined herein, that are to be considered for eligibility to receive impact assistance payments. This list must include all counties with borders along the State's coastline and may also include counties which are at the closest point no more than 60 miles from the State's coastline and which are certified by the Governor to have significant impacts from Outer Continental Shelf-related activities. For any such county that does not have a border along the coastline, the Governor shall designate the coastline of the nearest county that does have a border along the coastline to serve as the former county's coastline for the purposes of this section. The governor of any eligible coastal State may modify this list whenever significant changes in Outer Continental Shelf activities require a change, but no more frequently than once each year.

(6) The Secretary shall determine, for each county within the eligible coastal State identified by the Governor according to paragraph (5) for which any part of the county's coastline lies within a distance of 200 miles of the geographic center of the leased tract or portion of the leased tract (hereinafter referred to as in ''eligible county'') 50 percent of the eligible coastal State's attributable share which is attributable to such county (hereinafter referred to as the ''eligible county's attributable share'') based on a fraction which is inversely proportional to the distance between the nearest point on the coastline of the eligible county and the geographic center of the leased tract or portion of the leased tract (to the nearest whole mile). Further, the ratio of any eligible county's attributable share to any other eligible county's attributable share shall be equal to the inverse of the ratio of the distance between the geographic center of the leased tract or portion of the leased tract and the coastlines of the respective eligible counties. The sum of the eligible counties' attributable shares for all eligible counties within each State shall be equal to 50 percent of the eligible coastal State's attributable share determined under paragraph (3).

(7) The Secretary shall pay from the Fund the eligible county's attributable share, together with the portion of interest earned from investment of the Fund which corresponds to that mount, to that county.

(8) Payments to eligible coastal States and eligible counties under this section shall be made not later than December 31 of each year from new revenues received and interest earned thereon during the immediately preceding fiscal year, but not earlier than one year following the date of enactment of this Act.

(9) The remainder of new revenues and interest earned in the Fund not paid to an eligible State or an eligible county under this

section shall be disposed of according to the law otherwise applicable to receipts from leases on the Outer Continental Shelf.

SEC. 3. USES OF FUNDS.

Funds receive pursuant to this Act shall be used by the eligible coastal States and eligible counties for—

(a) projects and activities related to all impacts of Outer Continental Shelf-related activities including but not limited to—

(1) air quality, water quality, fish and wildlife, wetlands, or other coastal resources;

(2) other activities of such State or county, authorized by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.), the provisions of subtitle B of title IV of the Oil Pollution Act of 1990 (104 Stat. 523), or the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) administrative costs of complying with the provisions of this subtitle.

SEC. 4. OBLIGATIONS OF ELIGIBLE COUNTIES AND STATES.

(a) PROJECT SUBMISSION.—Prior to the receipt of funds pursuant to this Act for any fiscal year, an eligible county must submit to the Governor of the State in which it is located a plan setting forth the projects and activities for which the eligible county proposes to expend such funds. Such plan shall state the amounts proposed to be expended for each project or activity during the upcoming fiscal year.

(b) PROJECT APPROVAL.—Prior to the payment of funds pursuant to this Act to any eligible county for any fiscal year, the Governor must approve the plan submitted by the eligible county pursuant to subsection (a) and notify the Secretary of such approval. State approval of any such plan shall be consistent with all applicable State and federal law. In the event the Governor disapproves any such plan, the funds that would otherwise be paid to the eligible county shall be placed in escrow by the Secretary pending modification and approval of such plan, at which time such funds together with interest thereon shall be paid to the eligible county.

(c) CERTIFICATION.—No later than 60 days after the end of the fiscal year, any eligible county receiving funds under this Act must certify to the Governor: (1) the amount of such funds expended by the county during the previous fiscal year; (2) the amounts expended on each project or activity; and (3) the status of each project or activity.

SEC. 5. ANNUAL REPORT, REFUNDS.

(a) On June 15 of each fiscal year, the Governor of each State receiving monies from the Fund shall account for all monies so received for the previous fiscal year in a written report to Congress.

(b) In those instances where through judicial decision, administrative review, arbitration or other means there are royalty refunds owed to entities generating new revenues under this Act, repayment of such refunds in the same proportion as monies were received under section 2 shall be the responsibility of the governmental entities receiving distributions under the Fund.

Mr. MURKOWSKI. Mr. President, I rise today to co-sponsor legislation to provide Outer Continental Shelf [OCS] impact assistance to State and local governments. I am pleased to be joining my colleague from Alaska, Senator STEVENS, the ranking minority member of the Energy and Natural Resources Committee, Senator JOHNSTON, and Senator BREAUX in the introduction of this important legislation.

Mr. President, there are two important aspects of the legislation we offer today. First, it is intended to stimulate oil and gas exploration and production on the Outer Continental Shelf, create jobs, protect our national energy security, and reduce our trade deficit. Second, it is intended to provide funds from revenues generated by oil and gas production on the OCS to States and eligible counties who shoulder the responsibility for energy development activity off their coastlines.

A recent report by the Commerce Department suggests that our national security is at risk because we now import more than 50 percent of our domestic petroleum requirements. The Clinton administration's response to that report seems to be to not respond. I am aware of no specific proposals offered by the Clinton Administration to increase domestic production and reduce foreign imports of crude oil. As chairman of the Committee on Energy and Natural Resources and a member of the Finance Committee, I intend to hold hearings on this legislation and other measures to stimulate oil and gas production, create jobs in the energy and support industries, and generate badly needed revenues. Over the last 10 years there have been 500,000 jobs lost in the oil and gas industry, and billions of dollars in investment capital are fleeing the country because domestic energy companies are not being given access to public lands to drill for new oil and gas reserves, are being frustrated by government rules and regulations, and are being hounded by activists who do not want the public lands utilized for natural resource development.

I don't think that is right, and I intend to do something about it. The bill we are introducing today is a small step, but a step in the right direction. Over the coming months I will hold hearings and introduce legislation to provide additional stimulus to our energy industry and our economy.

On the matter of impact assistance, Mr. President, our bill recognizes that there are burdens associated with offshore oil and gas activities—from environmental planning and analysis, to public safety and health considerations, to new infrastructure requirements. This legislation would, for the first time, share the benefits of economic revenues generated by OCS oil and gas activities with those governmental entities who assume those burdens.

Under this legislation, Mr. President, counties, parishes and boroughs—the local governmental entities most directly affected—and State governments will share in revenues derived from OCS oil and gas production. A total of 27 percent of all new revenues resulting from production royalties from leases lying seaward of the so-called 8(g) zone, the area 3 to 6 miles offshore and extending out to 200 miles, would be shared on a 50–50 basis by States and counties. In other words, States would get half of the 27 percent share and the coastal counties would get the other half.

The impact assistance provided under this legislation would be distributed to counties located no more than 60 miles from a State's coastline, based on a fraction that is inversely proportional to the distance between the nearest point on the eligible county's coastline and the geographic center of a leased tract. The legislation provides a formula for sharing with affected States as well.

Recognizing that local governmental entities differ from State to State, the legislation defines county as including parishes, villages, and, in Alaska, borough governments.

Impact assistance payments must be used for mitigation of effects relating to OCS-related activities, such as air and water quality, fish and wildlife, wetlands, or other coastal resources. In addition, such funds could be used for public safety and health activities, zoning, infrastructure construction, or other similar measures. To ensure that impact assistance monies are properly used, the bill requires counties to submit a description of the purposes for which such funds will be disbursed, and governors to submit an annual report accounting for the use of impact monies during the prior year.

To ensure that the funds are used for the purposes intended by this legislation, coastal counties are required to submit a list of proposed projects for approval of the Governor of the State in which the county is located. Counties must certify each year the amount of funds spent on particular projects or activities and the status of each. The bill also requires the Governor of each State receiving funds to account for monies received each year in a report to Congress.

Finally, Mr. President, the legislation allows for refunds where, because of litigation, an arbitration award, or administrative review, there has been an overpayment. In such cases, the responsible State and county governments would be required to refund monies overpaid in direct proportion to the amount that they shared such funds.

Mr. President, this legislation is long overdue. It has been passed twice on previous occasions only to be opposed by the Executive Branch. This legislation is needed to ensure that State and local governments have the funds necessary to address onshore activities and effects relating to production occurring off their shorelines, activities which generate jobs and taxes, as well as the very funds from which OCS impact assistance will be paid.

Historically, oil and gas leasing on the Outer Continental Shelf has generated more than $100 billion in Federal revenues. The OCS accounts for 23 percent of our Nation's natural gas and 14 percent of the country's oil production. We need to assure that the OCS continues to play an important role in contributing to our domestic energy needs, and to take steps to facilitate exploration and production activities

on the OCS. It also is time to spread the benefits of the program among those who share the burdens. I urge my colleagues to move swiftly in enacting this legislation.

By Mr. FEINGOLD:

S. 576. A bill to prohibit the provision of certain trade assistance to United States subsidiaries of foreign corporations that lack effective prohibitions on bribery.

ANTIBRIBERY LEGISLATION

● Mr. FEINGOLD. Mr. President, as we in Congress continue to define our role in helping promote United States exports in this fiercely competitive international environment, I rise today to introduce two measures dealing with a more surreptitious aspect of foreign trade which is hurting U.S. companies: bribery and corruption by our foreign competitors.

This is a subject I became interested in last session when I learned of a rather outrageous practice in the world of offsets which involved a kickback from one U.S. company to another to facilitate the purchase of foreign goods. In that case, a U.S. defense corporation offered an American civilian contractor a sizable amount of money if that company would choose a foreign bidder over an American bidder so that the defense contractor could earn credit against its offset agreement for a weapons sale a few years earlier. After researching the law on this, I learned that cash payments between domestic concerns—or what many called outright bribes—were not outlawed in offset deals. I authored legislation, which was enacted in Public Law 103–236, to close the loophole in the law, and to outlaw kickback payments in the conduct of offsets.

My legislation today picks up on the same theme. As we seek to expand and develop markets for U.S. exports; as we work to protect every opportunity for fair competition for our companies; as we try to strengthen our small and medium-sized companies, we must address the rampant, global problem of corruption and bribery—both as a good governance issue in our development strategies, and as a competitive issue with industrialized nations who permit bribery of foreign officials.

As a member of the Senate Foreign Relations Committee, I expect to work on this problem as we look at foreign aid reform and our trade export promotion programs. As ranking member of the Subcommittee on African Affairs, I want to work with our African partners to begin to clean up corruption, and remove this barrier to sound development. In the State of Wisconsin, I have already raised the issue with a State trade promotion commission, the Lucey Commission, as a barrier to free and fair trade for our companies. The commission released its report in January 1995. Indeed, this is an unfair trading practice that must be addressed as U.S. companies gear up for more fervent international export activity.

Bribery and corruption in the international arena are subjects which we have not focused on recently, but they have seriously skewed international markets and destabilized the trading environment throughout the world. It is a multifaceted problem, found at many layers of government, throughout the international corporate hierarchy, and in many components of an international business transaction. It infects and distorts the global business environment by inflating costs which must factor in payoffs, and offers prices which, in reflecting the bribe, are in excess of value. It also undermines structural development in transitioning countries, and when it comes to foreign assistance, it can diminish the amount of actual aid delivered as bribes are siphoned off from aid packages.

Bribery allows the dishonest to prosper, while the honest pay the price. What's more, it only feeds on itself because a bribed person never stays bribed; he or she will always sell themself to the highest bidder. Most importantly, though, it is an inappropriate way to do business—not only because it is unethical and morally unacceptable, but also because it is inefficient.

This was in large part why Congress passed the Foreign Corrupt Practices Act of 1977, which, I am proud to say, was sponsored by one of Wisconsin's most respected elected officials, Senator William Proxmire. The FCPA was introduced when policymakers became concerned by discoveries that some American businesses maintained secret slush funds for making questionable or illegal payments to foreign government officials for enhanced business opportunities that would adversely affect U.S. foreign policy, harm the image of American democracy abroad, and undermine public confidence in the integrity of U.S. businesses.

By establishing extensive bookkeeping requirements to ensure transparency, and by criminalizing the bribery of foreign officials to obtain or retain business, the FCPA has succeeded at curbing corporate bribery by U.S. firms. These two very important principles do not simply define an American sense of morality in business. They also strengthen America's trade policy, foster faith in American democracy, and protect our interests in requiring an open environment for U.S. investment.

Certainly, these are principles and guidelines in everyone's best interest, and as such, are worth promoting worldwide.

Though at the time of passage, there was some criticism of the FCPA, it is generally welcomed by the business community today for exactly those reasons. The biggest objection to it is that in some instances it does disadvantage our businesses. Our trade competitors, the other industrialized countries, are allowed—and are usually willing—to pay bribes, and thus have been able to gain an unfair and harmful edge over U.S. businesses. In some countries, like Germany, a bribe in a foreign country is even eligible for a tax write-off. As the international trade market continues to expand, it is time to get this problem under control.

Although some talk of amending or repealing the FCPA to help American business in their competitive race, it makes far better business sense to raise the international standards against bribery, and work for universal acceptance of the principles of the FCPA. This would help level the playing field for U.S. businesses and exports, and it is a sound economic move.

One of the most effective ways to do that is to work with other governments to implement the same strict regulations and penalties against bribery in international business by which U.S. entities have to live.

The Clinton administration has done a laudable job in advancing this agenda as part of its aggressive export strategy. They have consistently raised this issue with other governments, both in public and private. They have pursued it in places such as the Organization on Economic Cooperation and Development, and President Clinton raised it at the Summit of the Americas in Miami last year. I know the Ambassador to India, Ambassador Frank Wisner, has identified it as a major issue, and, as India develops its codes for international investment, he has pledged to help ensure a level playing field for United States companies. The administration has also dedicated itself to promoting anticorruption as a basic principle of ''good governance'' within our assistance programs.

We took a good first step when the Organization on Economic Cooperation and Development passed a strong resolution in May 1994 recommending that member countries, which includes most of Europe, Australia, Canada, Japan, and New Zealand, ''take effective measures to deter, prevent, and combat bribery of foreign public officials.'' This was a very helpful measure in that all the OECD countries recognized bribery as a destabilizing factor in international trade, and pledged to cooperate on revisions of domestic laws and creation of international agreements. This recommendation has served as a launching pad for international efforts against bribery, and has inspired some other successes in the first year since it was passed.

For example, in Ecuador, where the Government has tendered a contract for a $170 million refinery project, bidders are required to sign a no-bribery pledge, and agreed that all third-party commissions would be disclosed in the final contract. In Ukraine, top officials in the Ministry of International Economic Affairs are going to trial for accepting bribes from foreign and Ukranian corporations in exchange for assistance in export licenses.

Domestically, several Governments have been rocked by corruption scandals in recent months that have put the issue of bribery on the front pages in France, Italy, and the United Kingdom. NATO is investigating its Secretary General for possibly accepting a kickback payment on a helicopter sale when he was Belgium's Economics Minister. In Taiwan, there is an elaborate investigation into a murder of a military officer who may have known of payoff in an arms deal. Even China recently passed a law to restrict undue influence on judges, prosecutors, and police.

Bribery and corruption are finally emerging as a topic for public discussion, and, I believe, that as more sunshine is cast on such practices, governments will be under domestic pressure to pass anti-corruption legislation and reform. I am also confident that these movements will lead to scrutiny of how business is conducted overseas. In the meantime, we need to do all we can to ensure that American companies are playing on a level field.

Today many small and medium-sized companies depend upon the assistance of our trade promotion agencies. These agencies offer different kinds of financing, but all serve to promote American products for export, and balance out government subsidized programs offered by our trade competitors for their companies.

The legislation I am introducing today would guarantee that U.S. export financing would benefit only those companies which do not have the unfair advantage of bribery by prohibiting the Trade and Development Agency, Overseas Private Investment Corporation, Export-Import Bank, and the Agency for International Development from providing support for U.S. subsidiaries of foreign corporations which have not adopted and enforced an anti-bribery code.

While U.S. subsidiaries are subject to the FCPA, their foreign parent companies are not, which may offer them an unfair advantage over wholly U.S.-owned firms. I do not think that U.S. taxpayer funds should be used to support further a corporation which may have the benefit of bribery—particularly if it hurts a wholly-owned American company. My legislation is also intended to give a further incentive to foreign corporations to adopt, on their own, restrictions against bribery. My bill is intended to support the work of both U.S. exporters and U.S. trade promotion agencies in combating this terrible inequity.

I am also introducing a resolution that would express the sense of the Senate that bribery is indeed a morally unacceptable business practice, and has destabilizing consequences for the international trade environment. It commends the Clinton administration for their solid efforts; encourages the administration to work toward universal acceptance of the principles set forth in the FCPA; and says the U.S. Government should enter into negotiations in order to establish regulations for international financial institutions and international organizations that prohibit bribery of foreign public officials and impose sanctions for such bribery.

By no means can we resolve this issue in 1 year, or simply with a couple of laws. Rather, we need to promote meaningful change in the business culture worldwide, and we need to do that on a multilateral, if not global, basis. Large companies can afford to wait as the problem begins to improve, but our small and medium-sized businesses—the backbone of the U.S. economy—are, in some cases, being fatally wounded now by competitors' bribery.

Bribery is nobody's preferred way to do business, yet it is standard play in many parts of the world. We need to begin to address it seriously as a global problem. As recent events have shown, citizens of many other countries—in both the industrialized and developing worlds—feel the same way. I hope my proposals will contribute to the debate.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 576

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. PROHIBITION ON TRADE ASSISTANCE.

(a) PROHIBITION.—Notwithstanding any other provision of law, an agency referred to in subsection (b) may not provide economic support (including export assistance, subsidization, financing, financial assistance, or trade advocacy) to or for any foreign corporation or any United States subsidiary of a foreign corporation unless the head of such agency certifies to Congress that the foreign corporation has adopted and enforces a corporate-wide policy that prohibits the bribery of foreign public officials in connection with international business transactions of the corporations and its subsidiaries.

(b) COVERED AGENCIES.—Subsection (a) applies to assistance provided by the following agencies:

(1) The Trade and Development Agency.

(2) The Overseas Private Investment Corporation.

(3) The Export-Import Bank.

(4) The Agency for International Development.

(c) DEFINITIONS.—In this section:

(1) The term ''bribery'', in the case of a corporation, means the direct or indirect offer or provision by the corporation of any undue pecuniary or other advantage to or for an individual in order to procure business and business contracts for the corporation or its subsidiaries.

(2) The term ''foreign corporation'' means any corporation created or organized under the laws of a foreign country.

(3) The term ''United States subsidiary'' means any subsidiary of a foreign corporation which subsidiary has its principal place of business in the United States or which is organized under the laws of a State.●

ADDITIONAL COSPONSORS

S. 131

At the request of Mr. LIEBERMAN, the names of the Senator from New Hampshire [Mr. SMITH] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 131, a bill to specifically exclude certain programs from provisions of the Electronic Funds Transfer Act.

S. 277

At the request of Mr. D'AMATO, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Montana [Mr. BAUCUS] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 285, a bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 323

At the request of Mrs. KASSEBAUM, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 323, a bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 388

At the request of Ms. SNOWE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 388, a bill to amend title 23, United States Code, to eliminate the penalties for noncompliance by States with a program requiring the use of motorcycle helmets, and for other purposes.

S. 397

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 397, a bill to benefit crime victims by improving enforcement of sentences, imposing fines and special assessments, and for other purposes.

S. 447

At the request of Mr. INHOFE, the names of the Senator from Texas [Mrs.

HUTCHISON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 447, a bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

SENATE JOINT RESOLUTION 19

At the request of Mr. BROWN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Joint Resolution 19, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting congressional terms.

SENATE RESOLUTION 79

At the request of Mr. SPECTER, the names of the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Ohio [Mr. GLENN], the Senator from Michigan [Mr. LEVIN], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 79, a resolution designating March 25, 1995, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

SENATE RESOLUTION 88—HONORING THE 92D BIRTHDAY OF MIKE MANSFIELD

Mr. BAUCUS (for himself, Mr. BURNS, Mr. DOLE, and DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 88

Whereas Mike Mansfield brought honor to the State of Montana as a professor, Congressman, and Senator during a period that spanned more than 40 years;

Whereas Mike Mansfield claims the distinction of being the youngest World War I veteran in the United States, and of having served as an enlisted man in the Navy, Army, and Marines, all before the age of 20;

Whereas Mike Mansfield served as Senate Majority Leader for a record 16 years;

Whereas Mike Mansfield was instrumental in passing the 26th Amendment to the Constitution, giving people age 18 to 20 the right to vote;

Whereas as a freshman Congressman, Mike Mansfield served as an East Asian adviser to President Franklin Delano Roosevelt during World War II, and later served as the United States Ambassador to Japan for over 11 years;

Whereas Mike Mansfield performed all of the above tasks to the highest possible standards, and is a shining example of integrity and public service to Montana and the United States; and

Whereas Mike Mansfield will celebrate his 92d birthday on Thursday, March 16, 1995: Now, therefore, be it

Resolved, That the Senate congratulates and sends the warmest birthday wishes to Mike Mansfield, a beloved former colleague of the United States Senate, on the grand occasion of his 92d birthday on Thursday, March 16, 1995.

SENATE RESOLUTION 89—RELATIVE TO BRIBERY

Mr. FEINGOLD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 89

Whereas a stable and predictable international business environment is necessary to advance economic development worldwide;

Whereas corrupt practices such as bribery and illicit payments distort the international business environment and sabotage fairness and competitiveness in international export markets, particularly for small- and medium-sized businesses;

Whereas corrupt practices weaken foreign assistance programs and other transactions for the benefit of the general population by increasing the risk of the improper use of funds from such assistance and increasing the cost of providing such assistance;

Whereas bribery in international business, investment, and trade is ethically and politically unacceptable;

Whereas United States nationals and companies, and their foreign subsidiaries, are prohibited from bribing foreign officials under the Foreign Corrupt Practices Act of 1977 (Public Law 95–213);

Whereas United States trade competitors and nationals of other industrialized countries are not prohibited by law from utilizing bribes in retaining or obtaining foreign procurement contracts;

Whereas some countries permit a deduction for income tax purposes for bribes paid to secure foreign business;

Whereas ineffective enforcement or absence of anti-bribery laws in many countries serves to discriminate against United States nationals and businesses in competition for procurement contracts abroad since the payment of bribes by foreign companies is often the decisive factor in the award of such contracts;

Whereas nations that engage in international trade have the responsibility of combating bribery and corruption, even if their own citizens may be subject to penalties therefor;

Whereas the failure of any nation to punish bribery undermines efforts in the international market to combat corrupt practices;

Whereas effective anticorruption statutes include criminal, commercial, civil, and administrative laws prohibiting bribery of foreign public officials, tax laws which make bribery unprofitable, transparent business accounting requirements that ensure proper recording of relevant payments and appropriate inspection of such records, prohibitions on licenses, government procurement contracts, and public subsidies, and substantial monetary fines for bribery;

Whereas an improvement in international activities to combat bribery would result from cooperation between countries in investigations into bribery, including the sharing of information, the expediting of requests for extradition, and the entry into mutual agreements and arrangements to combat bribery;

Whereas the implementation of regulations to combat bribery and corruption by international organizations and international financial institutions would enhance efforts to combat bribery;

Whereas the United Nations Commission of Transnational Corporations concluded in 1991 that international action is needed to combat the problem of bribes and other illicit payments in international business transactions;

Whereas the Organization for Economic Cooperation and Development passed a resolution on May 27, 1994, recommending that OECD Member states ''deter, prevent, and combat the bribery of foreign public officials in connection with international business transactions'';

Whereas the Clinton administration has actively pursued antibribery initiatives in the interest of free and fair international trade; and

Whereas these initiatives will help strengthen vibrant international trade and export markets and ensure fair competitive conditions for United States exporters: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Clinton administration is commended for its efforts in encouraging integrity in international business transactions among our trading partners and competitors, and the United States Trade Representative, the Secretary of Commerce, and the Secretary of State should continue to raise the need for such integrity with other industrialized nations at every possible venue;

(2) the United States should strongly urge universal adoption of the principles set forth in the Foreign Corrupt Practices Act of 1977 (Public Law 95–213) in order that adopting countries implement effective means, in accordance with the legal and jurisdictional principles of such countries, of combating bribery of foreign public officials, including the imposition administrative, civil, and criminal sanctions for such bribery; and

(3) the United States Government should enter into negotiations in order to establish regulations for international financial institutions and international organizations that prohibit bribery of foreign public officials and impose sanctions for such bribery.

SENATE RESOLUTION 90—AUTHORIZING THE TESTIMONY OF A SENATE EMPLOYEE

Mr. DOLE (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 90

Whereas, in the case of *United States v. Francisco M. Duran*, Cr. No. 94–447, pending in the United States District Court for the District of Columbia, a subpoena for testimony has been issued to Laura DiBiase, an employee of the Senate on the Staff of Senator Campbell;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That Laura DiBiase is authorized to produce records and to testify in the case of *United States v. Francisco M. Duran*, Cr. No. 94–447 (D.D.C.), except concerning matters for which a privilege should be asserted.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE TO PRESERVE AND ENHANCE MILITARY READINESS ACT OF 1995

BOND (AND OTHERS) AMENDMENT NO. 332

Mr. BOND (for himself, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mrs. HUTCHISON) proposed an amendment to amendment No. 330 proposed by Mr. BUMPERS to the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

In lieu of the matter proposed to be added, add the following:

SEC. . (a) Notwithstanding any other provision of law, no funds appropriated by this Act, or otherwise appropriated or made available by any other Act, may be utilized for purposes of entering into the agreement described in subsection (b) until the President certifies to Congress that—

(1) Russia has agreed not to sell nuclear reactor components to Iran; or

(2) the issue of the sale by Russia of such components to Iran has been resolved in a manner that is consistent with—

(A) the national security objectives of the United States; and

(B) the concerns of the United States with respect to nonproliferation in the Middle East.

(b) The agreement referred to in subsection (a) is an agreement known as the Agreement on the Exchange of Equipment, Technology, and Materials between the United States Government and the Government of the Russian Federation, or any department or agency of that government (including the Russian Ministry of Atomic Energy), that the United States Government proposes to enter into under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153).

BUMPERS AMENDMENT NO. 333

Mr. BUMPERS proposed an amendment to the bill H.R. 889 supra; as follows:

At the appropriate place in Chapter VII of Title II of the bill add the following:

''INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for construction of wind tunnels, $400,000,000 are rescinded.''

BOXER (AND OTHERS) AMENDMENT NO. 334

Mrs. BOXER (for herself, Mr. DODD, Mr. BRADLEY, and Mr. DORGAN), proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. It is the sense of the Senate that—

(1) Congress should enact legislation that terminates the entitlement to pay and allowances for each member of the Armed Forces who is sentenced by a court-martial to confinement and either a dishonorable discharge, bad-conduct discharge, or dismissal;

(2) the legislation should provide for restoration of the entitlement if the sentence to confinement and punitive discharge or dismissal, as the case may be, is disapproved or set aside; and

(3) the legislation should include authority for the establishment of a program that provides transitional benefits for spouses and other dependents of a member of the Armed Forces receiving such a sentence.

MCCAIN (AND BRADLEY) AMENDMENT NO. 335

Mr. MCCAIN (for himself and Mr. BRADLEY) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. RESCISSION OF FUNDS FOR CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) CONDITIONAL RESCISSION OF FUNDS FOR CERTAIN MILITARY PROJECTS.—(1)(A) Notwithstanding any other provision of law and subject to paragraphs (2) and (3), of the funds provided in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1659), the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $11,554,000.

Military Construction, Air Force, $6,500,000.

Military Construction, Army National Guard, $1,800,000.

(B) Rescissions under this paragraph are for projects at military installations that were recommended for closure by the Secretary of Defense in the recommendations submitted by the Secretary to the Defense Base Closure and Realignment Commission on March 1, 1995, under the base closure Act.

(2) A rescission of funds under paragraph (1) shall not occur with respect to a project covered by that paragraph if the Secretary certifies to Congress that—

(A) the military installation at which the project is proposed will not be subject to closure or realignment as a result of the 1995 round of the base closure process; or

(B) if the installation will be subject to realignment under that round of the process, the project is for a function or activity that will not be transferred from the installation as a result of the realignment.

