The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, July 31, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to not to exceed 30 minutes and each Member other than the majority and minority leader limited to 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN] for 5 minutes.

TOBACCO AND GRIDLOCK KILL

Mr. WYDEN. Mr. Speaker, I rise this morning to talk for a few minutes about the critically important public health issue of keeping America's youngsters from beginning to smoke. This is a public health problem that is growing. Three thousand youngsters in our country every day start smoking and eventually 1,000 of those kids will die of smoking-related illnesses. Most importantly, this is a public health problem that is getting worse. Last week, we learned the tragic news based on a study from the University of Michigan that smoking among eighth graders is up 30 percent in our country. Until recently, there have been two options for dealing with all this. One was to regulate tobacco through the Food and Drug Administration.

Last year, I asked each of the tobacco executives whether they believed nicotine was addictive. Each one of them said, no, but they are clearly wrong. Tobacco is addictive. It has drug-like properties, and the evidence is in that the Food and Drug Administration has the legal authority to regulate the product.

Unfortunately, if this option is chosen, if the FDA chooses to regulate tobacco, what will happen is the tobacco companies will go to court, they will sue and we will lose another generation of our children to political gridlock and infighting. So I and other Members of Congress believe that it is time to explore other options. In exploring these options, let us try to set aside the politics that rage about this issue and do what is best for our children.

Some of my colleagues say that if the FDA does not regulate tobacco, that would be good for the South, particularly Democrats in the South. Other colleagues say that if the FDA regulates tobacco, even if nothing gets done, that will be good for the President because the President is taking on tobacco.

Both of those views, in my opinion, do a disservice to our Nation's children.

Tobacco kills, but gridlock kills also. So for that reason, I and Congressman Rose of North Carolina have suggested another approach. We believe it is worth exploring the concept of the Federal Government entering into a written, binding, legal agreement between the tobacco companies and the Federal Government to take dramatic, immediate measures to stop young people from smoking.

We are talking about banning vending machines from where children congregate. We are discussing banning advertising targeted at young people, and most importantly, at a time when the Federal Government is cutting funds from health and social services, we are talking about the tobacco companies putting up at least $100 million for the States to have tough enforcement of the laws banning sales to minors and public education efforts to stop young people from smoking.

Most particularly, I believe that this agreement cannot be voluntary. It would have to be legally binding, and if at any point the tobacco companies breached the agreement, then the Food and Drug Administration would go forward and regulate tobacco.

Mr. Speaker, the interests of children has to be our top priority. If there is more gridlock and more political infighting, the tobacco companies can surely hold off FDA regulation to the point where President Clinton is no longer in office. They have deep pockets for lawsuits, and I know personally, because they have taken me and one of our colleagues, Mr. WAXMAN to court over our efforts to make sure that the health of our young people is protected.

Now is the time to act in the interests of our children. Tobacco kills, but so does gridlock. Let us act quickly to protect our children.

ACCORD ON BOAT PEOPLE IN DANGER OF COLLAPSE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Nebraska [Mr. BEREUTER] is recognized during morning business for 5 minutes.

Mr. BEREUTER. Mr. Speaker, as the chairman of the Asia and Pacific Subcommittee of the House International Relations Committee, this Member has spoken several times regarding the
damage done by section 204 of H.R. 1561, the American Overseas Interests Act, passed by this body on June 8. The section, dealing with the issue of Indo-chinese boat people, is causing all the problems that this Member and others predicted that subject now.

On June 20, the Washington Post cataloged the devastating impact of this legislation in an article datelined Hong Kong. This Member quotes:

At first, no one knew exactly why a riot erupted at the Hong Kong refugee detention center. Vietnamese and Indonesian refugees violently battled back with stones, makeshift spears and anything else they could throw, leaving 180 police officers and 73 Vietnamese injured. Refugees soon got a clue as to what was happening when they spotted some of the rioting Vietnamese waving tiny American flags and portraits of President Clinton.