(3) A certification under paragraph (2) shall be effective only if—

(A) the Secretary submits the certification together with the approval and recommendations transmitted to Congress by the President in 1995 under paragraph (2) or (4) section 2903(e) of the base closure Act; or

(B) the base closure process in 1995 is terminated pursuant to paragraph (5) of that section.

(b) ADDITIONAL RESCISSIONS RELATING TO BASE CLOSURE PROCESS.—Notwithstanding any other provision of law, funds provided in the Military Construction Appropriations Act, 1995 for a military construction project are hereby rescinded if—

(1) the project is located at an installation that the President recommends for closure in 1995 under section 2903(e) of the base closure Act; or

(2) the project is located at an installation that the President recommends for realignment in 1995 under such section and the function or activity with which the project is associated will be transferred from the installation as a result of the realignment.

(c) DEFINITION.—In the section, the term ''base closure Act'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

HUTCHISON (AND OTHERS) AMENDMENT NO. 336

Mrs. HUTCHISON (for herself, Mr. GORTON, Mr. DOMENICI, Mr. GRAMM, and Mr. PRESSLER) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 28, between lines 14 and 15, insert the following:

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332—

(1) $1,500,000 are rescinded from the amounts available for making determinations whether a species is a threatened or endangered species and whether habitat is critical habitat under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(2) none of the remaining funds appropriated under that heading may be made available for making a final determination that a species is threatened or endangered or that habitat constitutes critical habitat (except a final determination that a species previously determined to be endangered is no longer endangered but continues to be threatened).

To the extent that the Endangered Species Act of 1973 has been interpreted or applied in any court order (including an order approving a settlement between the parties to a civil action) to require the making of a determination respecting any number of species or habitats by a date certain, that Act shall not be applied to require that the determination be made by that date if the making of the determination is made impracticable by the rescission made by the preceding sentence.

LEAHY (AND JEFFORDS) AMENDMENT NO. 337

Mr. LEAHY (for himself and Mr. JEFFORDS) proposed an amendment to the bill H.R. 889, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —MISCELLANEOUS

SEC. 01.—Notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel L.R. BEATTIE, United States official number 904161.

ROTH (AND OTHERS) AMENDMENT NO. 338

Mr. ROTH (for himself, Mr. GLENN, Mr. HELMS, Mr. LEVIN, Mr. MCCAIN, Mr. NUNN, Mr. DORGAN, and Mr. PELL) proposed an amendment to the bill, H.R. 889, supra; as follows:

At the appropriate point, insert the following:

The Senate finds that the Treaty on the Non-Proliferation of Nuclear Weapons, hereinafter referred to as the NPT, is the cornerstone of the global nuclear non-proliferation regime;

That, with more than 170 parties, the NPT enjoys the widest adherence of any arms control agreement in history;

That the NPT sets the fundamental legal and political framework for prohibiting all forms of nuclear nonproliferation;

That the NPT provides the fundamental legal and political foundation for the efforts through which the nuclear arms race was brought to an end and the world's nuclear arsenals are being reduced as quickly, safely and securely as possible.

That the NPT spells out only three extension options: indefinite extension, extension for a fixed period, or extension for fixed periods;

That any temporary or conditional extension of the NPT would require a dangerously slow and unpredictable process of re-ratification that would cripple the NPT.

That it is the policy of the President of the United States to seek indefinite and unconditional extension of the NPT;

Now, therefore, it is the sense of the Senate that:

(1) indefinite and unconditional extension of the NPT would strengthen the global nuclear non-proliferation regime;

(2) indefinite and unconditional extension of the NPT is in the interest of the United States because it would enhance international peace and security;

(3) the President of the United States has the full support of the Senate in seeking the indefinite and unconditional extension of the NPT;

(4) all parties to the NPT should vote to extend the NPT unconditionally and indefinitely; and

(5) parties opposing indefinite and unconditional extension of the NPT are acting against their own interest, the interest of the United States and the interest of all the peoples of the world by placing the nuclear non-proliferation regime and global security at risk.

BAUCUS (AND OTHERS) AMENDMENT NO. 339

Mr. BAUCUS (for himself, Mr. BYRD, Mr. MCCONNELL, Mr. LEAHY, Mr. GRASSLEY, Mr. KERREY, Mr. PRESSLER, Mr. BURNS, Mr. HARKIN, Mr. SANTORUM, Mr. SIMPSON, Mr. LUGAR, Mr. PRYOR, and Mr. CONRAD) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following:

SEC. 110. SENSE OF SENATE ON SOUTH KOREA TRADE BARRIERS TO UNITED STATES BEEF AND PORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has approximately 37,000 military personnel stationed in South Korea and spent over $2,000,000,000 last year to preserve peace on the Korean peninsula.

(2) The United States Trade Representative has initiated a section 301 investigation against South Korea for its nontariff trade barriers on United States beef and pork.

(3) The barriers cited in the section 301 petition include government-mandated shelf-life requirements, lengthy inspection and customs procedures, and arbitrary testing requirements that effectively close the South Korean market to such beef and pork.

(4) United States trade and agriculture officials are in the process of negotiating with South Korea to open South Korea's market to United States beef and pork.

(5) The United States meat industry estimates that South Korea's nontariff trade barriers on United States beef and pork cost United States businesses more than $240,000,000 in lost revenue last year and could account for more than $1,000,000,000 in lost revenue to such business by 1999 if South Korea's trade practices on such beef and pork are left unchanged.

(6) The United States beef and pork industries are a vital part of the United States economy, with operations in each of the 50 States.

(7) Per capita consumption of beef and pork in South Korea is currently twice that of such consumption in Japan. Given that the Japanese are currently the leading importers of United States beef and pork, South Korea holds the potential of becoming an unparalleled market for United States beef and pork.

(b) It is the sense of the Senate that—

(1) the security relationship between the United States and South Korea is essential to the security of the United States, South Korea, the Asia-Pacific region and the rest of the world;

(2) the efforts of the United States Trade Representative to open South Korea's market to United States beef and pork deserve support and commendation; and

(3) the United States Trade Representative should continue to insist upon the removal of South Korea's nontariff barriers to United States beef and pork.

BROWN (AND OTHERS) AMENDMENT NO. 340

Mr. BROWN (and Mr. GREGG, Mr. D'AMATO, Mr. MACK, and Mr. NICKLES) proposed an amendment to the bill, H.R. 889, supra; as follows:

At the end of the bill, add the following new title:

TITLE ___—MEXICAN DEBT DISCLOSURE ACT OF 1995

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Mexican Debt Disclosure Act of 1995''.

SEC. ___02. FINDINGS.

The Congress finds that—

(1) Mexico is an important neighbor and trading partner of the United States;

(2) on January 31, 1995, the President approved a program of assistance to Mexico, in the form of swap facilities and securities guarantees in the amount of $20,000,000,000, using the Exchange Stabilization Fund;

(3) the program of assistance involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank of International Settlements, the World Bank, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

(4) the involvement of the Exchange Stabilization Fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

(5) assistance provided by the International Monetary Fund, the World Bank, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

(6) the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds; and

(7) the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico.

SEC. ___03. REPORTS REQUIRED.

(a) REPORTS.—Not later than April 1, 1995, and every month thereafter, the President shall transmit a report to the appropriate congressional committees concerning all United States Government loans, credits, and guarantees to, and short-term and long-term currency swaps with, Mexico.

(b) CONTENTS OF REPORTS.—The report described in subsection (a) shall include the following:

(1) A description of the current condition of the Mexican economy.

(2) Information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy.

(3) A complete documentation of Mexican taxation policy and any proposed changes to such policy.

(4) A description of specific actions taken by the Government of Mexico during the preceding month to further privatize the economy of Mexico.

(5) A list of planned or pending Mexican Government regulations affecting the Mexican private sector.

(6) A summary of consultations held between the Government of Mexico and the Department of the Treasury, the International Monetary Fund, or the Bank of International Settlements.

(7) A full description of the activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy.

(8) The amount of any funds disbursed from the Exchange Stabilization Fund pursuant to the approval of the President issued on January 31, 1995.

(9) A full disclosure of all financial transactions, both inside and outside of Mexico, made during the preceding month involving funds disbursed from the Exchange Stabilization Fund and the International Monetary Fund, including transactions between—

(A) individuals;

(B) partnerships;

(C) joint ventures; and

(D) corporations.

(10) An accounting of all outstanding United States Government loans, credits, and guarantees provided to the Government of Mexico, set forth by category of financing.

(11) A detailed list of all Federal Reserve currency swaps designed to support indebtedness of the Government of Mexico, and the cost or benefit to the United States Treasury from each such transaction.

(12) A description of any payments made during the preceding month by creditors of Mexican petroleum companies into the petroleum finance facility established to ensure repayment of United States loans or guarantees.

(13) A description of any disbursement during the preceding month by the United States Government from the petroleum finance facility.

(14) Once payments have been diverted from PEMEX to the United States Treasury through the petroleum finance facility, a description of the status of petroleum deliveries to those customers whose payments were diverted.

(15) A description of the current risk factors used in calculations concerning Mexican repayment of indebtedness.

(16) A statement of the progress the Government of Mexico has made in reforming its currency and establishing an independent central bank or currency board.

SEC. ___04. PRESIDENTIAL CERTIFICATION.

Notwithstanding any other provision of law, before extending any loan, credit, guarantee, or arrangement for a swap of currencies to Mexico through any United States Government monetary facility, the President shall certify to the appropriate congressional committees that—

(1) there is no projected cost to the United States from the proposed loan, credit, guarantee, or currency swap;

(2) all loans, credits, guarantees, and currency swaps are adequately collateralized to ensure that United States funds will be repaid;

(3) the Government of Mexico has undertaken effective efforts to establish an independent central bank or an independent currency control mechanism; and

(4) Mexico has in effect a significant economic reform effort.

SEC. ___05. DEFINITION.

As used in this title, the term ''appropriate congressional committees'' means the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate.

D'AMATO AMENDMENT NO. 341

Mr. D'AMATO proposed an amendment to amendment No. 340 proposed by Mr. BROWN to the bill H.R. 889, supra; as follows:

Add at the end of the proposed amendment the following new section:

SEC. . REPORT ON ILLEGAL DRUG TRAFFICKING IN MEXICO.

The President shall transmit to the appropriate congressional committees no later than June 1, 1995 detailing the illegal drug trafficking to the United States from Mexico:

(1) A description of drug trafficking activities directed toward the United States;

(2) a description of allegations of corruption involving current or former officials of the Mexican government or ruling party, including the relatives and close associates of such officials; and

(3) the participation of United States financial institutions or foreign financial institutions operating in the United States in the movement of narcotics-related funds from Mexico.

MCCONNELL AMENDMENT NO. 342

Mr. INOUYE (for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. DOLE, Mr. DASCHLE, Mr. SPECTER, Mr. INOUYE, Mr. JEFFORDS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. NUNN, and Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 16, between lines 18 and 19, insert the following:

CHAPTER I

On page 25, between lines 4 and 5, insert the following:

CHAPTER II

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

DEBT RESTRUCTURING

DEBT RELIEF FOR JORDAN

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans to Jordan issued by the Export-Import Bank or by the Agency for International Development or by the Department of Defense, or for the cost of modifying: (1) concessional loans authorized under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, and (2) credits owed by Jordan to the Commodity Credit Corporation, as a result of the Corporation's status as a guarantor of credits in connection with export sales to Jordan; as authorized under subsection (a) under the heading, ''Debt Relief for Jordan'', in title VI of Public Law 103–306, $275,000,000, to remain available until September 30, 1996: *Provided,* That not more than $50,000,000 of the funds appropriated by this paragraph may be obligated prior to October 1, 1995.

MCCONNELL AMENDMENT NO. 343

Mr. INOUYE (for Mr. MCCONNELL) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 26, at the end of line 23, add the following:

Of the funds appropriated in Public Law 103–316, $3,000,000 is hereby authorized for appropriation to the Corps of Engineers to initiate and complete remedial measures to prevent slope instability at Hickman Bluff, Kentucky.

PRESSLER (AND OTHERS) AMENDMENT NO. 344

Mr. INOUYE (for Mr. PRESSLER for himself, Mr. HARKIN, Mr. CONRAD, and Mr. DASCHLE) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 30, line 8, strike the dollar figure ''$120,000,000''and insert in lieu thereof the dollar figure ''$126,608,000''.

On page 30, strike line 14 through line 18.

BROWN AMENDMENT NO. 345

Mr. INOUYE (for Mr. BROWN) proposed an amendment to the bill, H.R. 889, supra; as follows:

At the appropriate place in the bill, add the following new section—

''SEC. . NATIONAL TEST FACILITY.

It is the sense of the Senate that the National Test Facility provides important support to strategic and theater missile defense in the following areas:

(a) United States-United Kingdom defense planning;

(b) the PATRIOT and THAAD programs;

(c) computer support for the Advanced Research Center; and

(d) technical assistance to theater missile defense;

and fiscal year 1995 funding should be maintained to ensure retention of these priority functions.

FEINSTEIN AMENDMENT NO. 346

Mr. INOUYE (for Mrs. FEINSTEIN) proposed an amendment to the bill, H.R. 889, supra; as follows:

On page 25, between lines 4 and 5, insert the following new section:

SEC. 110. (a) In determining the amount of funds available for obligation from the Environmental Restoration, Defense, account in fiscal year 1995 for environmental restoration at the military installations described in subsection (b), the Secretary of Defense shall not take into account the rescission from the account set forth in section 106.

(b) Subsection (a) applies to military installations that the Secretary recommends for closure or realignment in 1995 under section 29023(c) of the Defense Base Closure and Realignment Act of 1990 (subtitle A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 16, at 9:30 a.m., in SR–332, to discuss taxpayers' stake in Federal farm policy.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 16, 1995, to conduct a hearing on the Iran Sanctions Act, S. 277.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet for a classified briefing during the session of the Senate on Thursday, March 16, 1995, at 2 p.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session on Thursday, March 16, 1995, at 9:30 a.m., to hold an oversight hearing on the Architect of the Capitol.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee of the Judiciary, be authorized to hold a business meeting during the session of the Senate on Thursday, March 16, 1995, at 10 a.m., to consider S. 343, regulatory reform.

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

SUBCOMMITTEE ON PERSONNEL

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, March 16, 1995, in open session, to receive testimony regarding the Department of Defense Manpower, Personnel, and Compensation Programs in review of the defense authorization request for fiscal year 1996 and the Future Years Defense Program.

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

ADDITIONAL STATEMENTS

IRAN

• Mr. D'AMATO. Mr. President, I rise today to discuss a topic of great concern to this country, as well as the world: Iran.

In January, I introduced a bill, entitled ''The Comprehensive Iran Sanctions Act of 1995.'' The recent press regarding the aborted Conoco deal with the national Iranian oil company, has further brought the problem of the purchase of Iranian oil by overseas subsidiaries of American companies to light. These purchases help Iran fund their terrorism and keep their economy afloat. We can no longer subsidize Iran's violence and terrorism.

For this reason, it is of paramount important that this bill becomes law. In regard to this, I ask that the following answers to a series of questions on Iran's economic status that I posed to Manouchehr Ganji, Secretary General of the Organization for Human Rights and Fundamental Freedoms for Iran, who is based in Paris, be printed in the RECORD. His answers are enlightening and provide the view of someone who knows with intimate detail, the threat that Iran poses to the world.

The material follows:

ORGANIZATION FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR IRAN,

Paris, France, March 14, 1995.

Senator Alfonse D'Amato,

Chairman, U.S. Senate, Committee on Banking, Housing and Urban Affairs.

DEAR SENATOR D'AMATO, In response to your letter of March 9, 1995, I herewith enclose my reflections to the questions posed. As you will note I have added a sixth question and provided my responses to it as well. I will be available for any further questions or clarifications.

Please accept Sir, the assurances of my highest considerations.

Sincerely,

MANOUCHEHR GANJI,
Secretary-General.

INTRODUCTION

Under today's deteriorating economic, social and political conditions in Iran, a total U.S. trade embargo on Iran is the single most important policy initiative that needs to be taken if the overwhelming majority of Iranians, inside and outside the country, are to be given the incentive to play their full part in bringing about a change of government—to allow power to be transferred to civilized, progressive and democratic forces; an outcome which would, among other things, remove the threat to the region and the world that the present regime in Iran represents. It is my considered opinion that a total U.S. trade embargo will ultimately be effective, if (a) it is part of a coordinated strategy which enjoys the actual as well as the declared support of other governments and their agencies; and if (b) U.S. and other policy-makers and their agencies are fully coordinated with those civilized, progressive and democratic Iranian forces on the ground, inside and outside Iran, which will take the lead in bringing about a change of power. However, if such a policy is not coordinated and well organized, it will not necessarily bring about the desired results, and could even be counter-productive. It is also my view that your list of five questions should be extended to include one more. I am therefore responding hereunder to six questions.

Question 1. We are aware of the severe problems that the Iranian economy is facing. The government cannot serve all of its short and long term debts, and basically is teetering on total collapse. What benefits does Iran derive from its trade with the United States, and how much importance does Iran place on this trade?

Answer. The deterioration of the economic and financial situation of Iran has been accelerating during the past several months at an unprecedented rate. The situation can be summarized as follows:

(1) The incapability of the country to service its short and long term debts. This is in spite of the regime's efforts to reschedule its debts of around $37 billion dollars, which does not even include the debts to former communist countries. Presently, the debt service and foreign exchange policies are out of control and the regime is incapable of taking concrete steps to redress the situation.[1]

(2) From 1979 to 1995, the value of the Rial to the Dollar had lost 30 times its value in the free market, whereas during the last two months the value of the Rial has fallen by an additional 50%,[2] and no end is seen to the collapse of the Rial. Most banks in the world are presently refusing letters of credit from Iran.

(3) The shortage of foreign exchange has limited the import of even essential goods such as pharmaceutical products, raw materials, and spare parts. Domestic production is falling rapidly—industrial production is running at 17%–20% of its capacity.[3] Agricultural production is also in trouble due to the shortage of seeds, fertilizers and pesticides.

(4) To a large extent, Iran has also become ''a Dollar economy'', in the sense that local prices are related to the Dollar exchange rate. Consequently, the fall in the value of the Rial, and the decreasing supply of goods (due to shrinking imports and falling production) have been causing price increases during the last two months of between 50% and 100%. This inflation is taking place in a country that is not used to—contrary to some other countries—the psychology of inflation, and lacks the experience and the mechanisms to adapt to daily price increases.

It is in such exceptional context that we have to evaluate the importance of trade between the United States and Iran. Since the 1979 revolution, more than anytime before, oil revenues play the central role in Iran's economy. In 1994 Iran's oil revenues amounted to $11.9 billion.[4] In 1994, oil purchases of U.S. oil companies from Iran amounted to $2.567 billion, or 25% of total oil revenues.[5] The direct U.S. exports to Iran were around $800 million in 1994. Not only are these imports essential and substantial for the regime, but, in addition, they allow it to cover certain technological needs as well as other goods that Iran must purchase from the U.S. due to its close economic and industrial ties prior to the 1979 revolution.

Consequently, an embargo by the U.S. under the present circumstances would substantially affect a crucial factor for the regime which is its foreign exchange earnings from oil. Even if one argues that the regime will find other buyers and suppliers, this substitution shall take some time, whereas the various effects of the embargo would be felt much quicker. More importantly, the psychological impact of such an embargo by the U.S. would be greater than the effect on the actual flow of revenues and goods.

Footnotes at end of report.

Question 2. Owing to its severe economic condition, what effect (socially, politically and perhaps even psychologically) would a total U.S. trade embargo have on Iran?

Answer. Generally speaking, the ruling mullahs have been talking about the U.S. trade embargo on Iran since the seizure of the U.S. Embassy in 1979, and they have told so many lies and boasted on their ability to survive the embargo that the term ''embargo'' does not carry much weight unless the U.S. clearly indicates that it means business and that the ''embargo'' is much more than mere political rhetoric. Thus, the embargo must be effective and must be seen as effective; which means it must affect the regime's finances, deprive the regime from buying the goods it needs— including instruments needed for its security forces—and finally, financially pressure the regime to scale down its budget, especially the allocation to its radical constituency and forces of repression.

The most important effect of a total U.S. trade embargo would actually be the psychological one—from two quite different points of view. In so far as the present regime can be said to have any confidence in its ability to survive, that confidence is based on its ability to demonstrate that it is continuing to enjoy at least a measure of U.S. support. A critical factor in this light is the fact that U.S. companies, oil companies in particular, are being allowed to continue to purchase large amounts of oil from Iran. The present regime is thus able to say to itself ''Powerful U.S. vested interests need us as much as we need them. We're okay. We can ride this storm out.'' In effect, the U.S. oil companies, in order to protect their own short-term vested interests as they see them, are sending the signal that gives the present regime its hope for survival. A total U.S. trade embargo would therefore undermine and probably destroy whatever remaining confidence the present regime has of its survival chance.

On the other hand, the psychological impact on the overwhelming majority of the Iranian people—who will pay any price necessary to rid themselves of the present regime, provided only they believe that further hardship, suffering and sacrifice will lead to the removal of the present regime—will be in my opinion enormous and positive. For most of the past sixteen years the main cause of despair in the hearts of the largely silent, frightened and anti-regime majority in Iran has been the perception that, to one degree or another, the U.S. and other major powers were supportive of the regime. The peoples of nations are no fools? They have learned that when the U.S. in particular, and other major powers in general, are supporting repressive regimes, there is little or no point in those being repressed risking everything in an effort to remove the source of repression.

Orinary Iranians do not believe that the ruling mullahs have stayed in power simply on the strength of their own resources and wits. They truly believe that the mullahs have the hidden support of the big powers, including the oil companies and international financial institutions, and that is why they have survived despite their obvious inefficiency and ignorance of the ways of the modern world.

The psychology of the Iranian society, which for historical reasons at times overestimates the role and influence of foreign powers, particularly the United States, would view a total U.S. trade embargo as a clear signal that the United States has finally taken a definitive position against the ruling mullahs. At the same time, the regime's supporters will also lose confidence and morale for the same reason. Furthermore taking into account the general state

of dissatisfaction and opposition to the regime which prevails in Iran today[6], the positive interpretation of a total U.S. trade embargo would be manifold greater than the immediate adverse financial effects of it. It can be assumed that large economic interests mainly in the bazaar and close to the regime would then be more inclined to distance themselves from the regime, and establish contacts with the dissatisfied middle classes and lower income classes whose living standard have been completely disrupted by inflation and unemployment.

A total U.S. trade embargo would therefore be the signal for which the overwhelming majority of Iranians have been waiting for. Meaning that the U.S. does no longer support, in any shape or form, the present regime and that the commitment to the final struggle to remove it is for Iranians to make. In effect, the positive psychological impact on the overwhelming majority of Iranians will lead, by definition, to a positive political impact. One may ask, what of the social impact? It can be said that the hardship and suffering of most Iranians could hardly be worse than it already is. But as indicated above, most Iranians are willing to make the further sacrifices required of them provided they feel that it could result in the collapse of the present regime and the opening of the door to a worthwhile and democratic future. This indirect support of the opposition forces at this crucial stage when a power struggle within the regime is also taking new dimensions would be well received inside and outside of Iran.

Therefore, an embargo in the case of the Islamic Republic is not only a trade issue and should not be looked upon only as a balance sheet of what U.S. companies will be losing and what will be the financial loss to the regime. Such a policy will be suffocating to the ruling mullahs and will be taken as a signal of support for those struggling for the freedom of Iran. It will also act as a very strong signal to other countries that the time for ''the party to which terrorists are invited'' is over!

However, the sine qua non for the success of the administration's policy to isolate the Islamic Republic of Iran internationally is for the U.S. to do as it preaches and to effectively take the lead in this regard thus making itself a model by strictly adhering to such a policy. How can the U.S. persuade other countries to restrain from relations with the Islamic Republic when the U.S. is in fact itself a major trading partner of that renegade regime? There is no doubt that a total U.S. trade embargo would strengthen the U.S. position in its efforts to isolate the Tehran regime. Terrorism and extremism are like drugs, they have to be fought internationally. Oil money in the hand of the Tehran mullahs—the symbol of state terrorism and dark ages in today's world—is like cleaned drug money in the hands of drug smugglers. It is oil money combined with foreign aid and assistance that has prolonged the life of the extremist regime in Iran, enabling it to continue to disregard all rights and freedoms of the Iranian people to carry out acts of terrorism abroad, and to destabilize the moderate pro-western Moslem countries.

Question 3. In its present form, does the Clinton Administration's policy of ''dual containment'' of Iran and Iraq work?

Answer. An evaluation of this policy has to be made separately with regard to each country.

Iraq: After Iraq's invasion of Kuwait a radical change of U.S. policy towards Iraq took place. The former policy of support for Iraq against the regime in Tehran turned into a policy of isolation. Destruction of Iraq's war power and of its chemical and nuclear facilities became paramount. Since the war between Iran and Iraq had ended, there was no longer the need for military support of Iraq against the Islamic Republic of Iran. Although Saddam Hussein is still in power in Baghdad and continues his repressive policies. Iraq's aggressive designs have been checked and neutralized. The integrity of Iraq has been preserved, which is most important, taking into account the possibility of a fundamentalist Shiite state in the south and the possibility of the Kurdish secession in the north. Although some volume of trade has been going on between Iran and Iraq, taking into account the historical issues and quarrels between the two countries, no united front against the U.S. has been formed. One can safely say that on the whole the policy of containment has been successful concerning Iraq.

Iran: Taking into account the nature of the Islamic Republic, the implication of this policy must be viewed separately. Today, the Islamic Republic is the center of support for the extremist fundamentalist movements such as the Hamas, Jihad and Hizballah in their efforts to fight and derail the Middle East peace process. The ruling mullahs in Iran believe that if these extremist movements success in destroying the peace process, they would also succeed in destabilizing the moderate pro-western countries in the region with Tehran's help and leadership. In spite of the dual containment policy declaration and the U.S. government's efforts to isolate the Islamic Republic, trade relations between the two countries have remained the same or have even risen. Oil purchases by U.S. oil companies and direct or indirect trade between the two countries have continued at even a higher level than before. The Tehran regime still continues to pursue arms and weapons of mass destruction, support international terrorism, subvert the Arab-Israeli peace process, abuse human rights at home, assassinate political opponents abroad and promote militant Islamic fundamentalist movements in other Muslim countries in the Middle East and in North Africa.

Under these circumstances, the regime in Tehran has concluded that the United States is not serious and has no real policy against it. In fact, they may be right as they compare the U.S. policy towards themselves with the U.S. policy toward Iraq, both of which are within the context of the dual containment policy. Therefore, the dual containment policy would be more successful if tougher criteria would also be applied vis-a-vis the regime in Tehran. The embargo is certainly a first and a right step in that direction. It is imperative however, that the stated target and aim of the sanctions be the regime and not the people of Iran.

Question 4. What response would you have to the charge by U.S. companies (oil companies in particular) that an embargo only hurts U.S. companies and will not hurt Iran?

Answer. By definition a total U.S. embargo will result in short term losses for U.S. companies, oil companies in particular. In their position I would insist that my government does everything in its power to see that the embargo is global. In their position I would also have good cause for grievance if other governments allowed their companies to make short term gains at my expense. In other words, there is a case for saying that a total U.S. trade embargo could hurt U.S. companies more than it would hurt the regime in Iran if the U.S. was unable to persuade all other major powers to make common cause with it.

But there is another more important argument which U.S. companies (oil companies in particular) would be well advised to consider even if other governments did allow their companies to go on trading with the Islamic Republic of the Iran. If U.S. companies continue to be seen by a growing number of Iranians as the agencies which are doing most to prop up the present discredited and despised regime in Iran, there will come a time when the present regime is replaced, when U.S. companies will have much and perhaps everything to lose. What U.S. companies would be well advised to weigh carefully is what they might gain in the short term against what they could lose in the longer term. If they give the matter the consideration it deserves, U.S. companies should not have that much difficulty in concluding that it is in their best longer term interest to support a total embargo, particularly under the current intense economic and political conditions in Iran.

If other governments did then allow their companies to make short term gains at the expense of their American counterparts, U.S. companies would end up being the longer term beneficiaries—because they would be seen by the overwhelming majority of Iranians in a new Iran to have played a part in bringing an end to the present discredited and despised regime.

Question 5. If the United States were to impose an embargo cited in Senator D'Amato's bill, in your opinion, would the industrialized countries follow?

Answer. Since the Iranian regime is a real threat to international peace and stability, and in view of the fact that its declared policy is to harm U.S. interests, it seems that the United States has a perfect moral and legal case in seeking to internationalize its embargo in the same way it mobilized the international community against the Iraqi regime.

The argument that isolating the Iranian regime would only make it more intransigent is wrong. So is the argument that by bringing the mullahs into the international fold one can tame them. Today, this argument is presumably put forward by the Germans and the Japanese more than others. The fact is that the Iranian mullahs, being extremely cynical, receive the wrong signal from appeasement and accommodation. They interpret such overtures as a sign of weakness which indicates that the West is not serious about their unruly behavior and lacks resolve and political will to confront them. However, experience has shown that the ruling mullahs, being bullies, lose their morale quickly as soon as they are convinced that their adversary is strong, determined and means business.

My guess is that some major powers would be mightily tempted to seek to make short term gain at America's expense—it least until it is clear that the present regime in Iran is close to being toppled. Then they would try to change horses. I am therefore of the opinion that U.S. policy-makers would be well advised to every effort to bring other major power on board. Much could depend on the extent to which other major powers are consulted by the U.S. before any announcement, (if there is to be one) of a total trade embargo. If the British, French, Germans and others are able to say, ''we were not consulted'', they consider that they have enough scope to play games. If the United States clearly indicates that it means business and that the embargo is more than more political rhetoric, other industrialized nations will think twice about doing business with the present regime in Iran under the prevailing economic and political conditions.

Question 6. If the United States were to impose an embargo cited in Senator D'Amato's bill, what in your opinion would be the likelihood of the present regime in Iran, or elements within it, deciding to mount a terror campaign against U.S. interests for the purpose of weakening American resolve and, by

intimidation, driving a wedge between the U.S. and other major powers, the Europeans especially? And if you think the present regime in Iran (or elements within it) might consider such a strategy, how do you assess the ability to perform?

Answer. The clerical regime has been in power in Iran for sixteen years and it still claims it does not condone, much less support, terrorism. By now, however, so much evidence to the contrary has accumulated in so many countries that Tehran clerics professions of innocence are seen as little more than self-serving lies. There are no signs that the clerical regime has any intention to mending its way. Reports from throughout the Middle East and North Africa reflect the Tehran regime's determination to use terrorist violence to achieve its expansionist aims. One of the regime's latest weapons in its war on the world is Hamas, a radical fundamentalist Palestinian group on which the Islamic Republic has lavished millions of Dollars as well as weapons and guerrilla training.

As I know to my cost, the present regime has the ability to carry out single-hit assassinations in virtually any place of its choice. But the evidence of Lockerbie would seem to suggest that for more complex terror operations the Tehran regime requires (or prefers) the organizational assistance of international extremist forces such as the Hizballah, Jihad and Hamas. If the need to contain the possibility of terror strikes by the present regime in Iran arises due to the imposition of trade sanctions, history dictates that the proper course of action is the policy of combating terrorism at its source, and making it clear to the proponents of terrorism that they have much to lose as a consequence of their actions.

CONCLUSION

A relatively effective trade embargo on Iran will place noticeable constraints on the regime's finances. This will deprive the regime from access to funds which it can use to finance oppressive operations at home and mischievous activities abroad. However, in order to maximize the effects of a total trade embargo, there must be a coordinated and well organized political action to further isolate the Tehran regime at home and abroad. Such a political action should embody measures to deny the regime the prestige and respectability associated with a government in charge of a State on the one hand, while it strengthens popular opposition to the regime both at home and abroad on the other hand. Most importantly, it is imperative that the stated target and aim of the sanctions be the regime in Tehran as opposed to the Iranian people. This distinction is extremely crucial.

Action by the United States alone in imposing a total trade embargo on the Islamic Republic will be effective economically, politically and psychologically. However, there is no reason why the U.S. should not seek to enlarge the embargo by trying to internationalize it, particularly since a coordinated strategy which enjoys the declared support of other governments would unquestionably yield a much greater success in isolating the Tehran regime. The policies of the present regime in Iran are no less repulsive than those of the apartheid regime in South Africa. It would be worth reviewing the type of actions which were undertaken against the apartheid regime of South Africa in the 1970's and 1980's which were ultimately successful in promoting freedom and democracy.

The United States Senate can initiate a campaign of moral opposition to the regime in Iran by giving international dimensions to its opposition to the clerical regime's renegade behavior and inhuman policies. Unlike the ambiguous policies of the past, a total U.S. trade embargo as proposed by Senator D'Amato would not only send the right signal to the ruling mullahs, but it would also solidify the leadership position of the U.S. and enable it to successfully convince its allies to comply and adhere to such a policy, and thereby enhance the probability of success.

FOOTNOTES

[1] In the Fiscal Year April 1994–1995, 56 billion have been rescheduled up to now and will ultimately need to be repaid. this amount would represent about 60% of expected oil revenues for that Fiscal Year.

[2] In 1979, 1 Dollar was equivalent to 78 Rials; in January 1995, 1 Dollar was equivalent to 2000–2200 Rials, and in March 1995, 1 Dollar was equivalent to 4000–4500 Rials.

[3] Imports of $2.5 billion are required if the industry works at 25% of its capacity. Another $4.5 billion are needed for projected subsidies.

[4] An additional $800 million non-oil exports revenues sold to the Central Bank (out of total non-oil exports of $3.8 billion) has to be added to this figure.

[5] To show the importance of this figure, it should be noted that in Fiscal Year 1995–1996 the Islamic Republic has allocated $3 billion (arms purchases excluded) in foreign exchange as current expenditures for military and security matters.

[6] See interview with the late Prime Minister Mehdi Bazargan in Frankfurter Rundschau of 12 December 1994. Mr. Bazargan was the first prime minister of the Islamic Republic in 1979.●

AMBASSADOR MADELEINE K. ALBRIGHT'S ELOQUENT REMARKS

● Mr. DODD. Mr. President, I rise today to share with my colleagues an eloquent speech given by United Nations Ambassador Madeline K. Albright at the annual dinner of the national Democratic Institute for International Affairs [NDI] on March 1.

At this dinner, Ambassador Albright and South African First Deputy President Thabo Mbeki received W. Averall Harriman Democracy Awards for their work promoting democracy and freedom.

Ambassador Albright spoke persuasively about the need for the United States to remain engaged in world affairs. She warned against again listening to the ''siren song of isolationism,'' which fooled us during the 1920's and 1930's into believing that we could retreat from the world around us. As World War II demonstrated, a doctrine that promised to put ''America First'' in reality did great damage to our national interests.

I hope my colleagues will find Ambassador Albright's words as insightful as I did, and I ask that they be printed in the RECORD.

The speech follows:

Thank you, Senator Dodd. And thank you, Mr. Vice-President, Mr. Deputy President, members of the diplomatic corps, friends and supporters of NDI. This is a great honor, coming as it does from an institution whose birth I witnessed and of which I am very, very proud.

As Vice Chair of the board in years past, I helped to choose candidates, select recipients and recruit presenters for this award. Last year, I presented it, myself. So I've seen this event from every side, and I can tell you: it may be more blessed to give; but it is definitely more fun to receive.

The accomplishments of NDI continue to expand. Wherever I have traveled the last two years, it has seemed that NDI either had been there, was there, or was due on the next plane. I have seen its representatives at work in Europe, Africa and Latin America. They have a well-earned reputation for competence, honesty and pragmatism.

Thanks should go to the leadership and staff here in Washington, from Ken Wollack and Jean Dunn on down, and to the presence of people in the field who are flat out terrific at what they do.

I am grateful to all of you, and I am doubly pleased to share this night with Deputy President Mbeki. Last year, he became the first representative of a democratic South Africa to address the Security Council. After he spoke, I sat there, as Ambassadors are wont to do, applauding silently.

What I would like to have done is stand on my chair and shout ''Hallelujah''. For decades at the UN, the very name ''South Africa'' had summoned forth only sanctions and shame. Mr. Mbeki's statement marked its transformation into a symbol of inspiration and hope.

The new South Africa gives freedom fighters everywhere cause to persist; it reminds all of us that international solidarity does matter: and it provides fresh evidence that human beings, when imbued with courage and sustained by faith, can achieve almost anything.

We know from history, however, that few victories are permanent. The last day of one struggle is the first day of the next.

That is true for those from Central America to Central Asia who are trying to make new democracies succeed.

And it is true for those who believe, as do I, that although the Cold War has ended, America's commitment to freedom around the world must live on.

Unfortunately, as after other great struggles in our nation's history, some feel that our security has been assured, and urge that we move now from the center stage of international life to a seat somwehere in the mezzanine.

The new isolationists find their echo in the narrow-visioned naysayers of the 1920's and 30's, who rejected the League of Nations, embraced protectionism, downplayed the rise of Hitler, opposed help to the victims of aggression and ultimately endangered our own security—claiming all the while that all they were doing was ''putting America first.''

Today their battle cry is ''Retreat.'' Their bumper sticker is ''Kill the UN.'' And their philosophy is—''Let the people of the Balkans and other troubled lands slaughter each other, for their anguish is God's problem, not our own.''

The isolationists were wrong in the 1930's; they are wrong now. They prevailed then; they must fail now. Their view of our national interest is too narrow; their view of history too short; and their sense of public opinion just plain wrong.

Most Americans understand that what happens in the world affects almost every aspect of our lives. We live in a nation that is democratic, trade-oriented, respectful of the law and possessed of a powerful military whose men and women are precious to us. We will do better and feel safer in an environment where our values are widely shared, markets are open, military clashes are constrained and those who run roughshod over the rights of others are brought to heel.

Isolationism will do nothing to create such an environment; helping new and emerging democracies will.

There is no question that the National Endowment for Democracy was one of Ronald Reagan's better ideas. But it was conceived primarily to counter a single virulent ideology. Today, that is no longer sufficient. We build now, not out of fear, but on hope. It is our responsibility, and our opportunity, to lock in the gains yielded by past sacrifice.

As NDI recognizes, building democracy requires more than distributing copies of the Constitution, or even the entire reading list of the Speaker of the House. Elections are but one vote in the democratic symphony. Democracy requires legal structures that works; political parties that offer a choice; markets that are free; police that serve the people, instead of terrorizing them; and—the O.J. Simpson trial notwithstanding—a press makes its own choices about what is news.

The leaders of new democracies face challenges that dictators often do not. First, they are accountable; they must respond to public expectations. They must transform economies distorted by decades of centralized planning or graft. They must practice austerity in a setting where long-suppressed hopes have been unleashed. They may face overwhelming social, environmental and criminal challenges.

And they must teach factions that have for years killed each year the satisfaction of out-thinking, out-debating and out-polling each other.

NDI is part of a global network that is working to help these new leaders succeed. I know from my own experience that this can be exhilarating, but humbling work. For on every continent, there are individuals who know better than most of us the price of repression; those who have risked not job titles and office space by standing up for what they believe, but prison sentences, brutal beatings, torture and death.

NDI's efforts in support of democracy are reinforced by those of other NGO's, human rights monitors, church groups, regional organizations and increasingly, I am pleased to say, by the United Nations.

But America belongs at the head of this movement. For freedom is perhaps the clearest expression of national purpose and policy ever adopted—and it is our purpose. Like other profound human aspirations, it can never fully be achieved. It is not a possession; it is a pursuit. It is the star by which America has navigated since before we were a country, and still an idea.

So, I am proud that this Administration had the guts, the wisdom and the conviction to restore to the people of Haiti the democracy that had been stolen from them; and I am waiting for the day when those who nitpicked and bellyached about that decision will admit they were wrong and the President was right.

I am proud, also, of our steadfast support for reform and reformers in Central Europe and the former Soviet Union. There, the success or failure of the democratic experiment will do much to determine the kind of world in which our children will live.

I am committed, as I think all who believe in democracy should be, to the survival in Bosnia of a viable, multi-ethnic state.

And I want the War Crimes Tribunals for Rwanda and former Yugoslavia to establish the truth before the perpetrators of genocide obscure it. These tribunals serve the cause not only of justice, but of peace. For true reconciliation will not be possible in these societies until the perception of collective guilt has been erased, and individual culpability assigned.

Democratic principles are the best answer there is to the ethnic clashes that have arisen so often and so tragically in recent years.

As our own history attests, and as the presence of Representative John Lewis here tonight reminds us, a government that allocates the privileges of citizenship according to ethnicity or race invites weakness and risks civil war.

Nationhood alone is no grounds for pride; nations must be instruments of law, justice, liberty and tolerance. They must be inclusionary, not exclusionary. That is what democracy is: and that is the difference between a true nation, such as South Africa today; and the pariah South Africa of decades past.

This is a year of anniversaries. The era in which most of us have lived most of our lives began 50 years ago. In recent months, we have been reminded of how much we owe the ''guys named Joe'' who landed on the beaches of Normandy, won the Battle of the Bulge and raised the flag at Iwo Jima.

Let us never forget the lesson behind those memories. Let us never forget why that war began, how that war was won or what that war was about.

Aggressors must be resisted. Fascism must never again arise. Intolerance can never again be allowed to hide behind the mask of nationalist pride. And the siren song of isolationism must never again distract us from the responsibilities of leadership.

History did not end when the Nazis surrendered, or when the Berlin Wall fell or when Boris Yeltsin climbed onto that tank or when Arafat and Rabin shook hands or when Nelson Mandela took the oath of office.

Each generation is tested. Each must choose: engagement or indifference; tolerance or intolerance; the rule of law or no law at all.

We have a responsibility in our time, as others have had in theirs, not to be prisoners of history, but to shape it; to build a world not *without* conflict, but in which conflict is effectively contained; a world, not *without* repression, but in which the sway of freedom is enlarged; a world not *without* lawless behavior, but in which the law-abiding are progressively more secure.

That is our shared task in this new era.

Thank you very much.●

TRIBUTE TO THE MEXICO BULLDOGS

● Mr. BOND. Mr. President, I rise today to pay tribute to Missouri's 3A State High School basketball champions, the Mexico Bulldogs.

The team members, Aaron Angel, Chris Azdell, Cookie Belcher, Jason Brookins, Joey Dubbert, Jay Frazer, Kyle Henage, Doug Hoer, Tony Miller, Lance Parker, Scott Pitts, Matt Qualls, Jerrod Thompson, Dimos Tzavaris, and Brennen VanMatre; Head Coach Keith Miller and Assistant Coach Todd Berck; the student body; and the community of Mexico are all to be commended on their teamwork and commitment to do their best. Last year, the Mexico ball club finished second; this year they were determined to go all the way. That determination paid off, as they displayed teamwork and commitment in reaching their goal—that had never before been reached in the school's history.

Teamwork in basketball is essential; individual effort is also essential. The Mexico Bulldogs were lead by team members such as Cookie Belcher, who hit a jump shot to tie the score at 68–68 with only 4 minutes left in the game; Jerrod Thompson who matched Belcher's 30-point contribution; reserve player Brennan Van Matre who hit the rebound basket that put the Bulldog team ahead to stay; Jason Brookins who delivered the final points with a fantastic alley-oop dunk with only 86 seconds left to play. Individual contributions by all the team members helped to make the game one for the history books.

Individual and team efforts on behalf of the Mexico fans also played an important part in the Bulldogs' win. Mexico has long been a community dedicated to improving its way of life. Families, business owners, and employees strive to enhance opportunities for all and are to be commended on their efforts. This dedication truly came to light when the Bulldogs were fighting their way to the top to achieve their goal.

The Mexico Bulldogs, Missouri's State 3A Basketball Champs deserve to be recognized for their work, and I am proud to be a fellow Mexicoan.●

RULES OF THE COMMITTEE ON INDIAN AFFAIRS

● Mr. MCCAIN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On January 11, 1995, the Committee on Indian Affairs held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, those rules were printed in the CONGRESSIONAL RECORD on January 20, 1995. It was recently brought to my attention that rule 6(a) relating to quorums contains an error. As printed, the rule states that six members of the committee will constitute a quorum. The correct number should be nine members. On advice of the Senate Legal Counsel, today I am submitting for printing in the CONGRESSIONAL RECORD a corrected rule 6, as follows:

QUORUMS

Rule 6(a). Except as provided in subsections (b) and (c) nine (9) members shall constitute a quorum for the conduct of business of the committee. Consistent with Senate rules, a quorum is presumed to be present, unless the absence of a quorum is noted.

(b). A measure may be ordered reported from the Committee unless an objection is made by a member, in which case a recorded vote of the members shall be required.

(c). One member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure before the committee.●

THE 92D BIRTHDAY OF MIKE MANSFIELD

Mr. MCCAIN. Mr. President, the following has been cleared by the other side, and I would like to ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 88, a resolution to congratulate Mike Mansfield on his 92d birthday, submitted earlier today by Senators BAUCUS and BURNS; that the resolution and preamble be agreed to

en bloc; and the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 88

Whereas Mike Mansfield brought honor to the State of Montana as a professor, Congressman, and Senator during a period that spanned more than 40 years;

Whereas Mike Mansfield claims the distinction of being the youngest World War I veteran in the United States, and of having served as an enlisted man in the Navy, Army, and Marines, all before the age of 20;

Whereas Mike Mansfield served as Senate Majority Leader for a record 16 years;

Whereas Mike Mansfield was instrumental in passing the 26th Amendment to the Constitution, giving people age 18 to 20 the right to vote;

Whereas as a freshman Congressman, Mike Mansfield served as an East Asian adviser to President Franklin Delano Roosevelt during World War II, and later served as the United States Ambassador to Japan for over 11 years;

Whereas Mike Mansfield performed all of the above tasks to the highest possible standards, and is a shining example of integrity and public service to Montana and the United States; and

Whereas Mike Mansfield will celebrate his 92d birthday on Thursday, March 16, 1995: Now, therefore, be it

Resolved, That the Senate congratulates and sends the warmest birthday wishes to Mike Mansfield, a beloved former colleague of the United States Senate, on the grand occasion of his 92d birthday on Thursday, March 16, 1995.

AUTHORIZING TESTIMONY BY SENATE EMPLOYEE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Senate Resolution 90, submitted earlier today regarding legal counsel; that the resolution be agreed to; that the preamble be agreed to; and that the motion to reconsider be laid upon the table.

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

So the resolution (S. Res. 90) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 90

Whereas, in the case of *United States* v. *Francisco M. Duran*, Cr. No. 94–447, pending in the United States District Court for the District of Columbia, a subpoena for testimony has been issued to Laura DiBiase, an employee of the Senate on the staff of Senator Campbell;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Laura DiBiase is authorized to produce records and to testify in the case of *United States* v. *Francisco M. Duran*, Cr. No. 94–447 (D.D.C.), except concerning matters for which a privilege should be asserted.

ORDERS FOR FRIDAY, MARCH 17, 1995

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. on Friday, March 17, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; there then be controlled general debate on the line-item veto legislation, to be equally divided in the usual form.

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

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, on Friday the Senate will be in controlled general debate on the line-item veto until approximately 3 p.m.; the Senate will also have controlled debate on the line-item veto on Monday until 5 p.m, at which time the Senate will begin consideration of the bill. Also, there will be no rollcall votes during Friday's and Monday's sessions of the Senate.

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

RECESS UNTIL 10 A.M. TOMORROW

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:08 p.m., recessed until Friday, March 17, 1995, at 10 a.m.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. THURMAN. Mr. Speaker, on March 14, I was attending the funeral of my mother-in-law and was not present for roll call Nos. 230, 231, 232, 233, and 234. Had I been present, I would have voted ''aye'' on each vote.

IN MEMORIAM: CADET MARK C. DOSTAL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DELLUMS. Mr. Speaker, it brings me great sadness to pay final tribute to Cadet 2nd Class Mark C. Dostal who was killed on Wednesday, February 22, 1995, near Ramah, CO while on a flight training mission. The young Cadet, who I was honored to nominate in 1992 for the U.S. Air Force Academy in Colorado Springs, was in his junior year and had recently begun the flight screening program.

Mr. Dostal graduated from Miramonte High School in Orinda, CA in 1992, and in June of that year started pursuing his love of flying when he began at the Academy. His mother, Mrs. Shirley Dostal, confirms that from an early age his dream was to fly.

At the Academy, Cadet Dostal majored in behavioral sciences and was honored twice on the Superintendent's, Dean's and athletics lists. He was expected to graduate in May 1996.

Mr. Speaker, in honor of his memory, I invite my colleagues to join me as I offer condolences to his loving parents, Shirley and Don Dostal, his sister, Kristin Dostal, and to his countless friends and relatives. Though he will be greatly missed, his memory will live on as a source of great inspiration for generations to come.

A ''ROAST'' IN HONOR OF ROY EPPS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PALLONE. Mr. Speaker, on Friday, March 17, 1995, Mr. C. Roy Epps of New Brunswick, NJ, will be honored for his 25 years of community service. The occasion will be a ''roast'' in honor of Mr. Epps at the Hyatt Regency. The idea of having a celebrity roast is obviously intended to avoid too much sentimentality about the honoree. But behind the jokes and the kidding, there is a deep reservoir of affection, appreciation, and gratitude for Mr. Epps for all the exceptional work he has done for the people of New Brunswick, the State of New Jersey, and the United States.

Mr. Speaker, first, a few basic facts about the life and career of Roy Epps. He was born in 1941 and attended public schools in New York City. He received a B.A. from Wilberforce University in Ohio in 1963, majoring in biology. After pursuing a career in research with Johnson & Johnson, the U.S. Army, and Colgate-Palmolive, Mr. Epps concluded that his real interest was social planning and the fulfillment of social needs. He acquired an M.S. degree in urban and regional planning in 1970 from Rutgers University, and later completed a fellowship in urban and regional planning from the Massachusetts Institute of Technology. In the spring of 1994, he was awarded an honorary Doctor of Law degree from Upsala College in East Orange, NJ.

Mr. Epps began to truly make his mark in community issues in 1967 as assistant executive director of the Urban League of Greater New Brunswick, becoming the league's executive director in 1970. He would go on to serve as president of the New Jersey Council of Urban Leagues, the league's Eastern Regional Council of Executive Directors, and the National Urban League's Executive Directors' Council. IN 1983, his organization disaffiliated from the National Urban League and became the Civil League of Greater New Brunswick, with Mr. Epps as its president. Mr. Epps also serves as vice chairman of the Board of New Brunswick Tomorrow, the planning corporation for revitalization of the city, a member of the board of the New Brunswick Development Corporation, and was formerly a member and past president of the New Brunswick Board of Education. Among the many other boards and committees on which he serves are the Greater Raritan Private Industry Council, United Jersey Bank's Community Reinvestment Advisory Board, and the Eric B. Chandler Community Health Center.

Among its many services to the disadvantaged in the community, with a focus on the needs of black youth, the Civil League has directed much of its effort into the promotion of low-income housing. Mr. Epps helped to establish and became president of the league's nonprofit housing affiliate, the Community Investment Corporation—COINCO—in 1974. This organization had built, rehabilitated, and managed over 40 housing units in the neighborhood of the Civic League's facility.

Among the many projects that have benefited from Mr. Epps' leadership is the Civil League's Project 2000 Program, which has been operating for the past 4 years as a partnership between male volunteers from the corporate sector and the New Brunswick school system. Sixty-three men from diverse backgrounds serve as teacher-assistants a half-day per week in the primary grades at three elementary schools. The program, which reaches some 700 youngsters, represents an attempt to prevent the development of negative attitudes toward the school environment and academic achievement among inner-city boys, as well as girls, early in their school experience through interaction with positive adult role models. The New Brunswick Project 2000 is currently the only corporate model in the United States, but is being assessed for use in other small urban school districts.

Another excellent initiative under Mr. Epps' leadership is the Middle School Development Program, also a partnership between the corporate community and the public education system in New Brunswick. Selected volunteers—men and women—from area companies are placed in local schools to mentor in the fifth and sixth grade classrooms in a variety of areas which not always sufficiently addressed during the school day, but which are extremely important to the personal, intellectual, and professional growth of the students.

Mr. Speaker, it is a great honor to pay tribute to Roy Epps, a community leader who has made a real difference. His many friends and colleagues will have fun roasting Roy Epps on Friday evening, and I'm sure Roy will enjoy it as well. But we all recognize in a very serious and profound way the lasting contribution Mr. Epps has made and continues to make to the growth and development of the great human potential in our community.

HONORING LITTLE UNION BAPTIST CHURCH

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to honor the Little Union Baptist Church in Dumfries, VA, and its members. The Little Union Baptist Church is located in the 11th Congressional District in Prince William County, VA. In order to relate the development of the Little Union Baptist Church, one must delve into the history of the surrounding community and the life of its outstanding citizens. Batestown Road derived its name from a remarkable African-American woman to whom many generations of in Prince William County trace their roots, Mary Bates.

Shortly before the Emancipation Proclamation, Mary Bates, who was born a slave in Northern Virginia, was permitted to marry a young slave from an adjoining plantation, John (Jack) Thomas. The Thomases became stalwart members of the community and operated a local general store. Mary was a letter writer for many illiterates of both races. She administered strange medications that proved remarkably effective; and as midwife, she delivered a major percentage of the babies born during this era, especially those whose parents could not afford the services of a doctor.

It was the vision of Mary and John Thomas that gave birth to the establishment of the Little Union Baptist Church. During the last quarter of the 19th century, two churches were

erected in the area, one in the Neabsco District of Prince William County and one barely across the line in Stafford County. Because inhabitants of Cabin Branch—later referred to as Batestown—had to travel many miles primarily by foot or by horse and wagon, Mary convinced John that they should donate the needed land for a church in the area. Records on file at the courthouse in Manassas, Virginia show a deed dated September 9, 1901, from John Thomas and Mary Thomas, his wife, to Daniel Reid, Buck Griffin, and Tazwell Bates, trustees. Within the deed, the statement is made that the property was given for the exclusive use of the New School Baptist Church. When the building was completed in 1903, it was given its present name, Little Union Baptist Church.

Early pastors of the church were mostly missionaries who came frequently to deliver impassioned messages on the good life and the wages of sin. Membership in the church for many years embraced only two or three large families. These devout Christians supported the pastor and contributed their talents and limited funds toward the maintenance of the small sanctuary which was a source of pride and comfort to them. Pastors were called to the church in this order: Rev. Horace Crutcher, Rev. Henry Jackson, Rev. Anthony Lane, Rev. William Stokes, Rev. Carter, Rev. Booker, Rev. W. Ervin Green, and Rev. Leonary Lacey. Records do not reflect the tenure of the first four pastors, however, Rev. Carter served from December 1937 until his death in February 1954. Rev. Booker succeeded Rev. Carter and served until May 1960, when he accepted the pastorship of the Beulah Baptist Church in Markham, VA. Reverend Green, who filled the resulting vacancy in December 1960 served until his death in January 1992. Reverend Lacy was elected to the pulpit of Little Union Baptist Church on February 1, 1993, as its eighth pastor.

The church has grown by leaps and bounds and is bursting at the seams. Reverend Lacy is a dynamic spiritual teacher and leader and under his direction the church has expanded its Bible study, teacher training, men's seminar, children's church and vacation Bible school. The congregation continues to contribute to the well being of the surrounding community.

Mr. Speaker, I know my colleagues join me in honoring this very historic church and its membership past, present and future for their many accomplishments and continued contributions.

REGULATORY REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 8, 1995 into the CONGRESSIONAL RECORD:

The House approved five bills over the last 2 weeks that aim to remove regulatory burdens on businesses and lower the cost of regulation to the U.S. economy. Regulations have performed an important function in protecting public health and the environment, but the general consensus today is that regulation has run amok. My impression is that many regulations are difficult to justify on the basis of actual risk. For example, we spend hundreds of millions of dollars a year to eliminate minute concentrations of benzene in the outdoor air, but there is little if any evidence that benzene at those concentrations is a threat to anybody.