Quoting from the Post:

The evidence became ironclad about a week later, when 200 Vietnamese who had volunteered to go home unexpectedly changed their minds, just 48 hours before their scheduled June 1st departure. They told U.N. officials that they would rather wait in Hong Kong camps until the U.S. Congress decided on a House-passed bill providing for the rescreening of up to 20,000 Vietnamese refugees for possible admittance into the United States.

This Member had predicted before this body that this provision in H.R. 1561 would raise false expectations of resettlement among Indo-chinese boat people, causing violence in the camps and stopping voluntary repatriation. Unfortunately, as the Post article amply demonstrates, this prediction has come to pass.

Whether this ill-advised proviso ever becomes law—and the Clinton administration has already made it clear that this issue is among those certain to provoke a Presidential veto—the damage has already been done. The article continues, and I quote:

A carefully constructed global agreement signed six years ago in Geneva, which laid out a formula for screening the Vietnamese boat people seeking home, and deemed genuine refugees fleeing persecution, seems in danger of collapse. And a more recently agreed-upon timetable for finally resolving the two-decade-old “boat people” crisis by year’s end now looks unlikely.

A Hong Kong refugee official is quoted in the article saying:

Like a bolt of lightning, initiatives were taken in Congress that have thrown this program greatly. This provision is an unhelpful intervention which has raised false hopes.

The official concludes that resolving the boat people crisis was “not easy before Congress. It is even more difficult now.”

Mr. Speaker, this body must understand that amendments we approve or reject, bills we approve, laws we enact, actions we take, and statements we make oftentimes do have an important and sometimes immediate impact in the real world, outside the beltway. The best intentions, Mr. Speaker, do not necessarily make good legislation. At the time this body debated this provision and rejected the Bereuter-Obey amendment, we had ample warning of the dangerous situation we were creating. Despite pressure brought to bear on them, several refugee advocacy groups with years of experience dealing with Indo-chinese refugees had publicly denounced the provision as dangerous and irresponsible, as had the United Nations High Commissioner for Refugees, the State Department, and many interested refugee resettlement and host governments.

This Member again quotes the Post:

There also has been violence elsewhere. In Malaysia, many of Vietnamese broke through the fence around the camps on June 5th and paraded through the streets waving banners. Police fired tear gas to disperse the crowds, and 23 people were reported injured. Violence flared again in Hong Kong on June 7th, when Vietnamese rioted, torched a building, stole police uniforms and looted restaurants. Police fired tear gas to quell the disturbance. Six Vietnamese and two police officers were injured.

Mr. Speaker, this misguided provision in H.R. 1561 was based on the view that there were serious flaws in the screening process by which the boat peoples’ claims to political refugee status were evaluated. The intent of this provision is to force a massive rescreening in the camps of all 40,000 plus screened out asylum seekers, including some refugee advocates, reject this contention and oppose massive rescreening. Moreover, the Southeast Asian nations where the camps are located have made it clear that they will not countenance a lengthy rescreening process which will delay closure of the camps and could prompt another refugee outflow from Vietnam.

It would be naive to think that the securitization of thousands of boat people by local officials, even though under close supervision by the UNHCR, could have been accomplished without error or abuse. In fact, this Member has requested UNHCR reconsideration of 15 cases of Vietnam. The asylum seekers who would seem to have a plausible case for refugee status. While this Member certainly is willing to intervene when specific cases of possible error are brought to his attention, he opposes strongly massive rescreening of asylum seekers in the refugee camps.

Moreover, it appears from information provided by UNHCR and non-government organizations monitoring boat people who have returned to Vietnam, that massive rescreening in the camps is not necessary. These organizations attest that there is no credible evidence of persecution of returnees in Vietnam. So why shouldn’t the boat people be allowed to wait out the camps return to Vietnam? Recent testimony by the American nongovernmental organization [NGO], World Vision, concludes that screened out boat people have been able to return to Vietnam in safety and dignity. The World Vision witness added that, in addition to the official UNHCR monitoring, the presence of American NGO’s throughout Vietnam has provided returnees “a number of options should they wish to raise a question or register a concern.”