There is no magic bullet for what ails regulation, but we have to decide what is worth regulating and how to do it better. The bills considered in the House, by and large, seek to base future regulations on better science. They would require risk assessments and cost-benefit analyses supported by science before new regulations above certain cost thresholds can be issued. I think all of that is a good idea. I am concerned that some of the bills we are sending to the Senate overreach and are excessive. My hope is that the Senate will tone down the excesses and we will in the end produce good legislation.

The Paperwork Reduction Act of 1995, which I supported, is intended to minimize the paperwork burden for the public and private sectors in complying with Federal regulations. It sets an annual Government-wide goal of reducing Federal information collection by at least 10 percent. The measure will enable the Government to do its job more efficiently.

The Regulatory Transition Act, which I supported, would impose a moratorium on regulations that would take effect during the period November 20, 1994 through December 31, 1995. The purpose of the moratorium is to provide a breathing space while permanent reforms are enacted into law. The moratorium does exclude regulations necessary to address imminent threats to public health, safety and welfare. If an agency tries to put a regulation into effect not exempted from the moratorium, an affected party can challenge the action in court. I voted for an amendment that would exempt from the moratorium, regulations that permit food inspections and testing to ensure safe drinking water.

The Risk Assessment and Cost-Benefit Act, which I supported, would require Federal agencies to conduct risk assessment, based on scientific evidence, and cost-benefit analysis of Federal regulations affecting health, safety, and the environment that have an economic impact of $25 million or more. It permits the review and invalidation of existing regulations, and makes it much easier to challenge these Federal regulations in court. The bill specifies a single set of new principles that agencies will use for writing regulations. Agencies must also establish ''peer review panels'' consisting of experts who would render independent advice on data and methods used for assessments and decisionmaking.

The Regulatory Reform and Relief Act, which I supported, would permit small businesses to sue Federal agencies to force them to assess the effect of a proposed rule on small business for any regulation with an economic impact of $50 million or more, and to consider less costly alternatives. Parties can challenge regulations in court within one year of their effective date. The bill also requires the Small Business Administration to review the impact of regulations on small business, recommended changes to ease burdens on small business, and appear in court when small businesses challenge the regulations.

The Private Property Protection Act would require the Federal Government to compensate owners of private property when a Federal agency action limits the use of their property so as to reduce its value by 20 percent or more. This bill expands the definition of ''regulatory taking'' of property, that is a taking through restrictions on use, rather than a taking of actual title to the property. Compensation claims would be limited primarily to cases arising from regulations under the Clean Water Act wetlands program, the Endangered Species Act and resource conservation programs of the 1985 Farm Act. A property owner could seek compensation either by submitting a request with the appropriate Federal agency, or by filing a lawsuit in federal court.

I supported this bill despite concerns about it reach. It marks a significant departure from long-settled judicial doctrines on takings, and creates a statutory interpretation of the fifth amendment of the Constitution, which prohibits the seizing of property without compensation. It could impose substantial and incalculable costs on the federal government to pay for compensation claims. I supported a substitute amendment, which failed, that would require federal agencies to assess the impact of a federal action on private property rights, and make its analysis available to the public.

Conclusion: We need a regulatory system that works for the American people, not against them. The system should protect their health, safety, and well-being and improve the performance of the economy without imposing unacceptable or unreasonable costs on them. Regulations should recognize that the private sector is the best engine for economic growth, respect the role of State and local governments, and be effective, sensible and understandable.

Federal agencies have focused too much on threats that pose only tiny risks to the public, such as alar, the chemical used to preserve apples. We would benefit tremendously from clear thinking about costs and risks. It is true that the science of risk assessment and cost-benefit analysis focuses on the costs, rather than the benefits of regulation—and it is easier to quantify how a regulation will hurt a business than to measure its benefit to public health and safety. Even so, risk assessment and cost-benefit analysis have powerful appeal in a time of regulatory excesses.

These bills, overall, move us in the right direction, but my concern is that, as drafted, they overreach. My hope is that they can be improved during the legislative process.

TRIBUTE TO L. KEITH BULEN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. BURTON of Indiana. Mr. Speaker, one of the great political leaders in the history of the City of Indianapolis and the State of Indiana is a gentleman named L. Keith Bulen. Keith was my mentor, and in addition to having a tremendous impact on my life, was in a large part responsible for me making it to the Congress of the United States.

On January 27th of this year, there was a dinner in Indianapolis honoring Keith for his many contributions to the State of Indiana and the Nation. Unfortunately, due to our schedule here in Washington, I was unable to attend; however, I was able to read some of the remarks made by my friend and mentor, L. Keith Bulen, which I found very en-lightening and thought-provoking. Following are a few of the comments Keith made which I feel my Republican colleagues would be well advised to read:

At this point in life, reminiscing our past political activities over our many years together brings me great enjoyment. And I'm

genuinely appreciative for the opportunity of so doing. However, the greatest joy is when I contemplate the opportunities and potential that the immediate future affords our party to contribute to making our community, State, Nation and world a better place for our children and their children.

This contemporary popular political phenomenon we are experiencing as a result of November 8, and the apparent rediscovery of the tenth amendment of our Bill of Rights, is indeed promising. However, the implementation of reclaiming all reserved powers for the States and the people is going to be one enormous challenge, after 60 years in the opposite direction.

The accumulated vested special interests created, enlarged and entrenched during three score years are awesome! Accomplishing such a feat is only possible by retention of the inordinate cooperation and oneness of purpose shared by republicans in the last election.

Our failure to seize upon and well perform during this brief unique opportunity will only serve to further diminish the confidence in the two party system that so fragilely underpins this great Nation and its perceived destiny. Elections are only vital as pre-requisites to providing good government.●

In closing I would like to say that I believe the City of Indianapolis, the State of Indiana and our Nation owe L. Keith Bulen a debt of gratitude for this years of unselfish service. The country would do well to have a thousand people like Keith Bulen active in the political process.

STORMWATER MANAGEMENT IMPROVEMENT ACT OF 1995

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. LINCOLN. Mr. Speaker, I rise today to introduce the Stormwater Management Improvement Act of 1995, legislation to assist small cities and small businesses in their compliance requirements under the Clean Water Act.

Under the Clean Water Act, cities and industries must obtain permits for stormwater discharges. This act has required cities serving a population of 100,000 individuals or more to comply with the permit requirement. However, as of October 1994, smaller cities are also technically required to comply with this section of the law even though the Environmental Protection Agency [EPA] has not issued regulations for the cities with populations less than 100,000.

While the smaller cities have received assurances from the EPA that it will not enforce the stormwater requirements, many cities fear that citizens will file suits against them for not complying with the act.

The objective of the Stormwater Management Program is to ensure that runoff from city streets and parking lots into stormwater drainage pipes and ditches meets the water quality standards set out in the act. Under a stormwater discharge permit, cities must adopt programs to reduce the amount of pollution entering our waterways. These programs include street cleaning, household hazardous waste pickup, leaf pickup, cracking down on illicit discharges of raw sewage and other pollutants and public education. These management plans are worthwhile, but very expensive to implement.

According to the National League of Cities, the average cost of obtaining a permit is $625,000. In Little Rock, AR, it cost $525,000 over three years to get the permit and it is estimated to cost an additional $125,000 per year to run the program. These costs for a small community would be disastrous. In a rural area, where financial resources are scarce because of the limited tax base, these requirements would detract from other essential programs, such as sewage treatment and safe drinking water requirements. With scarce resources, these small communities need to focus on the bare necessities to preserve the health and safety of their residents.

The Stormwater Management Improvement Act of 1995 would provide the needed relief from this permit requirement for cities with population less than 50,000 individuals by exempting them from the permit requirements. The bill would also delay permit requirements for cities with population between 50,000 and 100,000 until October 1, 2001, and instruct the EPA to promulgate regulations for these cities. Nonurbanzied areas are completely exempt from the permit requirements.

In addition, industries must also comply with the stormwater permit requirements. However, we run into the same situation where the requirements apply equally to both the large industrial polluters and the small businessmen. Again, one size does not fit all. In my own congressional district, a small businessman who runs a portable sawmill was required to obtain a stormwater permit. He travels from tree stand to tree stand to harvest the timber. In the process, he leaves some sawdust behind. This man is not a point source nor do his activities contribute to the degradation of the quality of the surrounding waterways. However, he is forced to obtain an expensive permit that results in very little water quality control and is treated in the same way as the large lumber mills.

My bill would exempt the small business or industry that employs no more than 25 people from the permit requirements unless the EPA or delegated state agency determines that the facility contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the United States.

I am not an advocate of promoting dirty industry over the health of our environment, nor do I want to see polluted waterways. However, I do want to ensure that we get the biggest bang for our buck by focusing on the big problems. I urge my colleagues to support this bill to ease the Federal mandates imposed on our smaller cities and businesses.

FEDERAL DIRECT STUDENT LOAN PROGRAM

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. WILLIAMS. Mr. Speaker, there's been an awful lot of talk recently abut the new Federal Direct Student Loan Program. As you recall, we enacted this program last Congress. It's currently being phased-in, and we're beginning to get some results from this phase-in. This school year 104 colleges and universities are direct lenders. Their students are able to get all of their student aid needs addressed at one location, the college financial aid office. From what people in my home State of Montana tell me, the program is good for students and parents, and it's bringing some simplicity to a student aid system that is often too complex. The only complaint I hear in Montana is that not enough schools are direct lenders. Starting this coming July, another 1,400 schools will become direct lenders. This is a big jump in participation rates, but from the preliminary reports we're getting I don't think it's an impossible hurdle to overcome. Recently the Association of Community College Trustees surveyed community colleges who already are direct lenders. The results from this survey are impressive: Direct loans appear to serve students better; schools benefit more from this program; and the Department of Education appears to be running the program quite well. I'm enclosing a copy of this report for my colleagues review. I urge you all to read it.

COMMUNITY COLLEGES AND DIRECT LENDING

(By Melanie Jackson, Director of Federal Regulations, Association of Community College Trustees, February 1995)

BACKGROUND—HISTORY

Community colleges have supported the concept of a direct loan program as an additional choice or option (with institutional participation voluntary) for the distribution of federal guaranteed student loan funds since the proposal for a small, pilot program was launched by the Bush Administration in 1991. The 1992 Amendments to the Higher Education Act, signed on July 23, 1992, included the Bush proposal for a pilot program. However, before it could be implemented, the new Clinton Administration took office and pushed for legislation to change to a full-blown system of direct lending, with the federal government making loans to students through their colleges. The Clinton proposal eliminated banks, secondary markets, and guaranty agencies, and claimed the federal government would save billions in costs by this move. Although the 103rd Congress was eager to apply the billions in savings toward deficit reduction, concerns were raised about possible disruption in the financial markets and the ability of the U.S. Department of Education to effectively and efficiently manage a full-blown program.

Congress and the Administration compromised, and the 1993 Budget Reconciliation bill yielded a dual program. The current bank-based system was continued, but federal subsidies to lenders and guaranty agencies were reduced. Expanded authority was given to the Department of Education to implement a direct government loan program for students, but a five-year phase-in was required and caps were set on the amount of loan volume allowed to be handled by the government for each year. The program was to start small in the 1994–1995 academic year, with a first-year cap at 5 percent of the loan volume, rising to 40 percent the second year (plus institutional demand), and a fifth-year cap set at 60 percent (plus institutional demand). One hundred and four schools, nine of which are community colleges, were selected by the Department of Education to participate in the program's initial year.

THE CURRENT POLICY CLIMATE—CONFLICTING PROPOSALS

Just as the second semester of the first year of direct lending got underway (January 1995), winds of change for the program appeared to be blowing again from Washington. The Administration is pushing for a

complete switch to direct lending. Included in the President's Fiscal Year 1996 budget is a proposal calling for participation in the direct loan program to be expanded to include 80 percent of loan volume in academic year 1996–97, with full implementation of the program (100 percent) in academic year 1997–98. The budget projects that a move to full implementation of direct lending (and the elimination of the bank-based program) would save the government an additional $6.8 billion (on top of previous savings already achieved—more than $4 billion) by the year 2000. However, the 104th Congress appears to be heading in a different direction. Some in the Republican-controlled Congress are suggesting that the federal government's involvement in this program is inappropriate and therefore the program should be ended altogether. Others in Congress want to insure that the dual program continues; they are proposing to lower the maximum participation cap to a ceiling of 40 percent of loan volume (the authorized level for the 1995–96 academic year).

Meanwhile, as these conflicting proposals are being tossed about in Washington, more than 125 community colleges that volunteered (and were approved by the Department) to become participants in the program for the 1995–96 academic year are planning, training, and gearing up to become loan originators.

THE ACCT COMMUNITY COLLEGE DIRECT LENDING SURVEY

To enable trustees (and ACCT staff) to respond effectively to Congressional office and press inquires about how community colleges view the direct lending program, and how community college students might be affected if the program were reduced or eliminated, the Association of Community College Trustees conducted a survey of the nine schools currently participating in the program: Cloud County Community College, KS; Cuyahoga Community College, OH; Delaware Technical and Community College, DE; Gaston College, NC; Hudson Valley Community College, NY; Lehigh Carbon Community College, PA; New Mexico Junior College, NM; Red River Technical College, AR; and Tarrant County Junior College, TX.

The ACCT Direct Lending Survey instrument consisted of six simple questions: how many loans were originated (and corresponding enrollment numbers compared to the prior year), how the direct lending program better serves students (if it does), how direct lending benefits institutions, the perception of the quality of service rendered by the Department of Education (and its ability to manage the program), advice that could be offered to institutions who are considering participation in direct lending in future years, and finally, what message the participating institution would send to the 104th Congress that evaluates or describes their experience with the program.

The ACCT survey questionnaire was distributed by fax to the financial aid administrators at the nine colleges, after they had been notified by telephone of its purpose. Eight to the nine community colleges completed the survey (Delaware Technical and Community College was the only non-respondent).

THE COMMUNITY COLLEGE SURVEY RESULTS

Overall, the survey responses demonstrated that community college aid administrators like the new direct loan program. All responses to the questions asked about the program's benefits to students and institutions were favorable. Similarly, all responses were positive to the question about the Department's management of the program and quality of service rendered. The general advice that was repeatedly offered by survey respondents for colleges that might be considering participation in direct lending in the future: plan early, get top-of-the-line computer hardware and software, and attend all training sessions offered! The message current program participants would send to the 104th Congress: the program works, it is simple, we like it, and the students like it.

The following is a compilation of the survey questions and responses ACCT received. The comments listed (to all but the first question regarding number of loans and enrollment) are direct quotes from community college aid administrators. Their responses are presented in random order for each question, to retain anonymity.

NUMBERS OF LOANS AND INSTITUTION SIZE—A CAUTIONARY NOTE

The community colleges participating in this first year of direct lending range in size from very small (less than 1,000 headcount enrollment to very large (over 26,000 headcount enrollment), but four (half of the respondents), fell in the 3,000–4,000 enrollment range. The number of direct loans originated by each institution did not correlate to the size of enrollment at the institution. (For example, the number of loans originated at the smallest institution was more than 200, while the smallest total number of direct loans originated by a community college this first year was 60, from a college with 4,000 headcount enrollment.) The total number of direct loans originated by the eight respondent colleges was just over 8,500. The colleges reported a previous year's total of students with loans (from the bank-based program) of approximately 6,400. This represents a 25 percent, one-year increase in the number of community college student borrowers (from these eight institutions). Although this percentage increase is based on a small sample, it does seem to illustrate a continuing trend of upward growth in borrowing by community college students to meet their educational expenses. (In 1993–94 the number of community college borrowers increased by 31 percent over the 1992–93 academic year.)

SURVEY RESPONSES ABOUT HOW DIRECT LENDING SERVES STUDENTS

''Students (and the parents of dependent students) are very pleasantly surprised by the ease and efficiency associated with the Direct Loan Program. There are times when a student can walk in to the Financial Aid Office and walk out with a Direct Loan. Borrowers know when disbursement will occur, since the school is drawing down the funds versus waiting for a lender to disburse a check or wire-transfer funds. It is simple, quick, and less confusing.''

The application process is simplified. The repayment options are greater than those in the Stafford Loan Program. The loan is held by the Department of Education and will not be sold to a secondary market. We have been able to spend more time with students exploring other financial aid options and debt management issues since we have implemented the Direct Loan Program.

Faster delivery of loan dollars to students.

Direct lending currently offers the income contingent repayment option not available under Stafford. Also, direct loans eliminate the need for a student to deal with a middleman, the bank. Everything is handled through the school. They deal with one service.

One lender is very beneficial. Students are able to keep track of their loan responsibilities. In the past, valuable time was spent locating information. Consolidation is very available to students. Repayment options are extended.

One stop for all student financial aid. Less time required from time student comes in until he/she receives loan.

We are our students personal contact from the initial loan application until disbursement. Our disbursements to our students are much sooner. Adjustments are completed and processed in a more timely manner.

The process is simpler and more direct for the student. We can control the disbursement process so we can be sure that the students receive their funds on a timely basis.

SURVEY RESPONSES ABOUT DIRECT LENDING'S BENEFITS TO INSTITUTIONS

Direct Loan has enabled us to offer aid to more students more quickly than processing FFELP loans, therefore allowing more needy students to enroll. Despite a decline in enrollment at the college, financial aid has awarded more money to more students. Direct loan has also improved cash flow to the college and the student. Is it easier to administer? No! It's different, but no easier this first year—maybe next year. We need to tie our business office into our computer network to facilitate cash flow and reconciliation.

Saves time. Does NOT necessarily save on institutional costs.

Electronic transfers, crediting student accounts in a timely fashion, provides good tracking and records for auditing purposes. It saves time. Disbursement rosters allow the Business Office to date loan checks on a schedule. Students appreciate the personal service and exact date concerning disbursements. The students are informed of disbursement dates and come that day to get their loan checks rather than call and come by numerous times checking to see if checks are in.

Again, it eliminates the middleman; less room for error, fewer contact persons. Currently it does not save time operationally because I have no interface from PC to VAX. Cost factor minimal.

We have more control over the program. Administering the program is more efficient. Our cost is less and we have satisfied students.

Easier to deliver. More efficient. Can do more loans with less human resources.

We have found that direct lending saves costs. However, it does not take additional staff or resources to implement the program. We have been able to shift staff time to other areas such as debt management. Students receive the greatest benefit in the direct lending program. That is, the application, disbursement, and repayment process is greatly simplified.

The software provided by the Department enables us to do electronically what would be time consuming and expensive manually. Simple tasks that needed three copies sent various places now just demand one notification.

COMMENTS FROM AID ADMINISTRATORS ABOUT PROGRAM MANAGEMENT AND INSTITUTIONAL SERVICE RENDERED BY THE U.S. DEPARTMENT OF EDUCATION

Nothing short of excellent.

With direct lending the U.S. Department of Education has shifted their emphasis from prescriptive methods to regulating outcomes. Our experience has been that the Department can provide the necessary service to this program. We have received the training and support needed to implement this program from the Department of Education.

Our school relations group has provided excellent service to us. Our calls were returned and personnel were very patient, courteous, helpful and supportive.

Seems to be running relatively smoothly. Of course being a year-one school has meant our share of bugs to work out.

It appears to have gone well in the first year. Both the Department and the services have been very supportive.

The Department service has been good and timely. Our services have been very supportive, helpful, and extremely courteous and polite.

''Department has been very responsive. They have listened to our suggestions and modified the software when needed. The draw down of cash has been simple.''

''Very good service! Everyone has been helpful and responds quickly. We have been very pleased. This was one area I had a concern about, but Direct Loan Task Force, NCS, and the Direct Loan Servicer have been responsive and very professional.''

TIPS OFFERED FOR COLLEGES PLANNING TO BECOME FUTURE PARTICIPANTS IN DIRECT LENDING

''Plan ahead! Test your plan! Take advantage of training opportunities. Make sure you involve the financial aid office, business officers, and computer technology staff from the beginning!''

''Take the time to plan. Call those of us involved now. Get top-of-the-line computer for software.''

''We honestly feel this program is successful and should be continued in 100% participation. This program provides students with funds for education in an efficient, responsible, and cost-efficient system.''

''Start early planning. Buy the biggest/fastest hardware you can afford.''

''Attend all training sessions. Conduct on-site visits to first-year schools comparable to yours.''

''The process is more efficient and timely. Our students receive disbursement in a more timely manner. Out staff enjoy working with the program because it is computerized.''

''Yes, we recommend this program. Our advice is to plan for several months prior to implementation. That is, set up institutional task force (financial aid, business office, computer support, etc.) and review current operating procedures. How will these change? How will the tasks be split among the various offices? Contact like institutions already in the program.''

THE MESSAGE COMMUNITY COLLEGE AID ADMINISTRATORS WOULD SEND TO CONGRESS

''Do not cap this program. Interest groups are lobbying for a cap on the direct lending program. Who would benefit from a limit on this program? Ask current participants to evaluate the program. Let the FFELP and William D. Ford Direct Loan program exist together and schools will choose the program that best meets the needs of their students.''

''Direct lending should be encouraged at the legislative level. It is refreshing to think that a program like this is more efficient, cost effective, and a valuable service to the student. Many programs never reach the students as rapidly as this has. Be bipartisan and keep the best interest of the students up front.''

''This is the first time in my experience that a program was started where institutions could select how they participated and really had institutional flexibility and control. This program works and works well for students. It does not depend upon outside agencies as to whether institutions participate, drop from the program, merge with others, farm out originations, or sell to various other agencies. It is easy for the student to grasp the concept that they owe the federal government. I truly believe that this simplification will go a long way toward helping with 'paper' defaults.''

''This has been the freshest breath of air in a long time. Finally, a program that the financial aid office controls. We like that and the students like it.''

''I have been very pleased with the program. I enjoy the fact that there is no third party.''

''Finally, financial aid offices have a program that works with us and not against us. Also, this loan program is student friendly.''

''My school's experience with Direct Loan has been a positive one. We are pleased with the benefits this program offers the students and the school. We experience far fewer difficulties than we did with FFELP, i.e., many problems with lenders, slow or a lack of response from guarantors, big problems with servicers that provide students with little or no service, and enormous paperwork.''

TRIBUTE TO LEON DAY

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. MFUME. Mr. Speaker, it is rare that you find an individual with talent, ambition and humility. But those are just some of the defining and wonderful qualities of Leon Day, one of Baltimore's true heroes.

Baseball legend Leon Day died this week, he was 78. It was only five days earlier that Leon had his day and was elected into the Baseball Hall of Fame. his sister said it was ''what he was waiting for.'' He was the 12th Negro league star elected to the Baseball Hall of Fame and the first since 1987. His election into the Hall of Fame was a fitting end to a life of quiet achievement, pride and skillful performance.

For persons such as myself, who grew up in the little leagues and went on to coach inner city youngsters, Mr. Day was the personification of athletic excellence and someone who made us especially proud.

Leon Day moved to Baltimore in 1917 when he was 6 months old. His father worked in the segregated community of Westport and the family lived in Mount Winanas, a poor neighborhood in Southwest Baltimore. Although his house on Pierpont Street had no electricity or running water it was overflowing with both pride and purpose.

When Day was 12 or 13 he began playing baseball at a local athletic club. After two years at Frederick Douglass High School he left to play semi-pro ball with the Silver Moons. At 17 he joined the Baltimore Black Sox and was promised $60 a month (in reality he was lucky to get paid $2 or $3 a week). The team soon disbanded and young Leon was off to play for the Brooklyn Eagles.

In 1963, the eagles moved to Newark and Mr. Day began getting paid regularly and was able to help his family financially. When he returned home to play against the Baltimore Elite Giants he was nothing short of a hero. He struck out 18 batters in one game and set the Negro National League record. The hometown fans went wild.

He defeated the legendary pitcher Satchel Paige in three of their four recorded meetings. And, he put his heart into every game. He was a players' player. Although Leon Day was known for his blazing fastball he was said to have a curve ball that dropped off the table. He had a unique talent of pitching the ball without winding up, which often made batters look bad, fooled and intimidated.

After the 1943 season, Mr. Day went to Europe to fight in World War II. After participating in the Normandy invasion, Mr. Day played in an integrated game at Nuremberg Stadium against white major leagues. He pitched a four-hitter and bet the major leagues 2–1.

After the war, Day returned to the United States and the Eagles. Although the war had taken its toll on his strength, he was able to pitch a no-hitter on opening day against the Philadelphia Stars. After his victory, his teammates carried him off the field on the shoulders in triumphant recognition of an achievement few have ever realized.

In an era of social segregation he was a part of the athletic avant guard, who had rejected the mediocrity of second class citizenship. In doing so, he helped re-define the American past time as we know it, proving once and for all that only the ball was white.

When Mr. Day received word of his election into the Hall of Fame, tears of joy rolled his cheeks. To say he was elated, would be to overstate the obvious. ''I never thought it would come,'' he said. ''This has been in the back of my mind for a long time.''

It did come and not a moment too soon. Mr. Day is and always will be one of baseball's quiet heroes. A man who strived to be his best, despite his humble beginnings. A man who showed excellence on the baseball field and unmatched modesty when off it. Mr. Day is a man all of Baltimore can be proud of.

On July 30th of this year in Cooperstown, NY, Leon Day will be officially inducted into the Baseball Hall of Fame. Although he will not be among the throngs of well wishers who will travel from across the nation to be there, let us resist the urge to mourn him.

Instead, on that hot July day, know that not far away still sits a field of dreams. A place where the men of winter become the boys of summer. Where for nine innings, the problems of the world go away. And, where Ruth, Cobb, Paige and Gehrig all rush to the mound to welcome their newest team-mate, Leon Day, the gentle giant from Baltimore.

THEATRICAL MOTION PICTURE AUTHORSHIP ACT OF 1995

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. BRYANT of Texas. Mr. Speaker, today I am pleased to introduce legislation, Theatrical Motion Picture Authorship Act of 1995, to amend the Copyright Act to add to the definition of author of motion pictures the director, screenwriter, and cinematographer—for noneconomic purposes.

I am introducing this bill to stimulate discussion on an issue that remains contentious between film artists and film financiers; also between the United States and our advanced trading partners.

This is one of those hot button issues that invariably emerges at international copyright meetings as we try to achieve a higher degree of copyright harmony internationally.

This is also an issue which must be addressed as we move into the digital age of the information superhighway.

I am introducing this proposal because it is the right thing to do. Because of the work-for-hire doctrine under which our creative artists

work, U.S. law regards corporations as the legal author of a film.

We then end up with situations which are absurd. Is the Sony Corporation the author of ''The Bridge on the River Kwai''? Is the Turner Corporation the author of ''Citizen Kane''? Is Universal Studios the author of ''E.T.''?

My legislation does not overturn the work-for-hire doctrine or in any way disturb the economics of moviemaking or the export of any film product.

The measure does seek to give directors, screenwriters, and cinematographers the legal tools necessary to defend the integrity of their work, if there is an egregious effort to alter it for other distribution purposes after its theatrical release.

I regard filmmaking as an art form—and filmmakers are artists. Those who finance films rhetorically agree with this statement, but their real interest is in making as much money from a film product as possible.

If this desire to maximize profits requires a radical alteration in the film, the financial owner may make that alteration with no consideration of the resulting creative mayhem.

I understand that there will be substantial opposition to this measure from the financial interests, but the discussion and debate that its introduction will inspire will be healthy and valuable.

I trust this legislation will lead to a negotiated resolution of the legal role of the creative artists in the film industry. However, we ought to at least examine the issue of giving non-economic rights to filmmakers. These are the men and women who care most passionately about their work as a part of our country's culture.

Let the artists be the guardians of their art.

I will ask Chairman MOORHEAD for a hearing on this issue in the near future so that all parties may fully address the rights of creative artists. I hope Senator HATCH will do the same in the Senate.

I invite my colleagues to join me in supporting this bill and thereby preserve the integrity of our creative artists in our wonderful film industry.

H.R. —

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 ''Theatrical Motion Picture Authorship Act of 1995''.

SEC. 2. THEATRICAL MOTION PICTURE DEFINED.

Section 101 of title 17, United States Code, is amended by inserting after the paragraph defining ''State'' the following:

''A 'theatrical motion picture' is a motion picture of 60 minutes duration or greater intended for public exhibition, public performance, public sale, or lease, and includes made for television motion pictures, but does not include episodic television programs of less than 60 minutes duration (exclusive of commercials), motion pictures prepared for private commercial or industrial purposes, or program-length commercials.''.

SEC. 3. NONECONOMIC INTERESTS OF THEATRICAL MOTION PICTURE ARTISTS.

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by inserting after section 106A the following:

§ 106B. Noneconomic interests of certain theatrical motion picture artists

''(a) NONECONOMIC INTERESTS.—Subject to section 107 and independent of the exclusive rights provided in section 106, the principal director, screenwriter, and cinematographer of a theatrical motion picture have the noneconomic interests in that motion picture. The non-economic interests in a theatrical motion picture that are referred to in the preceding sentence are of the principal director, screenwriter, or cinematographer—

''(1) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to claim that he or she was the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture;

''(2) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to prevent the use of his or her name as the principal director, screenwriter, or cinematographer (as the case may be) of a theatrical motion picture of which he or she was not the principal director, screenwriter, or cinematographer (as the case may be); and

''(3) the right of the principal director, screenwriter, or cinematographer (as the case may be) of that motion picture to prevent any intentional distortion, mutilation, or other modification of that motion picture which would be prejudicial to his or her honor or reputation.

''(b) SCOPE AND EXERCISE OF RIGHTS.—Only a physical person may exercise the rights conferred by subsection (a) in a theatrical motion picture, but such rights may be exercised whether or not that person is the copyright owner.

''(c) DURATION OF RIGHTS.—The duration of the noneconomic interests in a theatrical motion picture shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106 in that motion picture.

''(d) TRANSFER AND WAIVER.—The noneconomic interests in a theatrical motion picture may not be transferred, but they may be exercised by the heir of the principal director, screenwriter, or cinematographer, as the case may be. Those rights may be waived if the principal director, screenwriter, or cinematographer, as the case may be, expressly agrees to such waiver in a written instrument signed by such person, except that—

''(1) such written instrument may not be executed before the first public performance of the motion picture (after previews and trial runs); and

''(2) no consideration in excess of one dollar may be given for the grant of the waiver. Such instrument shall specifically identify the theatrical motion picture and the uses of that motion picture to which the waiver supplies, and the waiver shall apply only to the motion picture and uses so identified.

''(e) DEFINITION.—As used in this section, the term 'heir' means the person to whom the noneconomic interests conferred by this section are bequeathed by will or pass by the applicable laws of interstate succession.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by inserting after the item relating to section 106A the following:

''106B. Noneconomic interests of certain theatrical motion picture artists''.

SEC. 4. CLARIFICATION OF AUTHORSHIP.

Section 201(b) of title 17, United States Code, is amended—

(1) by striking ''In the case of a work made for hire,'' and inserting ''In the case of a work made for hire, except in the case of theatrical motion pictures with respect to the noneconomic interests in the work,''; and

(2) by adding at the end the following:

''(2) In the case of theatrical motion pictures with respect to ownership of noneconomic interests in the work, the author shall be the principal director, principal screenwriter, and principal cinematographer.''.

SEC. 5. INFRINGEMENT ACTIONS.

Section 501(a) of title 17, United States Code, is amended in the first sentence by inserting ''or in section 106B(a)'' after ''of the author as provided in section 106A(a)''.

''SHOWCASE MORGAN HILL AWARDS''

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Ms. LOFGREN. Mr. Speaker, I rise today in congratulating the eight winners of the Second Annual Morgan Hill Awards. These awards are presented by the Morgan Hill Chamber of Commerce.

The female volunteer of the year is Mrs. Elena Moreno, a longtime educator and resident of Morgan Hill, who has served the community for 60 years. She has been and is currently on numerous boards ranging from the American Association of University Women to Head Start to the California Retired Teacher's Association. Mrs. Moreno was instrumental in instituting the wildflower program in Morgan Hill area schools. She has also served as a docent for school groups at the Morgan hill Historical Museum. As part of a dance troupe called the Fabulous Flappers, she performs tap, jazz, rock, and Latin dances for retirees functions, convalescent homes, benefits and many other events in the area.

The male volunteer of the year is Mr. Curtis Wright, another longtime resident of the Morgan Hill area. Mr. Wright is a past mayor of the city of Morgan Hill, former city councilman for Morgan Hill, past president of the Morgan hill chapter of the American Heart Association and past president of the Pet Assisted Therapy. He has also been instrumental in encouraging businesses to relocate in Morgan hill by forming the Economic Development Council. As president of an advertising agency in San Jose, he has used his promotional abilities and advertising expertise to help launch successful events in the Morgan Hill area.

Mr. James Yinger has been selected to receive the Educator of the Year Award. Mr. Yinger is currently the principal of the Nordstrom School, currently a regional nominee for the California School Recognition Program. This school, under Mr. Yinger's tenure, has been recognized for its outstanding integrated GATE, Gifted and Talented Education, program. As an education leader, he takes the initiative to make changes that will have a positive effect in the school system from organizing a safety patrol program to extending daycare for disadvantaged students.

The Bridge Counseling Center, which is a private non-profit community-based mental health agency, has been awarded the Non-Profit of the Year Award. This center has become one of the largest and most extensive mental health agencies in the South County region part of Santa Clara County. Recently, the United Way of Santa Clara County presented the distinguished VIDA award to this counseling center. This counseling center has a plethora of services including prevention programs, intervention and treatment. Recently, The Bridge Counseling Center has

been involved in the formation of the Morgan Hill Family Center and bringing experts into the Gang Awareness Task Force.

The winner in the Civic Category is Mr. Al Alciati, city of Morgan Hill's chief building official. His expertise and knowledge in the building inspection field is recognized statewide. He has served on the California building officials board of directors and was past president of the Peninsula Chapter for the International Council of Building Officials. Mr. Alciati has also given his time and talents to youth in the community by officiating at football and baseball games, and he has been a longtime member of the Live Oak Boosters Century Club.

The Guglielmo Winery has been selected as the Small Business of the Year. The winery will be celebrating its 70th year in business in Morgan Hill. The Guglielmo Winery has made many contributions to the Morgan Hill community through support of the American Heart Association, the American Red Cross, the local Girl and Boy Scouts, and many of the Chamber of Commerce's event through the year. it has been involved with the Santa Clara Valley Winegrowers by serving on the board of directors. The Guglielmo family members consistently donate their time and talents for many community functions and fundraisers.

The Partner in Education Award is presented to the Live Oak Foundation, founded in 1981. The sole purpose of this foundation is to raise funds for the district schools. These funds are used to provide scholarships to graduating students and contribute extra funds for academic programs to all the schools in the area. The foundation operates entirely through volunteers who organize fundraising projects and administer the grants to schools.

The Nob Hill Foods Co. is the recipient of the Chamber's Large Business Award. The Nob Hill Foods Co. was founded by and still run by the Bonfante family of Morgan Hill and Gilroy. The company has 25 stores serving more than 200,000 local customers a week, and employs over 2,200 employees. This company has built its solid reputation from the outstanding customer service they provide. The Bonfante family are recognized as very strong supporters of the schools and non-profit organizations in our community.

Mr. Speaker, I applaud and command these people whose commitment and dedication to the community has greatly enriched the Morgan Hill area.

BRONX DISTRICT ATTORNEY ROBERT JOHNSON'S BRAVE STAND AGAINST THE DEATH PENALTY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. SERRANO. Mr. Speaker, when New York State reinstated capital punishment on March 7 of this year, the highest ranking law enforcement official in my community, the Bronx, issued the following statement, which I commend to my colleagues' attention.

STATEMENT OF BRONX DISTRICT ATTORNEY

While the law enacted today reinstates the death penalty in New York, far more significant is its feature that permits a sentence of life without parole for the first time in our state's history. Since this law confers upon me the discretion to seek either sentence, I wish to make my policy clear regarding the exercise of that discretion.

I was raised by loving parents who instilled in me an intense respect for the value and sanctity of human life. As a result, I have devoted my life to the criminal justice system. During more than 20 years in that system, I have seen the devastation inflicted by those guilty of horrible crimes. I have felt the rage and thirst for vengeance which all but consumed the victims and their families. I understand the desire of many of them to ''throw the switch'' themselves. But I have also personally witnessed the devastation of those wrongfully accused. As an assistant district attorney, I convicted a defendant of intentional murder. He was released after his brother later plead guilty to committing the crime. Would even a brother come forward to save an innocent man if the consequence was death? and if he didn't, who would have been able to ''throw the switch'' back?

Those familiar with the criminal justice system know that the surest deterrents to crime are the probability of conviction and the certainty of punishment. However, under our system of justice the death penalty neither can nor should be mandatory. Consequently, it is highly uncertain that the penalty actually will be imposed by a jury in a given case, that its application will be fair, that the sentence will be upheld on appeal, that the defendant will be executed and that others will be deterred. Moreover, the price of this uncertainty is enormous given the cost in time and resources of trials and appeals in death penalty cases. Clearly, this money could be better spent on providing more judges and courtrooms so that more defendants could be brought to trail more quickly. The money could also be better spent on valuable and broadly-based crime-fighting and crime prevention programs, including reducing the flow of illegal guns, incarcerating more violent criminals and providing more assistance for crime victims. While these programs may not provide the visceral gratification of the death penalty, they will do a lot more to improve the quality of our lives.

For all of these reasons, while I will exercise my discretion to aggressively pursue life without parole in every appropriate case, it is my present intention not to utilize the death penalty provisions of the statute.

TRIBUTE TO DR. ROBERT H. MCCABE: THE EDUCATOR WHO TOOK THE ''JUNIOR'' OUT OF ''JUNIOR COLLEGE''

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mrs. MEEK of Florida. Mr. Speaker, on Tuesday Dr. Robert H. McCabe, an outstanding educator and administrator who led Miami-Dade Community College for the past 15 years, announced his retirement.

Throughout his 32 years at Miami-Dade Community College, Dr. McCabe built a tiny institution into the nation's largest and most respected two-year college. Recognized nationally as an innovator in the community college field, Dr. McCabe kept his focus squarely on the students who came to the Miami-Dade Community College to prepare for jobs and a brighter future.

Dr. McCabe believed in quality and results. He instituted changes that reward professors for success in the classroom instead of for research, higher academic degrees or publishing. He tightened up curriculums and evaluation standards that made more demands on students and revolutionized what courses they took, when they took them and what happened if they didn't succeed. But succeed they did, in extraordinary numbers.

Robert McCabe built bridges to local employers and created business centers to insure that Miami-Dade students would get training in skills that employers need so that graduates could get good jobs. Under his guidance Miami-Dade, through its neighborhood and outreach programs, became the integral part of our community that it is today.

In recognition of the extraordinary impact he has had on education in this country, Dr. McCabe won one of the prestigious MacArthur Foundation ''genius grants'' that provided him with $365,000 to spend however he wished. However, the true measure of his distinguished career can best be measured in the achievements and contributions of the tens of thousands of students whose lives he so profoundly touched.

For his tireless and dedicated efforts, I join with our entire community in extending to Dr. Robert McCabe our profound thanks.

Mr. Speaker, I wish to share with my colleagues an editorial on Dr. McCabe that appeared in the *Miami Herald*:

HE GAVE THOUSANDS A CHANCE

In serving Miami-Dade Community College for 32 years—15 as its president—Bob McCabe has left an enduring mark on the South Florida landscape. Now Dr. McCabe, 65, has announced that he'll retire on June 30 to go to work for a group promoting community college innovations nationwide.

The true measure of Dr. McCabe's leadership won't be found in bricks and mortar—although the expansion of this multicampus school's facilities has been phenomenal. Nor will it be found in Miami-Dade's unique endowment—although that, too, is a singular achievement.

Not even Miami-Dade's undisputed reputation as one of the nation's best community colleges captures the full impact of Dr. McCabe's leadership.

No, for that one must look at the thousands of success stories starring ordinary individuals whose extraordinary lives, like Dr. McCabe's, took a detour before they got serious about their education. Their lives and others' are more fulfilled today because MDCC gave them a chance—often when no other institution would—to expand their knowledge, develop their talents, and hone their skills. This community is infinitely richer for their contributions.

How do you top an act like that? You don't. Martin Fine, chairman of Miami-Dade's Board of Trustees, articulated the thoughts of many on Dr. McCabe's retirement and the board's new challenge: ''I believe that you can never replace a great leader like Bob McCabe when he retires; you can only attempt to find a worthy successor.''

SUSSMAN'S SUCCESS IN SCIENCE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PORTER. Mr. Speaker, I rise today to congratulate Ms. Beverly Sussman of Buffalo

Grove, IL, who has been selected to be a recipient of the Presidential Award for Excellence in Science and Mathematics teaching. I am pleased to have this opportunity to recognize her outstanding service to her community and the children whose lives she has touched.

This award represents the Nation's highest honor for teachers of mathematics and science in grades K–12. It was established by President Ronald Reagan and the Congress in 1983. Recipients are chosen on the basis of the excellence of their teaching performance. Only two teachers from each State are chosen each year.

Ms. Sussman has taught sixth grade science at Ivy Hall Middle School in Buffalo Grove for the last 17 years. It is her dedication to her students that first led to her nomination for this award. It is my understanding that it is this dedication that has made her the first sixth grade science teacher ever to receive this honor.

I need not remind my colleagues of the importance of educating our children. It is with them that the future of our country lies. We must constantly demand excellence from those charged with the responsibility of educating our children and honor those who have dedicated their lives to this cause. The Presidential Award for Excellence in Science and Mathematics honors those who do excel. Ms. Sussman is no exception.

Mr. Speaker, it is my distinct pleasure to recognize Beverly Sussman for receiving this prestigious award. Once again, I congratulate her and offer her my best wishes for continued success.

TRIBUTE TO LEON DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I am deeply saddened today to inform my colleagues of the passing of Leon Day. Mr. Day, a veteran baseball player, died on Monday, March 13, at the age of 78.

Mr. Speaker, Leon Day was a man of great poise and dignity. Over the years he patiently waited for his election into the Baseball Hall of Fame. On March 7, 1995, he was elected to that place.

Leon Day played in the Negro Leagues in the 1930's and 1940's. I am proud to let my colleagues know that Mr. Day played for the Newark Eagles, a team from my hometown, for 9 years between 1936 and 1949. He was one of the most dedicated and versatile players known to the game of baseball. Considered one of the league's best pitchers, known for his no-windup delivery, he also played outfield and second base. During one game, he was starting pitcher, relieved the regular center fielder and replaced an injured in-fielder.

During his years with the Negro League he appeared in a record seven all-star games and once struck out 18 batters in a single game. In the 1950's, Mr. Day played in the Latin American Leagues and the Canadian Leagues.

Physically, he won't be with us in October during the 1995 Baseball Hall of Fame induction ceremonies but I am sure his spirit will be front and center. Leon Day's immense contribution to baseball history will live forever. His enthusiasm for the game and his appreciation of life have left an indelible mark on all of his fans.

Mr. Speaker, I am sure my colleagues will join me in celebrating the memory of this remarkable sportsman.

HONORING RAYMOND AND FRANCES ROJEK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the longtime contributions the Rojek family has made in my district. Fran and Ray Rojek founded Rojek's Catering over 40 years ago in North Toledo. My family and I, along with many generations, have enjoyed Rojek's famous coffee cakes and other Polish specialties. It is a tradition that will be greatly missed as they close their doors.

When the Rojeks began their business in the mid 1950s, the catering business involved lugging heavy trays and dishes of food into homes and facilities that didn't have kitchens to accommodate serving large groups of guests. Currently, most catering businesses own their own halls, and serve to groups at these halls. The Rojeks' energy and spirit have been an inspiration to those who utilized their quality service for their special events. With a staff of 7 full-time employees and another 25 on-call employees, it was not uncommon to cater a complete wedding dinner for 500 guests.

I know my colleagues join me in saluting one of America's most industrious families, as they cater to themselves by taking time to enjoy their golden years. I am honored to have this opportunity to recognize the Rojek family's efforts as they move on to retirement.

INTRODUCTION OF THE GREENS CREEK LAND EXCHANGE AMENDMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce legislation which will ratify a land exchange agreement in Alaska between the U.S. Forest Service and the Kennecott Greens Creek Mining Co. [KGCMC]. This land exchange is a novel and public-spirited agreement which will provide jobs in Alaska for my constituents, promote sound economic and environmentally responsible resource development, and further the interests of land consolidation on conservation system units in the Tongass National Forest without any cost to the Federal Government. This land exchange is a true partnership between the private sector, KGCMC, and the Federal Government. In fact, the Secretary of Agriculture approved the land exchange agreement on October 26, 1994. I look forward to working with all interested parties toward the successful enactment of this legislation.

The Greens Creek Mine is located on Admiralty Island near Juneau, Alaska's capital. The mine was located under the general mining law while the area was within multiple-use lands in the Tongass National Forest. Subsequently, the area became part of the Admiralty Island National Monument through the enactment of the Alaska National Interest Lands Conservation Act [ANILCA] in 1980. Because this mine had world class potential, Congress included a special provision in ANILCA to ensure that the mine could go forward. It provided a special management regime and specific provisions to permit perfection of the mine's claims. Under this special regime, the managers of the claims were able to perfect and patent 17 claims in the Greens Creek Mine which began operation in 1989.

I remember the pride of all Alaskans when the Greens Creek Mine was opened. Unfortunately, low metal prices caused the temporary closure of the mine a year and a half ago. Since then, KGCMC has been working diligently to revise its mining development plan so that the mine can reopen in the near future. I hope that this reopening will occur soon.

The land exchange agreement is the product of a nearly 10 year effort by KGCMC to deal with one of the problems created by the special management regime in ANILCA. Although that regime permitted the perfection and patenting of 17 claims, it did not provide an adequate time for exploration of all the area with mineral potential surrounding the Greens Creeks Mine. KGCMC estimates that approximately 8,000 acres surrounding the existing mining claims are of interest geologically. This area is now closed to mineral exploration and development because it is located in the National Monument. Under normal circumstances, in an operating mining district on general Forest Service or public domain lands, KGCMC would be able to explore any such areas.

Since this area of interest has been off-limits to mineral exploration under ANILCA, KGCMC has been searching for a way to explore these areas. It has engaged in a multiyear negotiation with the Forest Service to develop a land exchange which would permit access to the area in a manner which is compatible with the monument designation provided by Congress.

The management regime provided for in ANILCA permitted the development of the Greens Creek Mine under special circumstances. The mine is an underground mine and its footprint on the surface is quite small. There is a development area with a series of buildings and surface facilities such as tailings ponds, but generally the mine is located in a manner to minimize its effect on the area. For example, there is no permanent camp or town at the mine. All workers commute by boat daily from Juneau. The terms of the land exchange require KGCMC to utilize its existing facilities to the maximum extent possible to ensure minimal change to the existing footprint. Additionally, mining in any new areas would be under the same management regime by which KGCMC developed the existing Greens Creek Mine.

Future exploration and development at Greens Creek will have minimal impact on the surface area and the mine will remain an underground operation. No open pit mining is permitted under the terms of the agreement, and the Forest Service will continue to administer the surface area just as it does now.

This land exchange also provides other major benefits to the Government, the community and the environment:

First, upon completion of mining, KGCMC's existing patented claims and any other claims which it holds on Admiralty Island will revert to the Federal Government. Although these claims cover a small area, the Forest Service considers this reversion very important to its overall general management plan within the monument.

Second, KGCMC will also fund the acquisition of 1 million dollars' worth of landholdings within the Admiralty Island National Monument and on other conservation system units in Alaska. This land acquisition process will take the form of either an exchange or the formation of a special land acquisition escrow account which would permit the Forest Service to make the acquisitions. In any case, none of these lands can be acquired except on a willing seller/ willing buyer basis.

Third, the lands to which KGCMC will acquire subsurface title also reverts to the Federal Government when mining ceases.

Fourth, finally, and most important to me, the exchange will improve chances that 250 jobs created by the mine will continue for a longer period of time once the mine reopens. While there is never any certainty in mining, KGCMC is hopeful that new ore will be discovered and mined. This would lengthen the life of the Greens Creek Mine and keep jobs generated by the mine in Juneau longer.

Mr. Speaker, the legislation I introduce today simply ratifies the land exchange agreement. It cannot be implemented without this legislation because the parties agreed that this matter should be approved by Congress. I believe that this land exchange is good for all parties involved. It helps the environment; it promotes mining in Alaska; and it encourages a good corporate citizen to continue to work toward full development of the mining area in which its claims were located under very strict and rigorous environmental requirements. I look forward to pursuing this matter in the Resources Committee and reporting this bill to the House for consideration. This is an issue which should be quickly agreed upon by all parties.

DUTY-FREE TREATMENT FOR TAMOXIFEN CITRATE

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. MOAKLEY. Mr. Speaker, I rise today to bring legislation I introduced to your attention. The legislation would provide for duty free treatment for tamoxifen citrate for the year of 1994. Tamoxifen is one of the most effective drugs to treat women with breast cancer and to prevent its reoccurrence.

Breast cancer is the leading cause of cancer death in women. Each year thousands of women are diagnosed with breast cancer, and too often the results are fatal. While the incidence of many deadly cancers has decreased dramatically over the years, the incidence for breast cancer has increased. In 1960, 1 in 20 women were diagnosed with breast cancer, and currently it is 1 in 8. Despite an increase in early detection and advances in medical care, the death rate for women with breast cancer has remained the same. We need to learn much more about the causes and cures for breast cancer.

Tamoxifen citrate is the first successful anticancer drug to treat and prevent breast cancer. The drug has been marketed in the United States since 1978, and is proven to significantly delay the reoccurrence of breast cancer in women in its early stages. Legislative efforts are essential to ensure that thousands of breast cancer patients can continue to receive this product.

The company that produces this drug has a long history of helping breast cancer patients. They provide this product free of charge to women who cannot afford the treatment. Since, 1978, the company has given more than $35 million worth of tamoxifen citrate to over 32,000 poor women.

That company also provides education programs for the early detection of cancer. Early detection is to best chance of increasing an individual's chances of survival. The survival rate for cancer that is detected in the earliest stages is 90 percent. Programs that promote early detection are invaluable to making progress in curing cancer.

This same company is also committed to research in the area of breast cancer. It provides considerable funding for clinical and basic research through its patients assistance program. Additionally, the company has provided millions of tablets, free of charge, for a clinical study conducted by the National Cancer Institute.

Furthermore, there is no other comparable drug marketed in the United States. The company that produces this drug does not compete in manufacturing this product with any other U.S. company. Thus, this bill does not create an unfair playing field.

I strongly support extending duty-free status in 1994 for citrate. Thousands of women will benefit from this legislation.

HONORING VFW DISTRICT COMMANDER DALE PEASE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of Ohio, Dale Pease. Dale is currently serving a 1-year term as district one commander of the Veterans of Foreign Wars, Department of Ohio.

This district includes eight counties in northwest Ohio, with a membership of over 9,000 members. Dale was elected to this position in June 1994, having previously served district one as chaplain, junior vice-commander and senior vice-commander, as well as three terms as membership chairman.

Dale joined the U.S. Army in July 1962 and earned his eligibility to the Veterans of Foreign Wars through his service with Company B 86th Engineers Battalion in Vietnam from February 1969 to January 1970. He joined the Veterans of Foreign Wars in 1966, transferring to Grover Hill Post 2873 in 1980. Since that time Dale has been an extremely active member, serving two terms as post commander and earning All-State Commander award in 1989–90.

Dale has also been an active member of the Defiance County Council, serving through the office chairs and being elected council commander for the 1992–93 year, at which time he was named an All-State and All-American County Council Commander. He also received the first John Buck Memorial Award for his promotion of VFW membership that year.

Mr. Speaker, Dale Pease is without question an American patriot willing to make a difference. I ask my colleagues to join me in paying a special tribute to his record of personal accomplishments and wishing him all the best in the future.

TRIBUTE TO ALAN SHAWN FEINSTEIN

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. REED. Mr. Speaker, It gives me great pleasure to rise today to pay tribute to a man who has dedicated his life to the battle against hunger. Mr. Alan Shawn Feinstein is a businessman, philanthropist, and humanitarian. Mr. Feinstein is the founder of World Hunger Program at Brown University, the first university center for research and education addressing the issue of world hunger. He also found 10 community food banks throughout Providence and is a contributor to 30 other food banks across Rhode Island.

However, his efforts go far beyond simply providing contributions and food to battle hunger. Mr. Feinstein has been instrumental in elevating the plight to end hunger to statewide and national attention. His belief that on one should go hungry has been his motivation to get other people involved, in particular our Nation's youth. In 1990, he established the Youth Hunger Brigade in Rhode Island—a statewide initiative to involve eighth-grade students in the study of the causes and effects of hunger and the development of programs. The Congressional Hunger Center, of which Mr. Feinstein is the honorary chairman, is now working to establish this program in schools nationwide.

As a former public school teacher, Mr. Feinstein has always recognized that our children are one of our most important assets, and he has continually worked to improve the lives of many Rhode Island students by establishing community service projects, scholarships, and grants for self-developed programs. He has committed over $1 million to high schools throughout Rhode Island in order to start public service programs and to give students the chance to put their ideas to work. His support has enabled students to design, develop, and implement their own programs to fight hunger. Mr. Feinstein has also committed $1 million to teach community service and its rewards to children in elementary schools across Rhode Island.

Author of one of the most widely circulated financial newsletters with over 350,000 subscribers world-wide, Mr. Feinstein has also authored several best-selling financial guides, a novel, and several children's books. He has been the recipient of numerous awards and citations for his dedication to the cause of world hunger. With all of these achievements under his belt, Mr. Feinstein continues to strive to

bring people together to learn about world hunger and empower them to take action. His financial contributions have been great, but it is his compassion and sense of humanity which has been the force behind his actions.

Mr. Speaker, it gives me great pleasure to commend this individual today, and I would ask my colleagues to join me in saluting Mr. Feinstein.

RESCISSION BILL

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GEJDENSON. Mr. Speaker, yesterday I submitted a statement expressing my strong opposition to the rescission package before us because of the detrimental effect this bill would have on my constituents. At this time, I would like to add one point which I neglected to discuss in my earlier remarks—the rescission of $7.7 million for the Northeast Corridor improvement project [NEICP].

The funding to be rescinded was appropriated in 1977, 1979, and 1980 and was to be used to improve or close at-grade crossings along the Northeast Corridor route. When the Federal Railroad Administration [FRA] originally submitted options for improving these crossings in southeastern Connecticut, the plan was met with opposition from the local communities. Since then, all of the parties concerned have been working to come to a consensus on these crossings.

While there are still 13 crossings left—all in southeastern Connecticut—in two areas, Chapman's crossing in Old Lyme and Miner's Lane crossing in Waterford, there is consensus within the community and construction work can begin as early as summer 1996. However, if this money is rescinded today, funding for these two projects will be unavailable.

The construction of alternatives at Chapman's crossing and Miner's Lane crossing is critical to ensuring the safety of the residents who live near the rail line. In the case of Chapman's crossing, young children regularly cross the tracks en route from their homes on one side to the beach on the other. I fear that with the current situation a serious accident in the near future is inevitable. With the increased traffic likely to occur with electrification, this problem will only become more dangerous.

I am discouraged that the House will vote today to cut funding for safety improvements in order to provide a tax break for wealthy Americans and corporations. I will vote against this bill and I encourage my colleagues to do the same.

STOP THE BAIT AND SWITCH HYPOCRISY!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. FILNER. Mr. Speaker and colleagues, I rise today to voice my outrage about the hypocrisy that now governs this rescissions process.

Yesterday I stood on the floor and tried to offer what I believe was a reasonable alternative to the horrendous choices we were being asked to make.

I spoke out against the new game being employed in Washington—bait and switch.

The rules are simple: propose massive and irresponsible budget cuts one day. Then, turn around when cameras and reporters are watching, and claim you are fighting to restore the very cuts that grabbed the headlines just days before.