The problem the international community now faces, however, is that the damage caused by this legislation has already been done. The Bereuter-Obey amendment which would have deleted this highly problematic section of H.R. 1561 was rejected and, as predicted by this Member, the damage was done. Therefore, this Member calls on all parties: UNHCR, resettlement and first asylum countries, Vietnam, the administration, NGOs, and Members of Congress to work out a pragmatic solution to the current impasse. The question we are now facing is how to get the 40,000 plus screened out asylum seekers to return voluntarily to Vietnam. With this Member, I have a concrete solution to offer at this time, it seems that some system of re-interviewing asylum seekers after their return to Vietnam could offer an incentive for the boat people to return, while at the same time maintain the international consensus on this issue.

Mr. Speaker, this Member pledges his support for efforts to devise concrete and pragmatic solutions to this intractable humanitarian problem which the House by its unfortunate action helped to create. This Member calls on other Members of this body, including those who disagree with him on this legislation and supported the gentleman from New Jersey [Mr. Smith], to make a similar pledge.

**CONGRESSIONAL RECORD – HOUSE**

JULY 31, 1995
beautiful, with the Capitol in the background, suffragettes over here who worked so hard to get that right to vote; and it flows into modern-day women still trying to use that vote to move their fight forward.

This is an incredible time 75 years ago, when you think that the fight for the right to vote started way back when this Republic began, with John Adams’ wife begging to have women included in the Constitution, and of course they did not; and then the first national political convention in 1848 being held in Seneca Falls where women came together and again asked for the right to vote, and it took until 75 years ago before that really happened. Almost all the people at the 1848 convention were dead by the time the reality of the vote had occurred.

But this was probably one of the most revolutionary things that happened in American society without a revolution. I add, without a revolution, because there was no war to do this. It was all done within the right to petition Government, the right of people who couldn’t vote, but they still petitioned Government for that right.

The suffragettes came to Washington. They were in the house; they lived there constantly. They picketed by day, and in their lovely white dresses, they chained themselves to the White House gate because they would not let them in to see the President. They would visit Senators and Congressmen who would see them, and if they were not in jail by night, they would go back to the house where they had all rented, have a piano concerto, tea, dinner, get up and do the same thing the next day, over, and over, and over.

Finally, this Congress and finally all of the States moved to ratify that.

So what happened after that? One of the very first things that happened was then the Congress moved to make motherhood safe. At the time that women were trying to get the right to vote, more women had died in America during childbirth, all throughout World War I, than American soldiers had died in Europe in World War I. Childbirth was very risky and yet the Congress was growing up, believe me, it was very relevant. We had none of the gym privileges. I was one person who wanted to be an aerodynamic engineer and, of course, the gates were closed, locked and everything else.

There was no way. It was either, get into liberal arts or get out, and there were many other instances of that.

The Federal Government made a huge difference in that and now we see them trying to roll that back. They are trying to roll back student loans. They are rolling back the choice issue all across the board.

Last week in this Congress, we even had a vote saying that women who are incarcerated in prison, even if they were cocaine addicts, could not have an abortion. That is crazy.

So as we get ready to celebrate this, I hope women not only celebrate the stamp, not only know they have the vote. They now, after 75 years, learn how to use the vote and get more respect from this Congress.

RECESS
The Speaker pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o’clock and 48 minutes a.m.) the House stood in recess until 12 noon.

□ 1200

AFTER RECESS
The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Everett) at 12 noon.

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

We give thanks, gracious God, for the awesome miracles of life, miracles that brighten our world, enrich our lives and testify to Your glory. We are grateful that Your spirit of creation and renewal breaks into history and proclaims to us the riches of Your grace and even the very purpose for our existence. Bless us, O God, and all Your people and may we be alert to the miracles that bring new life into being and are a witness every day to Your abiding grace. This is our earnest prayer.

Amen.

THE JOURNAL
The Speaker pro tempore. Will the gentleman from Mississippi [Mr. Montgomery] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY 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.