Games are fine, Mr. Speaker, but not here. Not when we are looking at billion-dollar cuts that will hurt children and older Americans, our veterans and those in this country who can't afford a powerful lobbyist.

I want to use one example of how playing these kinds of games will hurt the good people of San Diego. People are waiting to hear what we will do with funding for summer jobs for youth.

San Diego County has enjoyed a great deal of success for the past 13 years with the Hire-A-Youth Program. Hire-A-Youth gives more than 6,000 young people their first shot at real employment.

Let us be very clear about this. The kids who get these jobs are from families at or below the poverty level. More than half of them come from families on welfare.

They need these summer jobs to survive. They are not in this for running-around money. These jobs help them to help put food on their families' tables and clothes on their backs. They help pay the rent.

Hire-A-Youth has been doing exactly what many of my colleagues in this Congress have said we want to do about welfare: break the cycle of dependency by putting people to work.

We are providing these children an opportunity to learn the value of the work ethic.

What kind of message are we sending to America's youth by cutting the one resource they have to become productive, contributing members of our community?

I have heard from parents, teachers, business people, community leaders—you name it—imploring us to save summer jobs for kids. But the most poignant pleas are coming from the kids themselves.

Angela writes that sometimes students have the tendency to feel as if no one cares, but this program has given her the motivation to get a job.

Omar says that no one else would hire a 14-year-old, and through this program he learned valuable social and money management skills.

Isn't that what we want? Let's keep what works for our kids. Stop the bait and switch games. We must protect what works for our communities.

SECRETARY OF DEFENSE AND CHAIRMAN OF JOINT CHIEFS GREET TROOPS RETURNING FROM HAITI AT FORT DRUM, NY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. McHUGH. Mr. Speaker, I rise to recognize the men and women of the 10th Mountain Division—Light Infantry—at Forth Drum, NY. On February 16, I joined Defense Secretary William Perry and the Chairman of the joint Chiefs of Staff, Gen. John Shalikashvili at Fort Drum in a ceremony honoring members of the 10th for their accomplishments during Operation ''Uphold Democracy'' in Haiti.

Mr. Speaker, on the same day the troops were honored at Fort Drum, the House of Representative took an important step in restoring U.S. defenses to the levels expected by the American people with passage of the National Security Revitalization Act.

The commanders of that mission, Lt. Gen. Henry Shelton, who commands the 18th Airborne Corps and Maj. Gen. David Meade, who commands the 10th, are here in the Capitol today to provide our colleagues with briefings on that mission.

Despite recent reductions and shortfalls in defense funding, we have deployed U.S. forces on more peacetime and humanitarian missions than ever before. The adaptability, motivation and high level of readiness have made the 10th Mountain Division a key player in many of these missions. It is appropriate that we salute them today as their commanders are here to provide us with the benefit of their experiences in assisting the restoration of democracy in Haiti.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE AND RESCISSIONS FOR FISCAL YEAR 1995

SPEECH OF

HON. Y. TIM HUTCHINSON

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 15, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes:

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of the amendment offered by our distinguished chairman of the Veterans' Affairs and Rules Committees to reinstate funding for six needed VA outpatient clinics, along with funds to help defray the VA's backlog of essential medical equipment purchases.

For years, Chairman STUMP has been working diligently to reform VA's current eligibility system. Part of that approach, which has the strong backing of the VA and veterans' service organizations, is to place a priority on outpatient care. Too many veterans are eligible for care only on an inpatient basis, when their ailment may only require outpatient care. This must change, and we have been taking positive steps to see that VA outpatient services become the wave of the future. Financially, it makes sense to shift to outpatient care, just as the private sector is now doing. It is clear that these funds must be restored.

In order to offset the cost of these projects, money will be taken from AmeriCorps. Two years ago, when we debated the merits of the AmeriCorps Program, I stood in this well in strong support of another Stump amendment, this one to set the educational benefits of the

program at 80 percent of what is offered under the Montgomery GI bill. I believed that if the national service plan offered benefits equal to or in excess of the GI bill, military recruitment would suffer.

Well, the amendment failed and military recruitment has indeed been hurt. Last year, for example, the Marine Corps missed its recruitment goal for the first time since before 1980. I believe that can be directly tied to AmeriCorps.

AmeriCorps targets the same population group as the armed services, yet it offers education benefits at no charge, a well-paid Government job, and no danger of being placed in a combat situation.

I think many young Americans are choosing paid volunteer work over the military, and that is a shame.

We have an opportunity to rectify this situation by taking funds from this unneeded program and redirecting them to those who truly need and deserve this money, our Nation's veterans.

I urge all my colleagues to support the Stump-Solomon amendment and yield back the balance of my time.

TRIBUTE TO DANA WHITNEY BERRY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Dana Whitney Berry, as she retires from her position as executive director of the Union City Day Care Program. Dana Berry is an exceptional human being who has dedicated her life to caring for our Nation's children. She is a pioneer in her field and has made a great many contributions to the field of social work.

Dana Berry earned her masters degree in social work from Rutgers University in 1982. She was an outstanding student who graduated with advanced standing. In 1983, she established the Union City Day Care Program, which combines education with a unique social service system. This innovative program has brought together the young and old and the poor and more affluent to build a better community.

The daycare center which Dana Berry established services 285 children ranging from 6 months to 6 years old. The Even Start Program offers parents literacy training, G.E.D. certification, and parenting/life skills. In addition, the program helps to break the poverty cycle by training elderly workers and welfare parents in the area of child development.

Through the years, Dana Berry has been an avid supporter of services for children and the elderly. She has found an innovative way to bring the two together in order to achieve positive results. Her program is a model for others around the world. She has fought hard to secure funding for the program. In fact, she increased the center's annual budget from $100,000 to $1.2 million in 3 years. She has also expanded the staff from 3 to 72 professionals and paraprofessionals. She has built the center from the ground up and has shaped it into a high-quality program.

In addition to her outstanding work with children, Dana Berry has served New Jersey and our Nation in a wide variety of roles. She has served as commissioner of the Employment and Training Commission for New Jersey, and she was nominated National Mentor by the National Academy for the Education of Young Children. For her hard work, she has received many awards and honors, including the National Award for Excellence in 1987, and the National Award for Livability from the U.S. Conference of Mayors in 1991. She has also been featured on many networks, CNN news, and Life magazine.

Dana Berry is truly an outstanding citizen, and I am very proud to have had her working in my district. Her contributions will not be forgotten, and even though she is leaving the Union City Day Care Program, she will remain a shining example to all social service providers. Even though she is retiring from the Union City daycare center, I know she will remain active. She cares too deeply about our children to stop her advocacy. Please join me in wishing Dana Berry a happy retirement, although, hopefully, it will not be a quiet retirement.

IN HONOR OF THE SEABEES

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. JACOBS. Mr. Speaker, one of my earliest memories about World War II was the extraordinary valor of the Seabees.

Like Army medics and Navy corpsman, the Seabees had more than one job to do in combat situations.

One of the jobs essentially was fighting the enemy when the enemy attacked. Simultaneously, the other job was to build; build runways for airplanes in all matter of fortifications and other necessary facilities under extremely adverse circumstances which contributed to the success of the Allies in World War II.

Surely all Members of Congress will reflect in prayerful thanks on the indispensable contribution made by the Seabees in World War II.

THE ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. CRANE. Mr. Speaker, as a professor of history, I hope my colleagues will remember that today is the 147th anniversary of the Hungarian uprising against the Hapsburg Empire. While the uprising was relatively short-lived, a study of history shown that even unsuccessful revolutions can serve as important precursors to future reforms.

It is important that we not forget or ignore the sacrifices of those who established the tradition of freedom and democracy in Hungary. Especially on this anniversary day, we should recognize those early revolutionaries and their descendants who sought liberty unsuccessfully in 1956 and who eventually won their freedom in 1989.

I hope that my colleagues and all those who find freedom dear would read the following commemoration of this anniversary and remember those who made it possible.

COMMEMORATION OF THE 1848–49 REVOLUTION AND WAR OF INDEPENDENCE IN HUNGARY

March 15 marks the anniversary of Hungary's Revolution and War of Independence for freedom, liberty and self-determination.

On this day 147 years ago, the people of Hungary, led by reformers and young intellectuals, rose to demand freedom of press, freedom of association, freedom of religion, enforcement of human rights, and, first of all, independence from the Hapsburg empire. The quest by the people of Hungary and the War of Independence that followed, was, as so often before and after in Hungarian history, subdued by foreign intervention in August, 1849.

The glorious Revolution that placed Hungary in the vanguard of the revolutionary movement for political and economic modernization which swept through Europe at that time, and the fallen War of Independence set an example for the entire world by a small nation. Hungary's effort proclaimed to mankind the inherent and indefeasible right of every nation to elect its own leaders and to establish its own laws. March 15, 1848 has never ceased to signify the torch of freedom, independence and democratic endeavors for the people of Hungary. The ideals and spirit of this historic effort have been the guiding spirit of the eternal adherence by the people of Hungary to independence and democracy throughout the years of foreign occupation and communist dominance ever since.

The symbol and significance of Hungary's revolt for freedom and liberty are eloquently emphasized by the fact that Lajos Kossuth, one of history's most revered political leaders and champion of liberty and justice, is one of the few foreign political figures who is honored by a bust in the Capitol of the United States. Kossuth and the noble aspirations of the people of Hungary for freedom and independence gained attention and sympathy from the American public. The liberal and democratic principles so clearly proclaimed by the people of Hungary during the Revolution and War of Independence of 1848–49 are shared by the community of democratic nations.

Therefore it is only fitting to pay tribute to the endeavors and sacrifice, to the bravery and love for independence by the people of Hungary.

Almost a century had to pass before the dreams and aspirations of the Hungarian patriots of the 19th century led the people of Hungary to the streets during the heroic Revolution of 1956 in their desperate effort to gain freedom from foreign occupation and independence. Hungary and its freedom-loving people also deserve the admiration of the entire world for their crucial contribution to bringing down the Berlin Wall in 1989 by offering the gift of freedom for East Germans. Freedom for Hungary and freedom for all, ''with malice toward none, with charity for all''—this is what Hungary has stood for, this is what Hungary is representing even today.

The people of Hungary face new challenges at present. These challenges emerge from their newly gained political and economic freedom the answers of which are sought by Hungary under firmly established democratic political order and policies aiming at the creation of a market economy and at the prevalence of human rights.

The United States of America has always been a devoted supporter of the cause of Hungarian independence and freedom. This

compels the United States to remain committed and engaged in ensuring the fulfillment of the ideals of Hungary's Revolution and War of Independence which started on March 15, 1848 under the new international political environment as their ideals, a democratic and free Hungary and a Europe which is free, united and at peace, are also shared by us all.

EXPLANATION OF ABSENCE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. CLAY. Mr. Speaker, last night I experienced a sudden illness and was unable to cast my vote against the Crane amendment to rescind funding from the Corporation for Public Broadcasting. I wish to inform this body that I have long supported Federal funding for the Corporation for Public Broadcasting and will continue to do so in the future.

SMALLER, MORE EFFICIENT GOVERNMENT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. PACKARD. Mr. Speaker, Americans voted last November to get big government out of their lives and off of their backs. Republicans know this and are committed to heeding the people's mandate for a smaller, more efficient, less costly government. Our House Republican rescission package represents a crucial first step toward achieving this goal.

The taxpayers want an economically sound government that lives within its means. The American family exercises fiscal responsibility and accountability. The Federal Government should do the same.

The American people work hard for the tax dollars they have to send to Washington. The least we can do is spend those dollars wisely. These bills take a first step in that direction. They aim the cutting knife at programs that do not work, and consolidates duplicative government functions.

Furthermore, our rescission bills trim funding for programs that received large increases in fiscal year 1995, cuts unspent funds that were piling up from one year to the next and eliminates funding for unauthorized programs.

Mr. Speaker, the $17.3 billion worth of specific cutbacks in our rescission bills, H.R. 1158 and H.R. 1159, put this Nation back on the path toward fiscal responsibility. These bills reassure Americans that their dollars will go to the programs they need most while eliminating useless ones.

TRIBUTE TO FRED J. MISHOW

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GEPHARDT. Mr. Speaker, I rise before my colleagues today to pay tribute to Fred J. Mishow on his 75th birthday.

Fred fled his native Germany to escape Nazi tyranny in 1937. He began a distinguished career in the military during the years 1942–46, which earned him three Battle Stars and the Philippine Presidential Citation. Fred's tour in the South Pacific theater of war instilled in him the qualities of leadership that have served him well in civilian life.

Fred has been active in democratic politics on the city, county, and State levels. He served as precinct captain in Hadley Township for 35 years. He also served as Sergeant-at-Arms at the 1968, 1972, and 1992 Missouri State democratic conventions. In addition to these achievements, Fred earned the Thomas F. Eagleton Grass Roots Man of the Year Award in 1990.

Fred has unselfishly given his time and talents to our community. In addition to his political activities he has worked hard in various religious and civic organizations. I am proud to call Fred Mishow my friend, and I commend the service he has given to the St. Louis area, the State of Missouri, and the United States of America.

DeLAURO HONORS WILLIAM T. O'BRIEN

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Ms. DeLAURO. Mr. Speaker, on Friday, March 17, 1995, the Branford Elks, Lodge 1939 will honor William ''Bill'' O'Brien as Irishman of the Year. Bill's commitment to voluntarism and the people of his community have had a tremendous impact on Greater New Haven. I am pleased to pay tribute to this extraordinary man.

Bill O'Brien truly symbolizes the spirit of Connecticut's Irish-Americans. Devoted to his community, profession, and family, Bill has always given freely of this time and talents. For decades, he has been a great source of strength and inspiration.

Many local organizations have benefited from Bill's leadership and talent for putting ideas into action. From his work as President of the Walter Camp Foundation to his service for the United Fund Campaign, Bill O'Brien is making a real difference for people. In particular, as past president and chairman of the Branford Festival, Bill helped to make this annual event a tremendous success, bringing together many families and friends while building the festival's financial prosperity.

A devoted family man and successful banker, Bill O'Brien has earned the respect and friendship of an entire community. I know that this wife, Maureen, and two sons, Michael and Gregory, take great pride in Bill's remarkable accomplishments. I am delighted that the Branford Elks are recognizing his outstanding achievements and I congratulate Bill on this well-deserved honor.

PERSONAL EXPLANATION

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GEJDENSON. Mr. Speaker, on Wednesday, March 16, 1995, I was unavoidably detained at the White House and not on the floor to be recorded on rollcall votes 242, 245, and 246 during consideration of H.R. 1158, the Omnibus Rescissions and Disaster Supplemental Appropriations bill. Had I been on the floor, I would have voted no on all three votes.

CONGRATULATIONS TO THE UNIVERSITY OF WISCONSIN-GREEN BAY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. ROTH. Mr. Speaker, I rise today to congratulate the Fightin' Phoenix, the University of Wisconsin-Green Bay men's basketball team. The Fightin' Phoenix were invited for the third time in 5 years to compete in the National Collegiate Athletic Association men's basketball tournament. As such, their team has been recognized as one of the elite basketball programs in the Nation.

Just as remarkable, after posting a 22–7 season, the University of Wisconsin-Green Bay won the Midwest Collegiate league championship this year. Led by their exceptional coach, Dick Bennett, and star forward Jeff Nordgaard, the Fightin' Phoenix posted another great season for all their fans in northeast Wisconsin.

As the team's strongest supporter in the Nation's capital, I want to wish the best of luck to the University of Wisconsin-Green Bay as they begin their quest for greater basketball glory. I know all of northeast Wisconsin joins me in congratulating the Fightin' Phoenix for their stellar season and wishing them all the best in the NCAA tournament.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. BECERRA. Mr. Speaker, I would like to take this opportunity to explain my absence from the House on Monday, March 5, and Tuesday, March 14, 1995.

As I have stated previously, my wife and I are faced with a trying family medical situation which has required my presence at home in Los Angeles as often as possible and, unfortunately, at times when the House is in session. We are expecting our second child this May, and under doctor's orders, my wife has been limited to bed rest until she has completed her pregnancy.

Regretfully, I missed a number of recorded floor votes on March 5 and 14. For the record, I would like to indicate my position on each vote:

Goodlatte amendment to H.R. 988, the Attorney Accountability Act (rollcall 200)—''No.''

Berman amendment to McHale amendment to H.R. 988 (rollcall 201)—''Aye.''

McHale amendment to H.R. 988 (rollcall 202)—''No.''

Hoke amendment to H.R. 988 (rollcall 203)—''No.''

On final passage of H.R. 531, Great Western Scenic Trail Designation (rollcall 230)—''Aye.''

On final passage of H.R. 694, Minor Boundary Adjustments and Miscellaneous Park Amendments Act (rollcall 231)—''Aye.''

On final passage of H.R. 562, Walnut Canyon National Monument Modification Act (rollcall 232)—''Aye.''

On final passage of H.R. 536, Delaware Water Gap Recreation Area Vehicle Operation Fees (rollcall 233)—''Aye.''

On final passage of H.R. 517, Chacoan Outliers Protection Act (rollcall 234)—''Aye.''

KEEP THE SUMMER JOBS PROGRAM

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Ms. SLAUGHTER. Mr. Speaker, today the House approved over $17 billion dollars in rescissions, the largest package that has ever come to the floor which unfairly targets senior citizens, low-income families and our children. Many of my colleagues have risen today to argue against the bill and the arbitrary, across-the-board cuts it makes to some of our most vital programs. I would like to draw our attention specifically to the Labor Department's Summer Youth Program, because under the package, Summer Youth would be totally eliminated. Mr. Speaker, many of us on both sides of the aisle would have fought against the rescission affecting our Nation's youth, but we never had the chance during consideration of amendments. Make no mistake—enactment of H.R. 1158 would mean the elimination of summer jobs for over 500,000 youths and fewer job opportunities in the future as our children enter the job market.

Many mayors and local officials throughout the country have voiced their strong support for maintaining the Summer Youth Program. Mayor William Johnson of Rochester, New York, the heart of my Congressional district, offered an eloquent defense of the Summer Youth Program in a recent testimony before the Economic and Educational Subcommittee on Post-Secondary Education, Training and Life-Long Learning. At this point, I would like to insert Mayor Johnson's statement into the RECORD. I invite my colleagues to read it carefully to see what a wise investment we once made for young Americans across the country.

STATEMENT OF MAYOR WILLIAM A. JOHNSON, JR., MAYOR, CITY OF ROCHESTER, NEW YORK

Chairman McKeon and other members of the subcommittee, on behalf of the U.S. Conference of Mayors and my counterparts from hundreds of cities across the country, I want to express my sincere appreciation for the opportunity to testify at these subcommittee hearings on youth training programs.

This is a subject that I feel especially competent to address, given my long years of professional involvement in this area. Before being elected Mayor of Rochester, I spent 21 years as the CEO of a large human services organization that provided job training programs to youths and adults.

I understand that the primary purpose of the hearings is to review which programs are most effective and determine whether these programs can and should be consolidated.

If you will permit me, I will address the latter question first. I fully support the consolidation of the various grant programs, to reduce the administrative costs of local governments and to provide them with the flexibility to design local programs based not upon what type of funds are available from Washington but upon what types of needs exist in the community.

As a group, the Conference of Mayors also supports consolidation. Indeed, for the past three years, it has formally adopted a policy statement endorsing it.

However, if consolidation takes the form of block grants to states, to permit the benefits of efficiency and flexibility to be achieved, there must be some mechanism to ensure that the funds are directed towards local governments. There must be a mandate within the legislation for the funds to be passed through the states to municipalities, the actual providers of training services.

Municipalities have convincingly demonstrated their ability to prudently utilize block grants. The success of the Community Development Block Grant program, with its extensive level of citizen participation, and the Job Training Partnership Act program with its committees of business, labor and educational representatives, illustrate the responsiveness of municipalities to community needs.

The future form of the grant programs should not be the foremost concern, though. The continue existence of the these programs should be our primary objective.

In a period in which Americans are confronted with increasing economic competition from other nations, it would seem shortsighted to reduce, through major decreases in job training programs, the ability of American workers to successfully meet this competition. In a period in which Americans are being asked to become less dependent on government, it would seem counterproductive to reduce their ability to become independent.

To be effective an efficient job training must begin at an early age. Youth must be exposed to the opportunities, expectations and realities of the job marketplace.

For most youth, their initial training and experience begins with summer jobs. While, at one time, businesses may have been able to provide an adequate number of such jobs, in more recent times, the private sector has been unable to meet the increasing demand and need.

This is most particularly due to the restructuring and transformation that many businesses have experienced in the past decade. Job opportunities that many private sector employees reserved for youth during after-school and summer periods have been ''downsized'' out of existence.

For example, in Rochester, over the last four years nearly 4,000 youths had to rely upon the summer jobs provided through federally funded programs, as each summer the number of non-federal jobs dramatically declined. This year, an additional 900 youth are—hopefully—expected to participate in such programs.

I say hopefully, because I urge you and the other members of the House to reject the the appropriation recision for the summer youth program that was recently approved by the Appropriations Subcommittee. Nationwide, this recision would result in the elimination of summer job opportunities for 615,000 youth, a move that was totally unexpected.

As Seattle Mayor Norm Rice recently said, ''these cuts are reversals of commitments the federal government has already made to communities across the country. It is difficult enough to adapt to future cuts, and absolutely devastating to absorb retroactive ones.''

The reduction would mean that 615,000 youth will be not be given a chance to contribute constructively to their communities this summer. The reduction would mean that 615,000 youth will be less prepared to successfully enter the job market in the future.

For New York State youth, the proposed reduction in federal funding comes at a particularly inopportune time. Governor George Pataki has proposed a similar reduction in state funding for youth training programs.

The need to maintain government funding for summer jobs is readily recognized by the private sector, which realizes that the need for such jobs continues to exist and that businesses, by themselves, will continue to be unable to adequately address this need. Both the Greater Rochester Metro Chamber of Commerce and the Industrial Management Council, as association of large manufacturing and serve companies, have expressed their serious concern over the proposed elimination of federal funding.

They realistically know that the private sector will be unable to fill the ''job gap'' that would ensue if funding is not maintained. They realistically know that there will be a ''tax switch'' if this gap has to be filled through funding by local governments. In cities across this country, our financial base—largely derived form the property tax—will not support the level of demand that is being pushed down upon us by federal, state and county governments.

It is imperative that the summer youth job program be preserved. At the annual convention of the Conference of Mayors in Portland, Oregon last year, the program received overwhelming support.

The assumption was that funding for the program would be maintained at least at the current level of appropriations. The hope was that funding would be increased.

Because of the obvious need for the program and because of its demonstrated effectiveness, no one expected that there soon would be a proposal to totally eliminate funding for the program. Certainly, I personally did not anticipate the need to testify today before you to oppose such elimination.

All Americans understand the need to reduce the federal budget deficit. They understand the need to limit the burden that we impose upon future generations.

They support your efforts to reduce the deficit, to eliminate waste and inefficiencies and to eradicate fraud. These goals can be achieved in my opinion, without crippling or destroying programs that lead to skills training and self-sufficiency.

However, the concern over the future of our youth must be balanced by a concern over this present needs. Unless we address these needs today, unless we prepare youth for meaningful employment tomorrow in an increasingly demanding marketplace, our youth will have no future at all. And with a poorly trained workforce—and an increasing underclass population—our country will have no future at all.

REPUBLICAN CUTS DEVASTATE HOUSING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, the rescissions voted by the Appropriations Committee last week threatens serious harm to the social fabric of our Nation. By increasing military spending, and focusing overwhelmingly for reductions on programs which seek to provide assistance for those most in need in our society, you and your fellow Republicans have seriously erred. Increasingly, it is becoming clear to many people that the priorities of the House Republicans threaten seriously to exacerbate some of the gravest social and economic problems we face. I will from time to time be sharing with our colleagues information I receive about the devastating effect these cuts will have as they become available to me from people in my district and elsewhere who are grappling with these issues.

For example, on March 3, the New Bedford Standard Times printed an article in which the executive director of the New Bedford Housing Authority Joseph Finnerty, clearly outlines the terrible effects which will result from the devastating cuts voted in housing programs by the Appropriations Committee last week. Interestingly, Mr. Speaker, some in your party have sought to justify these cuts by pointing to defects in the way HUD has been administered.

It is true that HUD has suffered from maladministration in recent times—most grievously during the 8 years of Ronald Reagan, when Samuel Pierce presided over a department which was corrupt, inefficient, and overall a disaster. Victimizing lower income people today who are in continuing need of housing because of the outrageous record of Secretary Pierce under President Reagan is terribly unfair. But that is what the Appropriations Committee has chosen to do.

Mr. Speaker, in the hopes of persuading my colleagues not to go forward along this path, I ask that the New Bedford Standard Times article featuring Mr. Finnerty's discussion of housing programs be printed here.

[From the New Bedford Standard Times, Mar. 3, 1995]

REDUCTION WOULD CAUSE CHAOS, FINNERTY SAYS

(By Bill Ibelle)

The massive federal funding cuts that are racing through Congress will have a devastating effect on public housing tenants in New Bedford, according to Executive Director Joseph Finnerty.

The cuts, which would slash the maintenance budget and the five-year modernization program by 30 percent each, would create ''chaos'' in the city's public housing, Mr. Finnerty said Thursday during the Housing Authority's monthly meeting.

''This is not a false alarm,'' he said. ''The new Republican majority in Congress has the votes for these cuts. Now, just when we are on the verge of major improvements in our neighborhoods, we have this ax hanging over our head.''

The maintenance cuts, which would amount to $625,000 a year, would cause a steady deterioration in public housing, Mr. Finnerty said.

''This is not something that is going to be felt immediately, but it will have a devastating long-term effect,'' he said, ''These cuts are unprecedented, massive and eroding to public housing.''

The federal cuts also would kill or seriously delay major modernization projects like the one scheduled for the aging Bay Village complex later this year. That project includes lead paint and asbestos removal as well as installing new windows and doors. Similar modernization projects have already taken place at the Westlawn and Brickenwood projects and are about to begin at Presidential Heights.

''The improvements we're making now are not just for public housing tenants but for all residents of the surrounding neighborhoods,'' said Mr. Finnerty. ''By modernizing these units, we're making these neighborhoods into a better investment.''

Mr. Finnerty also unveiled exterior drawings for the 43 units of new public housing to be built throughout the city this year. The units will replace units lost with the demolition of Evergreen Park.

The duplex units are designed to blend in with the single family homes common to the city's neighborhoods:

Three of the sites will have two duplexes each (the corner of Shawmut Avenue and Coggeshall Street, the corner of Cottage and Campbell streets and a plot that runs between Sylvia and Howard streets).

One site will have four duplexes (North Street behind the City Hall annex parking lot).

One site will have two row houses with a total of seven units (South First and Rivet streets).

The largest site will have eight duplexes (New Plainville Road just north of the tank).

Mr. Finnerty said the Housing Authority completed buying all six sites Feb. 24. Construction is slated to begin in June and last 12 to 14 months.

In other business the board:

Approved payment of an additional $10,864 to the Boston Architectural firm, Hicks & Krockmalnic, for rebidding of the Presidential Heights modernization project. Due to a legal challenge by two of the unsuccessful bidders, the Housing Authority had to cancel the original contract and put the project out to bid a second time.

The $4.5 million project which includes removing lead paint and asbestos, installing exterior siding, windows, doors and building new porches and fixing the roofs, is slated to begin this summer.

Approved payment of an additional $3,875 to Enviroscience for drawing up new bid speculations for lead and asbestos removal at Presidential Heights.

Approved a $15,980 contract to Coro Construction of East Greenwich, R.I., for re-roofing eight duplexes on Chaffee Street. Coro was the lowest of eight bidders.

Approved the payment of $5,255 to Seaview Construction of Providence for installing railings at Harwich Manor.

Approved a $23,763 contract with Electronic Sales and Service of New Bedford for installing a communications system that includes 43 portable radios. The system will be used by the authority's maintenance staff.

Approved a 2.3 percent increase in the income limits for the Massachusetts Rental Voucher Program, which serves 182 families in the city.