MESSAGE FROM THE SENATE
A message from the Senate by Mr. Lundeneg, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1817) “An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes,” requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Burns, Mr. Stevens, Mr. Shelby, Mr. Gregg, Mr. Reid, Mr. Inouye, and Mr. Byrd, to be the conference on the part of the Senate.

IT IS TIME TO END GOVERNMENT BUREAUCRACY AS WE KNOW IT
(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, wherever I go in my district I hear the same thing over and over: Uncle Sam is out of control. Regulations are choking the life out of our farmers, bankers, and small businessmen. Agents, regulators, and bureaucrats are crawling all over eastern North Carolina, hounding and penalizing hard-working people who want nothing more than to be left alone by their Government.
Look at what OSHA has done to a small but vital industry in America—roofing. OSHA bureaucrats most of whom have never been out of a classroom can put a small roofing company out of business, if it catches a roofer smoking or chewing gum. OSHA says contractors must provide employees with AIDS exposure training and instruct employees on the hazards of such dangerous chemicals as chalk, lumper, and dishwashing detergent. OSHA even says contractors have to label their roofed kettle "hazardous." Can you see why OSHA is draining this industry of millions of dollars and thousands of jobs.

Mr. Speaker, the American people are fed up. They have had enough of bureaucrats with no grasp of reality and no sympathy for the very people who make America work. Mr. Speaker, isn't it time to end Government bureaucracy as we know it.

WE MUST LEARN FROM PAST ENVIRONMENTAL HISTORY

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

Mrs. SCHROEDER. Mr. Speaker, I was very pleased when this House last week passed the very important Stokes-Boehleart amendment, which did not undo all of the environmental regulations.

There is a reason for environmental regulations. I am sending to every Member a copy of the August Discover magazine. It is about the last days of Easter Island. I totally believe that if we do not learn from history, we are condemned to repeat it. Scientists now, by taking core samples from Easter Island, have been able to document what happened there. As they pointed out, in just a few centuries they can tell that the people of Easter Island wiped out their forest, drove their plants and animals to extinction, and saw their complex society break down into chaos and cannibalism.

It is a very important lesson for all of us on Planet Earth that we do not become an Easter Island "wannabe." If we do not learn from history we are condemned to repeat it. I hope all of my colleagues will have time to look at this over the break, and that we certainly do not undo the progress we made last week by realizing how important some of these environmental gains can be.

THE MEDICARE TRUSTEES REPORT: A DOCUMENT THAT DEMOCRATS WANT TO HIDE FROM THE AMERICAN PEOPLE

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

Mrs. SEASTRAND. Mr. Speaker, it is a mystery that the Democrats would want to hide the truth about Medicare.

They come to the floor and they are literally dripping with concern over Medicare. But they never mention this—the Medicare Trustees Report.

This is the report by the Medicare Board of Trustees. The board is charged with making financial condition of Medicare, and every year they file a report. This report is like a prospectus that a company is required by law to give to their shareholders.

Mr. Speaker, I think that every American, especially seniors, should have a copy of this report. They should call their Members of Congress at 202-224-321.

Mr. Speaker, the American people need to learn the truth about Medicare. They need to read for themselves what the Trustees say about the financial condition of their program. They need to read for themselves what the Democrats do not want them to read.

PERMISSION FOR SUNDAY COMMITTEES AND THEIR SUB-COMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee on the Whole House under the 5-minute rule: The Committee on Government Reform and Oversight, the Committee on Education and Workforce, and the Committee on the Judiciary.

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

There was no objection.

ILLINOIS LAND CONSERVATION ACT OF 1995

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that the Committee on National Security and the Committee on Commerce be discharged from further consideration of the bill (H.R. 714), to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. STENHOLM. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentleman from Missouri [Mr. EMERSON] for the purpose of explanation.

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

Mr. EMERSON. Mr. Speaker, H.R. 714 would establish a tall grass prairie in the former Joliet Arsenal. Also, this legislation would set aside portions of the land for a landfill, portions for economic development, and also a section 4(a) national cemetery.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from Illinois [Mr. WELLER].