Approved a 1.2 percent increase in the income limits for the federal Assisted Housing Program.

Voted to support efforts by John G. ''Buddy'' Andrade to increase membership in the Boy Scouts and Cub Scouts among public housing tenants. Mr. Andrade requested the authority's support in drumming up interest for a Scouting show scheduled April 2 at the Greater New Bedford Regional Vocational Technical High School on Ashley Boulevard.

Fielded a request from the Caroline Street Tenants' Association for several maintenance improvements. The residents asked the authority to cut down an apple tree, complaining that youths throw the apples through windows, the apple blossoms attract bees and the fallen apples are hazardous to senior citizens using walkers and canes. The association also requested the removal of tree roots that have caused sidewalks to buckle and the installation of outdoor lighting around the apartments.

Observed a moment of silence at the beginning of the meeting in honor of commissioner Umberto ''Battle'' Cruz, who died unexpectedly last month.

COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

SPEECH OF

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, March 10, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 956) providing for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes:

Mr. REED. Mr. Chairman, I was one of two Democrats to support H.R. 956 during its consideration by the Judiciary Committee.

I support product liability reform and I support the core principles of the original H.R. 10/H.R. 956.

A CAP ON PUNITIVE DAMAGES

We need to bring certainty and proportionality to the process. Everyone agrees that some awards are totally out of proportion to the harm done. The cost of insuring for this uncertainty is part of the litigation tax that drives up costs for all consumers.

Proportionate, not joint, liability for de minimis tortfeasors. This is a necessary reform: defendants who are peripherally responsible should not be handed the entire bill for someone else's wrongdoing just because they may have deep pockets.

A STATUTE OF REPOSE

Manufacturers should not be sued for a product that is still being used long past its useful life. And they deserve protection against suits that result from misuse or alteration of their products.

However, this bill has been distorted by the adoption of a series of floor amendments and the failure of the Rules Committee to allow consideration of amendments that would have, in my opinion, improved the bill.

For example, an amendment by Mr. BERMAN of California that would have provided relief from joint liability for de minimis tortfeasors while retaining liability for highly culpable wrongdoers was not allowed to be offered, in spite of the fact that this amendment received bipartisan support in the Judiciary Committee. As it stands now, the bill offers protection not only to de minimis tortfeasors but to serious wrongdoers who are 80 or 90 percent responsible for an injury.

But it is really the adoption of several floor amendments that vastly expand the scope of the bill that prevent me from being able to

support the bill in its final form. These amendments were adopted without the benefit of hearings and careful deliberation and may have many unforseen and unintended consequences.

For example, the bill now preempts State laws that impose punitive damages on drunk drivers and sexual predators, among others. It also will enable clever wrongdoers to escape punitive damages. For example, the manufacturers of the drug Zomax reported adverse reactions to the FDA as required to gain an exemption from punitive damages under one of the floor amendments; then, before the FDA could act, they intentionally dumped their inventory on the market, causing 14 deaths and 400 allergic reactions. I do not believe this is the type of behavior we should shield from punishment. Finally, because of the way the caps are structured, the bill disadvantages children, seniors, women, and middle income working Americans who are injured. A high income executive who is injured by a Ford Pinto would receive a far higher share of the damages allowed under State law than a child or a senior citizen injured by the same product. I do not believe these are the results my constituents are looking for when they ask for litigation reform. Although I support tort reform, I believe this bill needs improvement.

I hope that the final conference report will return to the sound principles of the original bill, and embrace true product liability reform. If it does, I intend to support it.

However, at this time I do not believe that this bill is worthy of support. I voted in favor of a projob creation bill in committee that became, on the House floor, a bill that tilts the court system against people of modest means, and includes several anticonsumer provisions.

CELEBRATING 100 YEARS OF THE CHIROPRACTIC PROFESSION

HON. JOHN E. ENSIGN

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. ENSIGN. Mr. Speaker, I rise today to recognize the chiropractic industry's tremendous contribution to improving the health of Americans for the past 100 years.

The year 1995 marks the chiropractic profession's centennial. In 1895, Daniel David Palmer founded the chiropractic profession and opened the first chiropractic school in Davenport, Iowa, in 1897. The profession has come a long way since 1895. Today, more than 50,000 chiropractors serve 15 to 20 million patients. The improved standards of education and quality of practice has given rise to the tremendous growth in this field.

While early chiropractors had difficulty gaining acceptance in the health care field, they now enjoy broad support from the public and their fellow health care professionals. Chiropractic care is now widely recognized as one of the most effective and efficient treatment for back ailments, especially for sufferers of severe or chronic back pain. An increasing number of Nevadans rely on the choice and freedom in health care options that chiropractic care offers them. Recognizing this trend, Congress provides for chiropractic care in Medicare and authorizes chiropractors to be commissioned as officers in the Armed Forces.

Mr. Speaker, as a Doctor of Veterinary Medicine, I admire the dedication of my fellow health care professionals and their contribution to the enhancement of the quality of life for so many Americans. As members of the chiropractic profession gather in Nevada's First Congressional District on March 18, I would like to extend a warm welcome to these doctors. I join my colleagues in the House of Representatives and my fellow Nevadans in congratulating them and their profession's many achievements over the last century.

CONGRATULATIONS TO NICHOLLS STATE UNIVERSITY

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. TAUZIN. Mr. Speaker, today I rise to congratulate a college basketball program in my district that, for the first time ever, has been invited to the NCAA tournament. Nicholls State University with a record of 24–5 drew a No. 13 seed and will play Virginia today.

After winning 17 of 18 conference games, the Colonels swept the Southland Conference Tournament beating Northeast Louisiana in the final game 98 to 87. Senior Reggie Jackson was named tournament most valuable player, and Coach Ricky Broussard was named conference coach of the year.

Of the Colonels 5 losses throughout the season, 3 were to teams also invited to the NCAA tournament. This shows just how much they deserved a bid. This opportunity will do wonders not only for this outstanding basketball program, but also the great university they represent.

I want to congratulate Coach Broussard and all his coaching and support staff on a magnificent season. And to all the young men on that team, congratulations.

Now it's on to the tournament to face the Cavalier. I and my staff wish the Colonels all the very best. Good luck—go Colonels.

CENTENNIAL CELEBRATION OF SPRINGFIELD CHAPTER OF THE DAR

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. LAHOOD. Mr. Speaker, on August 8, 1890, in Washington, DC, a national organization of women descended from patriots of the American Revolution organized the National Society of Daughters of the American Revolution. Four years later, on June 14, 1894, a chapter was formed in Springfield, IL, in what is now my congressional district. Throughout this past year, the Springfield chapter of the DAR has celebrated this centennial year of service to the community, culminating with a luncheon in February. The contributions made by this chapter to the community of Springfield, the State of Illinois, and the Nation as a whole have been tremendous, and I wanted to take this time today to salute their membership and to congratulate them on 100 years of dedicated service.

PROMOTING NEW AMERICAN ENVIRONMENTAL TECHNOLOGIES

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. DICKS. Mr. Speaker, today I am introducing the Landfill Technical Improvement Act of 1995. This is the same legislation that my former colleague Al Swift and I introduced late in the last session of Congress.

I am introducing the legislation again this year because the ill-advised and outmoded regulation which prompted this bill still exists at the expense of small domestic companies who seek to compete in the growing national and international environmental technology markets.

Of course, Congress did not intend this result when we passed the Hazardous and Solid Waste Amendments in 1984—over one decade ago. This act required the Environmental Protection Agency [EPA] to issue regulations restricting the disposal of organic sorbents in hazardous waste landfills.

Since that time, natural absorbents made from reclaimed/recycled materials have been developed which actually outperform traditional sorbents produced from fossil fuels and chemicals. As well, normal landfill conditions are anaerobic, and studies show that no biodegradation occurs in this anaerobic environment of RCRA landfills.

A small company in my State is among those companies who produce this type of material. They take a local paper mill's sludge, garbage, and produce useful, organic sorbents. This disposition issue, however, continues to threaten the existence of these American companies and the new technologies they have developed. As it now stands, this regulation effectively shuts out these new technologies from landfill disposition.

The administration has repeatedly stated its support for American manufacturers of new environmental technologies as they attempt to compete in the world marketplace. This regulation, however, is highly detrimental to these stated goals. This bill would reverse this injustice by allowing this new technology to be utilized to its fullest extent, thus providing American jobs while advancing our national environmental goals.

TRIBUTE HONORING KATHY COLE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an outstanding citizen and patriot, Kathy Cole. Kathy is the Ladies Auxiliary district president of the Veterans of Foreign Wars Post 2873 in Grover Hill, OH.

America is blessed by the number of her citizens who choose to devote their time to the service of others. Through the years, Kathy has worked tirelessly on behalf of veterans and their families. She joined the Ladies Auxiliary to the Veterans of Foreign Wars as a member of Wauseon Auxiliary 7424 in 1981 under the sponsorship of her brother, Franklin

Rardin, who served his country during World War II.

On the district level, Kathy was elected as district guard in 1985 and progressed through the district chairs to serve her first term as district president in 1989–90. Kathy is presently serving her second term as district president, having been elected in June 1994. With her positive attitude, she said, ''The second time around will allow me to do a more perfect job.''

From the beginning of her career with the V.F.W., Kathy Cole has set high standards for herself. Her record of service is characterized by self-motivation and mission accomplishment. She has served the Department of Ohio Auxiliary as National Home chairman and counts the auxiliary's work through the youth of the organization as some of her favorite.

Mr. Speaker, this is a volunteer organization and sometimes the only compensation you get for the time and efforts put into the programs for the veterans and your communities is the thanks and appreciation you receive from community leaders. I ask my colleagues to join me in extending a special thanks to Kathy Cole and the example she has set for others.

CONGRESSMAN KILDEE HONORS UAW LOCAL 599 REUTHER AWARD RECIPIENTS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. KILDEE. Mr. Speaker, it is my great pleasure to pay tribute to 14 members of UAW Local 599, who will be recipients of the Walter P. Reuther Distinguished Service Award. On Sunday, March 19, 1995, these individuals will be honored at the Walter and May Reuther Twenty Year Award Banquet.

Local 599 has always had a special place in my heart because my father was one of its original members. Over the years, Local 599 has developed a strong and proud tradition of supporting the rights of working people in our community, and improving the quality of life for its membership.

Mr. Speaker, it is indeed an honor to recognize these special individuals who, for 20 years, have diligently served their union and community. During this time, each one of these UAW members have held various elected positions in the union. And there is no question they have represented their brothers and sisters well.

It is very fitting that these 14 people be recipients of the Walter P. Reuther Distinguished Service Award. Walter Reuther was a man who believed in helping working people, and he believed in human dignity and social justice for all Americans. The recipients of this award have committed themselves to the ideals and principles of Walter Reuther. They are outstanding men and women who come from every part of our community, and they share the common bond of unwavering commitment and service.

Mr. Speaker, I would ask the members of the U.S. House of Representatives to join me in honoring Robert A. Johnson, Charles Whitten, Kenneth Knauff, Bob Wright, Timothy M. Bank, Earl D. Oram, Daniel C. Neeley, Bryce Stanton, Ron Dodge, Mary Shumpert Coleman, Joseph D. Niedzwiecki, Dan Kiefer, Butch O.L. Robinson, and Kenneth Kagen. I want to congratulate these fine people for all of the work they have done to make our community a better place to live.

JIM JOHNSON AND FANNIE MAE ARE SHOWING AMERICA A NEW WAY HOME

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. VENTO. Mr. Speaker, yesterday marked the 1 year anniversary of Fannie Mae's showing America a new way home initiative. One year ago Fannie Mae Chairman and CEO Jim Johnson launched Fannie Mae on a bold journey to help transform the American housing finance system. On March 15, 1994, Fannie Mae pledged to provide $1 trillion in targeted housing finance by the end of the decade to help 10 million families achieve the American dream of home ownership. Fannie Mae has set an aggressive target and is steadily moving to meet its goal by the year 2000.

This initiative is already making a major impact on the lives of people throughout the nation. In Minnesota, Fannie Mae has sponsored a home buying fair, opened a partnership office, provided several grants to housing and home ownership counseling organizations and formed a community lending roundtable to help identify and remove barriers to home ownership. By working with local partners, Fannie Mae is opening the door to home ownership to many people who thought owning a home of their own was merely a dream.

I commend Fannie Mae and Jim Johnson for their vision and ability to get the job done.

I would like to include in the RECORD an article from the Minnesota media that outlines just one of the many examples of how Fannie Mae is reaching out to communities across the Nation:

[From the St. Paul Pioneer Press, February 18, 1995]

HMONG GET HELP, MAKE PROGRESS IN BUYING HOMES

(By Ann Baker)

The 30,000-strong Hmong community is making strides into home ownership, although the majority have been in the Twin Cities no more than six years.

An agency that started just one year ago to help Hmong families and other Southeast Asians navigate the mortgage market reported Friday that it already has helped 31 families cross the threshold from tenants to homeowners. Another 13 are awaiting mortgage approval.

A handful of the new homeowners are Cambodian, Vietnamese or Laotian, said Lengchy Lor, executive director of the People's Network of Minnesota Inc. But most, he said, are Hmong.

And a survey of nearly 400 Hmong families shows that 30 percent want to become home buyers.

''Home ownership brings stability,'' Rep. Bruce Vento told a gathering of Hmong people and supporters Friday at a gathering that announced the survey as well as a $12,000 grant from the Fannie Mae Foundation for People's Network to hire Cambodian and Vietnamese housing counselors.

This marks a departure from most immigrant groups, who have waited a generation or two before buying homes, according to Rich Thompson, lead housing inspector in St. Paul's city license and permits division.

''This group is becoming owners as quick as they can,'' he said. ''It's a grass-roots movement, and it has triggered a spurt of redevelopment activity by other groups.''

One reason may be Hmong family size—too big to squeeze into an average apartment. In a survey of 390 Hmong families, the People's Network reported that the median family size is six. Many families have eight or nine members, and a few have as many as 14.

Another reason many parents gave was wanting to live in a neighborhood where their children would not be exposed to gangs. Many favored neighborhoods on the East Side.

Thirty percent want to buy their own home, and most want a house with four bedrooms, as well as a basement for special events and a back yard for a garden as well as special events.

More than 90 percent also eagerly embrace the idea of forming a Hmong Village, something like San Francisco's Chinatown, as a place for strengthening Hmong culture, business opportunities and community leadership. One task for the village would be to address crime issues in the community.

Ninety percent in the survey also want to develop a Hmong soccer field for youth to develop professional athletic skills.

Most of the 390 families now live in public housing or large private complexes such as Maywood East and Omega Court.

But the survey stressed that it takes a lot of effort—and sometimes a lot of help—for Hmong people to move into home ownership, coming from a culture where banking, loans and check-writing—not to mention credit—were completely foreign.

''In the Hmong community, 'good credit history' means 'cash rather than financing as much as possible,''' states the report. ''In the Western country, 'good credit history' means 'paid all bills off and on time.'''

WHY U.S. INDUSTRY BOUNCED BACK

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. OXLEY. Mr. Speaker, I recommend to my colleagues the following column by Robert J. Samuelson from the opinion page of yesterday's Washington Post. The subject is the comeback of American manufacturing. Members would do well to consider the conclusions drawn by the author.

[From the Washington Post, Mar. 15, 1995]

WHY U.S. INDUSTRY BOUNCED BACK

(By Robert J. Samuelson)

Dial back your time machine about a decade. You'll find plenty of newspaper and TV stories warning of ''deindustrialization.'' American manufacturers (it was said) were being pulverized. The Japanese were overwhelming our automakers, repeating their triumph in steel. Computer chip makers were rapidly losing ground. Americans had forgotten how to make things. It was only a matter of time before U.S. manufacturing sank into oblivion and we became a nation of ''hamburger flippers.''

None of these dire predictions came true; indeed, most were always silly (and this reporter at least said so). Yet the story of the comeback of U.S. manufacturing is still under-told and ill-appreciated, as economists Jerry Jasinowski and Robert Hamrin argue

in a new book. In 1994 the United States produced more cars than Japan for the first time since 1979. U.S. companies account for half of global shipments of fiber optic cable. The stunning manufacturing revival needs to be better understood. It is important in its own right and also teaches broader lessons.

Consider first some basic facts:

Between 1980 and 1994, U.S. manufacturing output rose more than 50 percent. In the past three years, it has increased 15 percent. It is now twice as high as in 1970 and five times as high as in 1950. Many things that didn't exist four decades ago (many drugs, most computers, commercial jets, much medical equipment, most anti-pollution devices) are produced in huge quantities, along with such traditional items as furniture and food. There has been no ''deindustrialization.''

In 1991 the United States regained its position as the world's largest exporter. In 1993 the U.S. share of global exports was 12.8 percent, compared with Germany's 10.5 percent and Japan's 9.9 percent. The American computer chip industry is again the world's leader. General Motors and Ford are still the first and second largest auto companies. American companies still dominate in aerospace, computer software and entertainment; they are strong in paper, chemicals and pharmaceuticals, among others.

Industrial productivity (efficiency) has increased at its fastest rate in decades. Since 1985, manufacturing productivity—output per worker hour—has risen about 3 percent a year. Since 1980 the man-hours to produce a ton of steel fell from about 10 to four. Quality is also increasing. In one survey, two-thirds of respondents felt product quality had improved in the past five years; only 14 percent felt it had worsened.

Obituaries for U.S. industry were inevitably wrong for two reasons. The first is that they mistook manufacturing's stagnant job base for stagnation. In 1970 about 19 million Americans worked in manufacturing; last year, the number was about 18 million. So? Rising production and falling employment merely signify higher productivity. Fewer people produce more; other people provide other things, from health care to software. This is the time-proven path to higher, not lower, living standards.

The second error was presuming that setbacks, once started, were irreversible. Companies couldn't defend themselves; economic conditions wouldn't change. In their book (''Making It in America''), Jasinowski—president of the National Association of Manufacturers—and Hamrin show that companies did fight back. Costs were cut, processes streamlined. Xerox reduced the time to bring a new product to market by 60 percent. AMP, a maker of electrical components, raised ontime deliveries from 65 to 95 percent. Cannondale, a manufacturer of mountain bikes, increased foreign sales from 5 percent to 40 percent.

What also changed were exchange rates. The dollar's steep rise in the early 1980s (up 63 percent between 1980 and 1985) was a basic cause of industrial distress. It made imports cheaper and U.S. exports more expensive. But the dollar had to drop, because trade deficits were unsustainably large. When foreigners had more dollars than they wanted, the dollar would decline. It did. In 1985, a dollar was worth 238 yen; now, it's worth 91. American exports more than doubled between 1985 and 1993.

American industry doesn't enjoy—and never will—preeminence in all areas. Japan still dominates consumer electronics and some computer chips. Japanese auto companies still make swell cars. In 1993 we imported 77 percent of our toys, 43 percent of our ceramic tiles, 56 percent of our TV tubes and 96 percent of our watches. Global markets mean just that; other countries will achieve comparative advantage in some products and technologies. But ''globalization'' is not pulverizing U.S. industry.

The first lesson of its revival is simple: Keep markets open. What forced U.S. companies to improve was competition, whether from imports, new technologies or deregulation. Some industries received modest government help, mostly as import restraints; but generally, companies created their own comebacks. No one likes to change, and economic change is often cruel and ugly. Bankruptcies, ''downsizing'' and ''restructuring'' all disguise the human toll. The alternative, though, is stagnation.

A second lesson: Keep foreign ''success'' in perspective. In the 1980s, the Japanese were celebrated. Their economic policies were wise; ours were foolish. They invested; we consumed. Now Japan doesn't look so good. In the late 1980s, its economic policies fostered a speculative real estate and stock market boom whose ill effects still linger. Protectionist policies have aggravated the yen's rise, which has hurt exports. Underconsumption also harms industry. Only 10 percent of Japan's households have personal computers, compared with 37 percent in the United States. Japan's computer industry suffers.

The largest lesson is the contrast between economic and political change. Economic change proceeds, often roughly. In politics, people argue over winners and losers. Change occurs slowly, if at all. Sometimes that is preferable, but often it isn't. Paralysis can mean that everyone loses. If government had decided to revive manufacturing in the mid-1980s, we'd still be arguing over who should be helped and why. In this case, the best policy was to insist that companies and workers help themselves.

GREATER ACCOUNTABILITY FOR RECORD VOTES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 16, 1995

Mr. MOAKLEY. Mr. Speaker, on January 4, 1995, the House adopted a new rule, Clause 2(l)(2)(B) of rule XI, which requires that committee reports on any bill or other matter include the names of those voting for and against on rollcall votes taken on any amendment and on the motion to report. During consideration of the rule on the first day of the 104th Congress, an explanation included in the CONGRESSIONAL RECORD by Chairman SOLOMON states:

It is the intent of this rule to provide for greater accountability for record votes in committees and to make such votes easily available to the public in committee reports. At present, under clause 2(e)(1) of rule XI, the public can only inspect rollcall votes on matters in the offices of the committee. It is anticipated that with the availability of committee reports to the public through electronic form the listing of votes in reports will be more bill-specific than earlier proposals to publish all votes in the CONGRESSIONAL RECORD twice a year.

Upon examining the Rules Committee report to accompany H. Resolution 115, the rule for H.R. 1158—Making Emergency Supplemental Appropriations and Rescissions, I found it lacking in the type of information which I believe is vital for public understanding of what the Members of the Committee were actually voting on. The report under the heading of ''summary of motion'' gives so limited account as to be almost meaningless. While the rule does not explicitly require the report to contain a description of the motion and amendment being offered, the intent of better informing the public seems to have been lost. The lack of information will force the public to search in other publications for information vital to understanding what the issue is for which the votes are being cast. There is no way that the public, unless present at the Rules Committee markup, could understand what, for example, ''Make in order amendments making new rescissions pre-printed in Record'' means without going to the Rules Committee transcript. How else would anyone know what amendments are being offered here? There is no listing or description of the amendments that would have been allowed if this motion were adopted. Also, the public would never know which issue of the CONGRESSIONAL RECORD contains the text of the amendments. The public would be better served if adequate information were included in the committee report.

With that in mind, I am, for the benefit of the public and the membership of this body, including the following summary of the rollcall votes which were taken in the Rules Committee on March 14, 1995:

COMMITTEE VOTES

RULES COMMITTEE ROLLCALL NO. 83

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order amendments to H.R. 1158 printed in the CONGRESSIONAL RECORD of March 10 or March 13, 1995 which make new rescissions. Those amendments are as follows:

(1) Volkmer #4—restores funds for veterans' medical care and ambulatory facility construction with new offsets.

(2) Andrews #8—substitute including new RTC rescissions and transportation and construction projects cuts.

(3) Barr #9—restores funds for Community Planning and Development grants, rescinds an additional amount from Water Infrastructure/State revolving fund, and rescinds prior year funding.

(4) Brown #15—protects certain veterans' construction projects.

(5) DeLay #28—rescinds $25 million from Public Health Service Act.

(6) Foglietta #34—restores summer jobs with offsetting cuts in defense.

(7) Furse #36—cuts an additional $8 billion from defense.

(8) Furse #37—cuts $1 from defense procurement.

(9) Gutierrez #41—cuts all unobligated balances from the Market Promotion program of the Commodity Credit Corporation.

(10) Kennedy/Moakley #43—restores low income home energy assistance (LIHEAP) funding and offsets with cuts in the F–22 fighter program.

(11) McIntosh #47, #48 and #49—makes additional cuts in fish and wildlife programs, including endangered species conservation fund.

(12) Nadler #57—restores housing funds with offsets from defense.

(13) Roemer #63—restores National Service funds with offset from space station program.

(14) Roemer #64—includes new title VI rescissions.

(15) Roemer #65—restores National Service funds with offsets from defense funds.

(16) Stearns #73—rescinds all unobligated balances for the Exchange Stabilization Fund (Mexican peso stabilization).

(17) Coleman #20—cuts $400 million in highway demonstration projects.

(18) Thurman #76—increases the rescission for energy, federal courthouse construction, and the Appalachian Regional Commission.

Results: Rejected 1 to 11.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson		X
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 84

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Frost.

Summary of Motion: Strike the 10-hour time cap on consideration of amendments.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 85

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the following amendments which were printed in the Congressional Record of March 13, 1995:

(1) Murtha #54 to H.R. 1158—ensures that net savings are used to reduce the deficit and not to pay for tax cuts.

(2) Obey/Durbin #58 to H.R. 1158—changes the direct grant program for into a loan guarantee program.

(3) Stokes #74 to H.R. 1158—restores funds for VA medical care, for assisted housing and low-income housing programs and other items.

(4) Coleman #20 to H.R. 1158—cancels $400 million in highway demonstration projects.

(5) Obey #9 to H.R. 1159—defers production of the F–22 in order to restore funds for school lunch and family nutrition programs.

Results: Rejected, 2 to 10.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 86

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Kennedy/Moakley amendment #43 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which restores $1,319,204,000 for low income home energy assistance (LIHEAP) and makes offsets by cutting the F–22 aircraft program by the same amount.

Results: Rejected, 2 to 10.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 87

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Porter amendments #59 and #60 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which make adjustments in Labor, HHS, and education spending.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 88

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion by: Mr. Beilenson.

Summary of Motion: Remove the protection from points of order for the legislative language in H.R. 1159 relating to salvage timber sales.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 89

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion by: Mr. Beilenson.

Summary of Motion: Remove the protection from points of order for the legislative language in H.R. 1158 relating to the Federal Highway Administration and the Federal Transit Administration.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 90

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion by: Mr. Frost.

Summary of Motion: Remove the protection from points of order for the legislative language in H.R. 1158 relating to the striker replacement Executive order.

Results: Rejected, 4 to 8.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart	X	
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 91

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Montgomery amendment #51 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which restores $206,110,000 for veterans' medical care and ambulatory facility construction.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X

Vote by Member	Yea	Nay
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 92

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Gunderson amendment #38 to H.R. 1158 printed in the Congressional Record of March 13, 1995 which restores $600 million to FEMA, restores $500 million to the section 8 Housing certificate program, and restores $100 million for housing opportunities for persons with AIDS.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 93

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the amendments printed in the Congressional Record of March 13, 1995 that stay within the committee's 602 budget allocation while restoring funding for accounts within the bill. The amendments are as follows:

(1) Brown (FL) #14 to H.R. 1158—restores funds for veterans' medical care and ambulatory facility construction.

(2) Clay #18 to H.R. 1158—restores funds for training and employment services, summer youth employment, and the displaced worker program.

(3) Clay #19 to H.R. 1158—restores funds for school improvement programs.

(4) Fields #31 to H.R. 1158—restores funds for higher education programs.

(5) Fields #32 to H.R. 1158—restores funds for school improvement programs.

(6) Fields #33 to H.R. 1158—restores funds for training and employment services.

(7) Gutierrez #39 to H.R. 1158—restores funds for low income home energy assistance (LIHEAP).

(8) Gutierrez #40 to H.R. 1158—restores funds for housing opportunities for persons with AIDS.

(9) Montgomery #51 to H.R. 1158—restores funds for veterans' medical care and ambulatory facility construction.

(10) Waters #77 to H.R. 1158—restores funds for Fair Chance Youth Program.

(11) Waters #78 to H.R. 1158—restores funds for homeless veterans job training.

Results: Rejected, 3 to 9.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz		X
Moakley	X	
Beilenson	X	
Frost	X	
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 94

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Moakley.

Summary of Motion: Restore the legislative language (Sec. 306) in the bill that would allow States not to fund abortions except in the case of the life of the mother. The draft rule removed the abortion section from the base text of the bill. Also, the motion would have protected this section from points of order.

Results: Rejected, 2 to 10.

Vote by Member	Yea	Nay
Quillen		X
Dreier		X
Goss		X
Linder		X
Pryce		X
Diaz-Balart		X
McInnis		X
Waldholtz	X	
Moakley	X	
Beilenson		X
Frost		X
Hall		
Solomon		X

RULES COMMITTEE ROLLCALL NO. 95

Date: March 14, 1995.

Measure: Rule for H.R. 1158, Making Emergency Supplemental Appropriations and Rescissions.

Motion By: Quillen.

Summary of Motion: Report the rule favorably to the House.

Results: Rejected, 9 to 3.

Vote by Member	Yea	Nay
Quillen	X	
Dreier	X	
Goss	X	
Linder	X	
Pryce	X	
Diaz-Balart	X	
McInnis	X	
Waldholtz	X	
Moakley		X
Beilenson		X
Frost		X
Hall		
Solomon	X	

Thursday, March 16, 1995

Daily Digest

HIGHLIGHTS

Senate passed Emergency Supplemental Appropriations/Defense.

House passed the Emergency Supplemental Appropriations bill and agreed to the conference report on Unfunded Mandates Reform.

Senate

Chamber Action

Routine Proceedings, pages S4001–S4120

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 568–578, and S. Res. 88–90. **Page S4094**

Measures Reported: Reports were made as follows:

S. 219, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, with an amendment in the nature of a substitute. (S. Rept. No. 104–15)

S. 464, to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts.

S. 532, to clarify the rules governing venue.

S. 533, to clarify the rules governing removal of cases to Federal court. **Page S4094**

Measures Passed:

House Adjournment: Senate agreed to H. Con. Res. 41, to provide for an adjournment of the House of Representatives from Thursday, March 16, 1995, to Tuesday, March 21, 1995. **Page S4093**

Emergency Supplemental Appropriations/Defense: By 97 yeas to 3 nays (Vote No. 108), Senate passed H.R. 889, making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, after agreeing to excepted committee amendments, and taking action on the following amendments proposed thereto: **Pages S4009–74**

Adopted:

(1) Bumpers Amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program. **Pages S4009–16**

(2) Bond Amendment No. 332 (to Amendment No. 330), to provide a limitation on the use of funds for entry with Russia into an agreement on exchange of equipment, technology, and materials. **Pages S4014–16**

(3) Boxer Amendment No. 334, to express the sense of the Senate that a member of the Armed Forces sentenced by a court martial to confinement and a punitive discharge or dismissal should not receive pay and allowances. **Pages S4022–23**

(4) McCain Modified Amendment No. 335, to rescind funds for military construction projects at installations recommended for closure or realignment by the Secretary of Defense in the 1995 round of the base closure process. **Pages S4023–28**

(5) Hutchison Amendment No. 336, to rescind fiscal year 1995 funding for listing of species as threatened or endangered and for designation of critical habitat under the Endangered Species Act of 1973. (Earlier, by 38 yeas to 60 nays (Vote No. 106), Senate failed to table the amendment.) **Pages S4028–34, S4070**

(6) Leahy/Jeffords Amendment No. 337, to authorize the Secretary of Transportation to issue a certificate of documentation for the vessel *L. R. Beattie.* **Pages S4035–36**

(7) Roth Amendment No. 338, to state the sense of the Senate that indefinite and unconditional extension of the Nuclear Non-Proliferation Treaty is essential for furthering the security interests of the United States and all the countries of the world. **Pages S4036–44**

(8) Baucus Amendment No. 339, to state the sense of the Senate on South Korean trade barriers to United States beef and pork. **Pages S4044–46**

(9) Brown Amendment No. 340, to require monthly reports on United States support for Mexico during its debt crisis. **Pages S4046–48, S4050**

(10) Inouye (for McConnell) Amendment No. 342, to provide assistance for debt relief for Jordan. **Pages S4056–58**

(11) Inouye (for McConnell) Amendment No. 343, to provide funds to the Corps of Engineers to prevent slope instability at Hickman Bluff, Kentucky. **Page S4058**

(12) Inouye (for Pressler) Amendment No. 344, to restore local rail freight assistance funds. **Page S4058**

(13) Inouye (for Brown) Amendment No. 345, to express the sense of the Senate concerning the National Test Facility. **Pages S4058–59**

(14) Inouye (for Feinstein) Amendment No. 346, to provide that the rescission from the Environmental Restoration, Defense, account shall not affect expenditures for environmental restoration at installations proposed for closure or realignment in the 1995 round of the base closure process. **Page S4059**

Rejected:

(1) Bumpers Amendment No. 333, to rescind funds made available for the construction of wind tunnels. (By 64 yeas to 35 nays (Vote No. 105), Senate tabled the amendment.) **Pages S4016–22**

Withdrawn:

D'Amato Amendment No. 341, (to Amendment No. 340), to provide for a report on illegal drug trafficking in Mexico. **Pages S4048–49**

During consideration of this measure today, Senate also took the following action:

By 42 yeas to 57 nays (Vote No. 107), upon appeal, Senate failed to sustain the ruling of the Chair that Hutchison Amendment No. 336, listed above, is in violation of Rule XVI of the Standing Rules of the Senate. **Pages S4034–35**

Senate insisted on its amendments, requested a conference with the House thereon, and the Chair appointed the following conferees: Senators Hatfield, Stevens, Cochran, Gramm, Domenici, McConnell, Gorton, Specter, Bond, Burns, Byrd, Inouye, Hollings, Johnston, Leahy, Harkin, Lautenberg, Mikulski, and Reid. **Page S4074**

Congratulating Mike Mansfield: Senate agreed to S. Res. 88, honoring the 92d birthday of Mike Mansfield. **Pages S4046, S4112, S4119–20**

Authorizing Senate Employee Testimony: Senate agreed to S. Res. 90, to authorize testimony by Senate employee. **Page S4112**

Legislative Line-Item Veto—Agreement: A unanimous-consent agreement was reached providing for the consideration of S. 4, to grant the power to the President to reduce budget authority, on Monday, March 20, 1995. **Page S4074**

Messages From the House: **Page S4093**

Communications: **Pages S4093–94**

Executive Reports of Committees: **Page S4094**

Statements on Introduced Bills: **Pages S4094–S4111**

Additional Cosponsors: **Pages S4111–12**

Amendments Submitted: **Pages S4113–15**

Authority for Committees: **Page S4115**

Additional Statements: **Page S4116**

Record Votes: Four record votes were taken today. (Total—108) **Pages S4021–22, S4034, S4035, S4070**

Recess: Senate convened at 9 a.m., and recessed at 8:08 p.m., until 10 a.m., on Friday, March 17, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S4120.)

Committee Meetings

(Committees not listed did not meet)

1995 FARM BILL

Committee on Agriculture, Nutrition, and Forestry: Committee resumed hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on taxpayers' stake in Federal farm policy, receiving testimony from Senators Domenici and Dorgan; Representative Dooley; Eileen M. Manfredi, Principal Analyst, Budget Analysis Division, Congressional Budget Office; John W. Harman, Director, Food and Agriculture Issues, Resources, Community, and Economic Development Division, General Accounting Office; Kenneth A. Cook, Environmental Working Group, Martha H. Phillips, Concord Coalition, and Donald Spickler, Washington County Conservation District, on behalf of the National Association of Conservation Districts, all of Washington, D.C.; and Vance Ehmke, Kansas Association of Wheat Growers, Healy.

Hearings continue on Friday, March 31.

APPROPRIATIONS—FBI/DEA

Committee on Appropriations: Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice, receiving testimony in behalf of funds for their respective activities from Louis J. Freeh, Director, Federal Bureau of Investigation, and Thomas S. Constantine, Administrator, Drug Enforcement Administration, both of the Department of Justice.

Subcommittee will meet again on Wednesday, March 29.

APPROPRIATIONS—EDUCATION

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Department of

Education, receiving testimony from Richard W. Riley, Secretary of Education.

Subcommittee will meet again on Tuesday, March 28.

APPROPRIATIONS—FEDERAL HIGHWAY ADMINISTRATION

Committee on Appropriations: Subcommittee on Transportation and Related Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, receiving testimony from Rodney E. Slater, Administrator, and Jane Garvey, Deputy Administrator, both of the Federal Highway Administration, Department of Transportation.

Subcommittee will meet again on Thursday, March 23.

APPROPRIATIONS—FEMA

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies held hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency, receiving testimony from James Lee Witt, Director, Federal Emergency Management Agency; Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, General Accounting Office; Keith Bea, Specialist in American National Government, Congressional Research Service, Library of Congress; and James L. Blum, Deputy Director, Congressional Budget Office.

Subcommittee will meet again on Friday, March 24.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Personnel held hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on manpower, personnel, and compensation programs, receiving testimony from Senator Boxer; Frederick F.Y. Pang, Assistant Secretary of Defense; Lt. Gen. Theodore G. Stroup, Jr., USA, Deputy Chief of Army Staff for Personnel; Lt. Gen. George R. Christmas, USMC, Deputy Chief of Marine Corps Staff for Manpower and Reserve Affairs; Lt. Gen. Billy J. Bowles, USAF, Deputy Chief of Air Force Staff for Personnel; Vice Adm. Frank L. Bowman, USN, Chief of Naval Personnel; and Cindy Williams, Assistant Director, National Security Division, and Dick Fernandez, Analyst, both of the Congressional Budget Office.

Subcommittee will meet again on Thursday, March 23.

TRADE SANCTIONS AGAINST IRAN

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on S. 277, to impose comprehensive economic sanctions against Iran, after receiving testimony from Peter Tarnoff, Under Secretary of State for Political Affairs; Patrick L. Clawson, Senior Fellow, Institute for National Strategic Studies, National Defense University, Department of Defense; Kenneth R. Timmerman, Middle East Data Project, Inc., Kensington, Maryland; John H. Lichtblau, Petroleum Industry Research Foundation, Inc., New York, New York; and J. Michael Stinson, Conoco Inc., Houston, Texas.

NORTH KOREA

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs met in closed session to receive a briefing on recent developments on the implementation of the Agreed Framework with North Korea from Robert L. Gallucci, Ambassador at Large; and officials of the intelligence community.

Subcommittee recessed subject to call.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

The nominations of Karen Nelson Moore, of Ohio, to be United States Circuit Judge for the Sixth Circuit; Janet Bond Arterton, to be United States District Judge for the District of Connecticut; Willis B. Hunt Jr., to be United States District Judge for the Northern District of Georgia; Charles B. Kornmann, to be United States District Judge for the District of South Dakota; J. Don Foster, to be United States Attorney for the Southern District of Alabama; and Martin James Burke, to be United States Marshal for the Southern District of New York;

S. 464, to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts;

S. 532, to clarify the rules governing venue; and

S. 533, to clarify the rules governing removal of cases to Federal court.

Also, committee reconsidered their action of February 9, when the committee ordered favorably reported, with amendments, S.J. Res. 21, proposing a constitutional amendment to limit congressional terms, and agreed to report the resolution instead with an amendment in the nature of a substitute.

ARCHITECT OF THE CAPITOL

Committee on Rules and Administration: Committee concluded oversight hearings to examine activities of the Office of the Architect of the Capitol, focusing on its funding authority for new projects, after receiving testimony from William L. Ensign, Assistant Architect of the Capitol; J. Raymond Carroll, Director of Engineering; and Emanuele Crupi, Budget Officer, all of the Office of the Architect of the Capitol.

House of Representatives

Chamber Action

Bills Introduced: Ten public bills, H.R. 1257–1266; and five resolutions, H. Con. Res. 41–44 and H. Res. 118, were introduced.

Pages H3326–27

Report Filed: One report was filed as follows: H. Res. 117, providing for the consideration of H.R. 4, to restore the American family, reduce illegitimacy, control welfare spending, and reduce welfare dependence. **Page H3326**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Linder to act as Speaker pro tempore for today. **Page H3279**

Adjournment Resolution: House agreed to H. Con. Res. 41, providing for an adjournment of the House from Thursday, March 16, 1995, to Tuesday, March 21, 1995. **Page H3281**

Emergency Supplemental Appropriations: By a yea-and-nay vote of 227 yeas to 200 nays, Roll No. 251, the House passed H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995. **Pages H3281–H3303**

Rejected the Obey motion to recommit the bill to the Committee on Appropriations with instructions to report the bill back forthwith containing an amendment striking $4,724,000,000 from rescissions for disaster assistance; striking language in the bill regarding rescissions for the special supplemental food program for Women, Infants, and Children (WIC); striking $662,500,000 from rescissions for Employment and Training Administration and reduces funds made available and rescinded for the School-to-Work Opportunities Act; striking language in the bill regarding Community Services Employment for Older Americans; striking $10,000,000 from rescissions for Health Resources and Services Administration; striking language in the bill regarding Low Income Home Energy Assistance; striking $82,000,000 from rescissions for education reform, including reductions in funds made available for State and local education systemic improvement and Federal activities, and language in the bill for the School-to-Work Opportunities Act; reduces funds made available under the heading ''Education for the Disadvantaged''; striking $420,000,000 from rescissions in School Improvement Programs, and reductions in funds made available for titles IV and V–C; reduces funds made available for Student Financial Assistance and deletes a part of the title of the Higher Education Act from rescissions; reduces funds made available and rescinded for the Corporation for Public Broadcasting; and striking funds rescinded for annual contributions for assisted housing, amounts earmarked for the modernization of existing public housing projects, amounts earmarked for lead-based paint hazard reduction and strikes language in the bill for payments for operation of low-income housing projects (rejected by a yea-and-nay vote of 185 yeas to 242 nays, Roll No. 250). **Pages H3300–02**

Agreed to the committee amendment in the nature of a substitute. **Page H3295**

Rejected:

The Obey motion that the Committee of the Whole rise and report the bill back to the House with the recommendation that the enacting clause be stricken and rejected by a recorded vote of 187 ayes to 220 noes, Roll No. 247; and **Pages H3281–83**

The Stearns amendment that sought to rescind all unobligated balances in the National Endowment for the Arts (NEA) grants and administration account (rejected by a recorded vote of 168 ayes to 260 noes, Roll No. 249). **Pages H3290–95**

Points of order were sustained against the following amendments:

The Shays amendment that sought to restore funding rescinded for the Housing Opportunities for Persons with AIDS Program; and **Pages H3283–87**

The Obey amendment that sought to reduce the amount rescinded from the Health and Human Services Department's health resources and services account to restore funding for the ''Healthy Start'' Program. **Pages H3287–90**

The Clerk was authorized to correct section numbers, punctuation, cross references, and to make

other conforming changes as may be necessary in the engrossment of the bill. **Page H3303**

Unfunded Mandates Reform: By a yea-and-nay vote of 394 yeas to 28 nays, Roll No. 252, the House agreed to the conference report on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates in the private sector. **Pages H3303–13**

Agreed to the Clinger motion that the House recede from its amendment to the title—clearing the measure for the President. **Page H3313**

Legislative Program: The acting Majority Leader announced the legislative program for the week of March 20. **Page H3313**

Calendar Wednesday: Agreed to dispense with Calendar Wednesday business of March 22. **Page H3313**

Resignations—Appointments: It was made in order that notwithstanding any adjournment of the House until Tuesday, March 21, the Speaker and the Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H3313**

Senate Messages: Messages received from the Senate today appear on pages H3281 and H3325.

Quorum Calls—Votes: One quorum call (Roll No. 248), three yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H3282–83, H3289–90, H3294–95, H3302, H3302–03, and H3312–13.

Adjournment: Met at 10:00 a.m. and, pursuant to H. Con. Res. 41, adjourned at 4:29 p.m. until 12:30 p.m. on Tuesday, March 21.

Committee Meetings

PERISHABLE AGRICULTURAL COMMODITIES ACT

Committee on Agriculture: Subcommittee on Risk Management and Specialty Crops held a hearing to review the Perishable Agricultural Commodities Act. Testimony was heard from Lon F. Hatamiya, Administrator, Agricultural Marketing Service, USDA; Bob Robinson, Associate Director, Food and Agriculture Issues, GAO; and public witnesses.

AGRICULTURAL, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Rural Economic and Community Development. Testimony was heard from the following officials of the USDA: Michael Dunn, Acting Under Secretary, Rural Economic and Community Development; Wally Beyer, Administrator, Rural Utilities Service; Maureen A. Kennedy, Acting Administrator, Rural Housing and Community Development Service; and Dayton J. Watkins, Acting Administrator, Rural Business and Community Development Service.

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies held a hearing on Commerce Department Statistical Programs. Testimony was heard from the following officials of the Department of Commerce: Everett M. Ehrlich, Under Secretary, Economic Affairs; Martha Farnsworth Riche, Director, Bureau of the Census; and Carol S. Carson, Director, Bureau of Economic Analysis.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Energy and Water Development held a hearing on Nuclear Waste Disposal Fund, Nuclear Waste Technical Review Board, and on Power Marketing Administration. Testimony was heard from the following officials of the Department of Energy: Daniel A. Dreyfus, Director, Office of Civilian Waste Management; John E. Cantlon, Chairman, Nuclear Waste Technical Review Board; Robert R. Nordhaus, General Counsel; J.M. Shafer, Administrator, Western Area Power Administration; Randall Hardy, Administrator, Bonneville Power Administration; Michael Deihl, Administrator, Alaskan Power Administration; Leon Jourolmon, Acting Administrator, Southeastern Power Administration; and Forrest Reeves, Acting Administrator, Southwestern Power Administration, all officials of the Power Marketing Administration.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies held a hearing on Territorial and International Affairs. Testimony was heard from Leslie M. Turner, Assistant Secretary, Territorial and International Affairs, Department of the Interior.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Guard and Reserve Programs. Testimony was heard from Deborah

R. Lee, Assistant Secretary, Reserve Affairs, Department of Defense.

FINANCIAL SERVICES MARKETS—CURRENT STATE AND FUTURE

Committee on Banking and Financial Services: Subcommittee on Capital Markets, Securities and Government-Sponsored Enterprises continued hearings on the Current State and Future of the Financial Services Market. Testimony was heard from public witnesses.

DISCRETIONARY REDUCTION AND CONTROL ACT

Committee on the Budget: Ordered reported amended H.R. 1219, Discretionary Reduction and Control Act of 1995.

SUPERFUND REAUTHORIZATION

Committee on Commerce: Subcommittee on Commerce, Trade and Hazardous Materials held a hearing on the reauthorization of the Superfund Program. Testimony was heard from Carol M. Browner, Administrator, EPA; Mary Gade, Director, Environmental protection agency, State of Illinois; and public witnesses.

CLEAN AIR ACT AMENDMENTS—IMPLEMENTATION AND ENFORCEMENT

Committee on Commerce: Subcommittee on Oversight and Investigations continued hearings on implementation and enforcement of the Clean Air Act Amendments of 1990, Employee Trip Reduction Program. Testimony was heard from Mary Nichols, Assistant Administrator, Air and Radiation, EPA; Carla Berroyer, Bureau Chief, Urban Program Planning Department of Transportation, State of Illinois; and public witnesses.

TRAINING ISSUES

Committee on Economic and Educational Opportunities: Subcommittee on Postsecondary Education and Training continued hearings on training issues. Testimony was heard from Charles C. Masten, Inspector General, Department of Labor; Nora Wang, Commissioner, Department of Employment, City of New York; and public witnesses.

Hearings continued March 21.

FAMILY REINFORCEMENT ACT

Committee on Government Reform and Oversight: Subcommittee on Government Management, Information and Technology held a hearing on Title IV of H.R. 11, Family Reinforcement Act. Testimony was heard from Senator Grassley; Sally Katzen, Administrator, Office of Information and Regulatory Affairs, OMB; William T. Butz, Associate Director, Demographic Programs, Bureau of the Census, Department of Commerce; and public witnesses.

HUMAN RIGHTS AND DEMOCRATIZATION OF ASIA

Committee on International Relations: Subcommittee on Asia and the Pacific and the Subcommittee on International Operations and Human Rights held a joint hearing on Human Rights and Democratization in Asia. Testimony was heard from John Shattuck, Assistant Secretary, Democracy, Human Rights, and Labor, Department of State; and public witnesses.

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT AND THE ECONOMIC EMBARGO OF CUBA

Committee on International Relations: Subcommittee on Western Hemisphere Affairs held a hearing on ''The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995,'' and the Economic Embargo of Cuba. Testimony was heard from Representatives Diaz-Balart and Rangel; Alexander F. Watson, Assistant Secretary, Inter-American Affairs, Department of State; Richard Newcomb, Director, Office of Foreign Assets Control, Department of the Treasury; and public witnesses.

SEXUAL CRIMES AGAINST CHILDREN PREVENTION ACT

Committee on the Judiciary: Subcommittee on Crime approved for full Committee action amended H.R. 1240, Sexual Crimes Against Children Prevention Act of 1995.

IMMIGRATION ACT AMENDMENTS

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action H.R. 962, to amend the Immigration Act of 1990 relating to the membership of the United States Commission on Immigration Reform.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Personnel continued hearings on fiscal year 1996 national defense authorization request, with emphasis on quality-of-life issues. Testimony was heard from Edwin Dorn, under Secretary, Personnel and Readiness, Department of Defense; and public witnesses.

Hearings continue March 23.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Military Procurement continued hearings on fiscal year 1996 national defense authorization request, with emphasis on Navy attack submarine requirements. Testimony was heard from the following officials of

the Department of the Navy: Nora Slatkin, Assistant Secretary, Research, Development and Acquisition; Adm. Dennis Jones, USN, Director, Submarine Warfare; and Adm. Bruce DeMars, USN, Deputy Assistant Director, Naval Reactors; Richard A. Davis, Director, National Security Analysis, National Security and International Affairs Division, GAO; Ronald O'Rourke Specialist in National Defense, Congressional Research Service, Library of Congress; and public witnesses.

Hearings continue March 23.

DEFENSE AUTHORIZATION

Committee on National Security: Subcommittee on Readiness continued hearings on fiscal year 1996 national defense authorization request, with emphasis on force readiness—concerns, solutions and indicators. Testimony was heard from the following officials of the GAO: Mark E. Gebicke, Director and Charles J. Bonanno, Assistant Director, both with the Military Operations and Capabilities Issues and Ray S. Carroll, Jr., Senior Evaluator, Norfolk Regional Office; and the following officials of the Department of Defense: Edwin Dorn, Under Secretary, Personnel and Readiness; Lt. Gen. Paul E. Blackwell, USA, Deputy Chief of Staff, Operations and Plans, Department of the Army; VAdm. Thomas J. Lopez, USA, Deputy Chief of Naval Operations, Resources, Warfare Requirements and Assessments, Department of the Navy; Lt. Gen. Arthur C. Blades, USMC, Deputy Chief of Staff, Plans and Operations, U.S. Marine Corps; and Lt. Gen. Joseph W. Ralston, USAF, Deputy Chief of Staff, Plans and Operations, Department of the Air Force.

Hearings continue March 22.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries, Wildlife and Oceans held a hearing on the following bills: H.R. 1141, to amend the act popularly known as the ''Sikes Act'' to enhance fish and wildlife conservation and natural resources management programs; and H.R. 1139, to amend the Atlantic Striped Bass Conservation Act. Testimony was heard from Representatives Geren of Texas, Pallone and Brewster; James Geiger, Assistant Regional Director, Fisheries, Northeast Program, U.S. Fish and Wildlife Service, Department of the Interior; Sherri Goodman, Deputy Under Secretary, Environmental Security, Department of Defense; Richard H. Schaefer, Director, Office of Fisheries Conservation, National Marine Fisheries Service, Department of Commerce; W.P. Jensen, Director, Fisheries, State of Maryland; and public witnesses.

OVERSIGHT—RIGHTS-OF-WAY REGULATIONS

Committee on Resources: Subcommittee on National Parks, Forests and Land held an oversight hearing on RS 2477 Regulations. Testimony was heard from Senator Hatch; Representative Orton; John D. Leshy, Solicitor, Department of the Interior; Elizabeth Barry, Assistant Attorney General, State of Alaska; Ted Stewart, Director, Department of Natural Resources, State of Utah; and public witnesses.

CONFERENCE REPORT—UNFUNDED MANDATES REFORM ACT

Committee on Rules: Committee vacated the proceedings of Wednesday, March 15, 1995, by which it ordered reported a rule waiving certain points of order against the conference report to accompany S. 1, Unfunded Mandates Reform Act.

PERSONAL RESPONSIBILITY ACT

Committee on Rules: Granted, by a voice vote, a rule providing for general debate only—2 hours to be equally divided and controlled between the chairman and ranking minority members of the Committee on Ways and Means and 3 hours equally divided and controlled by the chairman and ranking minority members of the Committee on Economic and Education Opportunities and the Committee on Agriculture—on H.R. 4, Personal Responsibility Act of 1995. The rule also provides that the Committee shall rise after general debate without motion and that there shall be no future consideration of the bill except by a subsequent order of the House. Testimony was heard from Chairman Archer and Representatives Shaw, Johnson of Connecticut, Zimmer, Dunn, Collins of Georgia, Goodling, Roukema, Cunningham, Roberts, Smith of Michigan, Hostettler, Young of Alaska, Hyde, Smith of New Jersey, Morella, Smith of Texas, Blute, Kim, Bunn of Oregon, Coburn, Salmon, Waldholtz, Largent, Gephardt, Rangel, Stark, Matsui, Kennelly, Levin, Cardin, McDermott, Kleczka, Neal, Clay, Kildee, Martinez, Mink, Reed, Engel, de la Garza, Volkmer, Thurman, Obey, Kaptur, Moran, Waters, Deal of Georgia, Jackson-Lee, Rivers, and Maloney.

U.S. FIRE ADMINISTRATION AUTHORIZATION

Committee on Science: Subcommittee on Basic Research held a hearing on U.S. Fire Administration Fiscal Year 1996 Authorization. Testimony was heard from Representative Hoyer; Carrye Brown, Administrator, U.S. Fire Administration, FEMA; and public witnesses.

NASA; OUTSIDE OPINION

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on NASA: The Outside Opinion. Testimony was heard from David Moore, Senior Analyst, CBO; Jack L. Brock, Jr., Director, Information Resource Management, National Security and International Affairs, GAO; Edward Teller, Lawrence Livermore National Laboratory; and public witnesses.

SBA BUSINESS DEVELOPMENT PROGRAMS

Committee on Small Business: Held a hearing to review the SBA Business Development Programs. Testimony was heard from Mary Jean Ryan, Associate Deputy Administrator, Economic Development, SBA; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

COAST GUARD BUDGET AUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation approved for full Committee action the Coast Guard Authorization Act of 1995.

BUDGET RECOMMENDATIONS

Committee on Veterans' Affairs: Approved budget recommendations for the report to the Committee on the Budget.

COUNTER INTELLIGENCE

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Counter Intelligence. Testimony was heard from departmental witnesses.

Joint Meetings

HUMPHREY HAWKINS ACT

Joint Economic Committee: Committee concluded hearings to examine certain provisions of the Full Employment and Balanced Growth Act of 1978 (Humphrey Hawkins Act) applicable to the accountability and responsibility in the conduct of monetary policy, after receiving testimony from Arthur Laffer, V.A. Canto & Associates, La Jolla, California; Lawrence Kudlow, *National Review*, Manhattan, New York; John Rutledge, Rutledge and Company, Greenwich, Connecticut; Wayne D. Angell, Bear, Stearns & Co., Inc., New York, New York; Jerry J. Jasinowski, National Association of Manufacturers, Washington, D.C.; Thomas Havrilesky, Duke University, Durham, North Carolina; David I. Meiselman, Virginia Polytechnic Institute and State University, Blacksburg; and Robert Eisner, Northwestern University, Evanston, Illinois.

COMMITTEE MEETINGS FOR FRIDAY, MARCH 17, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Environment and Public Works, to hold hearings on proposed legislation regarding public uses of the Back Bay National Wildlife Refuge in Virginia, and to examine the Department of the Interior and the Department of Defense consultations concerning conservation of endangered species at Ft. Bragg, North Carolina, 9:30 a.m., SD–406.

Committee on the Judiciary, to hold hearings on proposed legislation to reform the Federal regulatory process, 9 a.m., SD–226.

House

Committee on Government Reform and Oversight, Subcommittee on the District of Columbia, hearing on H.R. 461, Lorton Correctional Complex Closure Act, 1 p.m., 2154 Rayburn.

Next Meeting of the SENATE

10 a.m., Friday, March 17

Senate Chamber

Program for Friday: No legislative business is scheduled.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, March 21

House Chamber

Program for Tuesday: Consideration of H.R. 4, Personal Responsibility Act of 1995 (rule providing for 5 hours of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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