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

Mr. WELLER. My Speaker, I would like to speak briefly about the importance of this legislation, H.R. 714, the Illinois Land Conservation Act, which has overwhelming bipartisan support from Members on both the Republican and Democrat side of the aisle. This is an innovative land reuse plan which was developed by a citizens planning commission, appointed under the direction of my predecessor, former Congressman George Sangmeister, resulted from thousands of hours of volunteer time from leaders in conservation, veterans’ organizations, business and labor, educators, and many civic organizations.

Briefly, the Joliet Army Ammunition Plant, commonly referred to as the Joliet Arsenal, was declared excess Federal property in April 1993. A local citizens commission developed a plan for reuse of the site, which is encompassed in my legislation.

The plan has received broad-based support from Illinois’ major media, citizens organizations, veterans’
groups, business, labor, conservation, and educators. The plan includes transferring 19,000 acres to the National Forest Service for creation of the Midewin National Tall Grass Prairie. The plan also includes a veterans’ cemetery, which will occupy just under 1,000 acres on the arsenal property.

There are also two sites, for a total of 3,000 acres, to be used for the purpose of economic development and job creation, and finally 455 acres will be used for local landfills.

Since this bill’s introduction, I have worked closely with all the agencies involved and have made changes in the legislation to reflect issues that they have had concerns with. This is bipartisan legislation supported by the Governor of the State of Illinois, Republicans and Democrats in the Illinois delegation, and a large number of veterans, conservation, environment, business and labor, and private organizations.

Clearly, H.R. 714 is a win-win-win for taxpayers, conservation veterans, and working men and women. I ask you and urge the bill’s immediate passage with bipartisan support.

Mr. YATES. Mr. Speaker, I rise in strong support of the bill offered by the gentleman from Illinois.

H.R. 714, the bill that would establish the Midewin National Tallgrass Prairie at the former Joliet Arsenal, is an excellent piece of legislation that can serve as a model for other communities with closed military bases.

I am proud to say that I was there at the beginning, when the concept of turning an abandoned TNT factory into a multi-purpose site for the benefit of the 8 million Chicago-area residents was first conceived. I enjoyed working with our former colleague, George Sangmeister, during the 103rd Congress and I have equally enjoyed working with his successor, the distinguished gentleman from Joliet.

Located less than 50 miles from the Ninth District, the Midewin National Tallgrass Prairie will offer my constituents unparalleled preservation and recreational opportunities.

The Joliet Arsenal is a treasure trove of rare and endangered species—so unique in the urban sprawl of northern Illinois. Sixteen State endangered species, 108 different birds, 40 types of fish, and 348 native plant species can all be found on the arsenal property.

In addition, the arsenal site contains the single largest tallgrass ecosystem east of the Mississippi River, and the only grassland of this size in unfragmented, single ownership. It is also the only site that the arsenal is adjacent to other reserves and when all of that open space is combined, it creates the biggest prairie in the eastern United States.

We have so few opportunities in Illinois to preserve original, intact ecosystems. Most of our land has either been consumed by over-growing cities and suburbs or is being farmed. There are very few natural areas in our State; a forest preserve here, a park there but not nearly enough to satisfy our most minimal needs.

That is why acquiring the Joliet Arsenal and creating a tallgrass prairie is a once-in-a-lifetime opportunity. We will never have this chance again. If we do not act now to protect this valuable site, it could be lost forever.

This is a bipartisan bill, supported by a large and diverse group, including the Republican Governor of Illinois, the Democratic mayor of Chicago, the Forest Service, and every major environmental organization.

There have been many people who have helped make this happen, but I want to give special recognition to Dr. Fran Harty at the Illinois Department of Conservation and Dr. Larry Strich and his colleagues at the Shawnee National Forest for their extraordinary efforts to make the arsenal a tallgrass prairie.

I also want to commend the Forest Service for their leadership in this matter. After other agencies dragged their feet on acquiring the Joliet Arsenal, the Forest Service enthusiastically entered the process. Their can-do spirit toward the arsenal is laudable and I want to express my sincere thanks to them for being so cooperative on a project that is important to me and my constituents. I hope to continue working with the Service in the future to secure adequate funding for the Midewin National Tallgrass Prairie.

The cooperative management planned by the Forest Service is just one piece of the unique public-private partnership that formed to preserve the Joliet Arsenal. This is truly a national model of how closed military bases can be converted to productive civilian use and of how local communities can work with the Federal Government to ensure that these old bases are developed to benefit everyone.

There are hundreds of military installations across the Nation that have been closed by the Base Closure Commission. The Federal Government must decide what to do with these old bases.

We’ve seen the negative impacts that closing military bases can have on local communities. But if we follow the example of the Joliet Arsenal and let the local community decide how best to use the closed facility and have the Federal Government assist that locale, a closing military base need not destroy a struggling community.

I think it would be wise for the Pentagon to study the Joliet Arsenal model and to implement it at other bases for closure.

This bill is good for the people of Illinois and clearly good for the Nation, and I urge my colleagues to support it.

Mr. De LA GARZA. Mr. Speaker, I rise in support of H.R. 714, the Illinois Land Conservation Act. H.R. 714 is nearly identical to H.R. 4946 that was introduced in the 103rd Congress by Congressman Sangmeister. H.R. 4946 was passed by unanimous consent in the House after being discharged by the Agriculture Committee.

This bill is good for the people of Illinois and clearly good for the Nation, and I urge my colleagues to support it.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for his explanation, and urge passage of the bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection. The Clerk read the bill, as follows:

H.R. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE AND TABLE OF CONTENTS. (a) Short Title—This Act may be cited as the “Illinois Land Conservation Act of 1995”.

July 31, 1995
TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWNATIONAL TALLGRASS PRAIRIE

Sec. 101. Principles of transfer.

(a) LAND USE PLAN.—The Congress ratifies in principle the proposals generally identified by the land use plan developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

(b) TRANSFER WITHOUT REIMBURSEMENT.—The area of Midewin National Tallgrass Prairie shall be transferred, without reimbursement, to the Secretary of Agriculture.

(c) MANAGEMENT OF MNP.—Management by the Secretary of the portions of the Arsenal transferred to the Secretary under this Act shall be in accordance with sections 104 and 105 regarding the Midewin National Tallgrass Prairie.

(d) SECURITY MEASURES.—The Secretary of the Army and the Secretary of Agriculture shall each provide and maintain physical and other security measures on such portion of the Arsenal as is under the administrative jurisdiction of such Secretary. Such security measures (which may include fences and natural barriers) shall be such as to include membership of the public from gaining unauthorized access to such portions of the Arsenal as are under the administrative jurisdiction of such Secretary and that may endanger public safety.

(e) COOPERATIVE AGREEMENTS.—The Secretary of the Army, the Secretary of Agriculture, and the Administrator are individually and collectively authorized to enter into cooperative agreements and memoranda of understanding among each other and with other affected Federal agencies, State and local governments, private organizations, and corporations to carry out the purposes for which the Midewin National Tallgrass Prairie is established.

(f) INTERIM ACTIVITIES OF THE SECRETARY OF AGRICULTURE.—Prior to transfer and subject to such reasonable terms and conditions as the Secretary of the Army may prescribe, the Secretary of Agriculture may enter upon the Arsenal property for purposes related to planning, resource inventory, fish and wildlife habitat manipulation (which may include prescribed burning), and other such activities consistent with the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 102. TRANSFER OF MANAGEMENT RESPONSIBILITIES AND JURISDICTION OVER ARSENAL.

(a) INITIAL TRANSFER OF JURISDICTION.—Within 6 months after the date of the enactment of this Act, the Secretary of the Army shall effect the transfer of those portions of the Arsenal property identified for transfer to the Secretary of Agriculture pursuant to subsection (d). The Secretary of the Army shall retain jurisdiction, authority, and control over the environmental law to remediate contamination resulting from any action or any other action, or any response action, or any other action required under any environmental law, including actions to remediate petroleum products or their derivatives, the response action or other action shall take priority.

(b) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property to the Secretary of Agriculture shall be borne by the Secretary of Agriculture.

SEC. 103. CONTINUATION OF RESPONSIBILITY AND LIABILITY OF SECRETARY OF THE ARMY FOR ENVIRONMENTAL CLEANUP.

(a) RESPONSIBILITY.—The liabilities and responsibilities of the Secretary of the Army under any environmental law shall not transfer under any circumstances to the Secretary of Agriculture and the Administrator shall provide for the Defense Environmental Restoration Program for the Arsenal.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 105(c) any property identified in subsection (d) and not transferred under subsection (a) after the Secretary of the Army and the Administrator concur that no further action is required at that portion of property under any environmental law and that such portion is therefore eliminated from the areas to be further identified pursuant to the Defense Environmental Restoration Program for the Arsenal.

(c) TRANSFERS FROM ARSENAL.—Any transfers made under section 102 or section 106, or as a result of interims of the Secretary of Agriculture on Arsenal property under section 105, shall be made in a way consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and with the other provisions of such section and title II.
In carrying out response actions at the Arsenal, the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie to be managed in accordance with such special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture deems appropriate.

3. No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty-five years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary of Agriculture from issuing agricultural special use authorizations or granting permits which are effective after twenty-five years from the date of enactment of this Act for purposes primarily related to erosion control, provision for food and habitat for fish and wildlife, or other resource management activities consistent with the purposes of the Midewin National Tallgrass Prairie.

C. Adjustment of Agricultural Uses—The MNP may be managed in accordance with such special use authorizations to persons for use of the Midewin National Tallgrass Prairie for agricultural purposes. Such special use authorizations shall require payment of a rental fee, in advance, that is based on the fair market value of the use allowed. Fair market value shall be determined by appraisal or a competitive bidding process. Special use authorizations issued pursuant to this paragraph shall include terms and conditions as the Secretary of Agriculture deems appropriate.


(2) Acquisition of Private Lands.—Acquisition of private lands for inclusion in the Midewin National Tallgrass Prairie shall be on a willing seller basis only.

E. Cooperation with States, Local Governments and Other Entities.—In the management of the Midewin National Tallgrass Prairie, the Secretary of Agriculture is authorized to enter into cooperative agreements with other States, local governments, and other entities, consistent with the purposes of the MNP. Cooperative agreements shall provide for the contributions of funds, personnel, facilities, and other resources as may be necessary to carry out the purposes of the MNP.

F. Species Conservation.—In the development of a plan for the Midewin National Tallgrass Prairie, the Secretary shall consult with the Illinois Department of Natural Resources and other appropriate Federal, State, and local agencies to ensure that the Midewin National Tallgrass Prairie is managed in a manner consistent with the conservation and recovery of species under the Endangered Species Act of 1973.
admission, occupancy, and use of the Midewin National Tallgrass Prairie and may prescribe a fee schedule providing for reduced or a waiver of fees for persons or groups engaged in authorized activities, providing for the use of park services, research, or education. The Secretary shall permit admission, occupancy, and use at no additional charge for persons possessing a valid Golden Eagle Passport or Golden Age Passport.

(e) SALVAGE OF IMPROVEMENTS.—The Secretary of Agriculture may sell for salvage value any buildings and improvements which have been transferred to the Secretary pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsection (d) and (e) shall be covered into the Treasury and constitute a special fund to be known as the Midewin National Tallgrass Prairie Restoration Fund. Deposits in the Midewin National Tallgrass Prairie Restoration Fund shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the N.P.

SEC. 106. SPECIAL DISPOSAL RULES FOR CERTAIN ARSENAL PARCELS INTENDED FOR SALE.

(a) DESCRIPTION OF PARCELS.—Except as provided in subsection (b), the following areas are designated for disposal pursuant to subsection (c): (1) Manufacturing Area—Study Area 1—Southern Ash Pit, Study Area 2—Explosive Burning Ground, Study Area 3—Fishing Ground, Study Area 4—Load Assembly and Packing Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill Area, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Swage Treatment Plant.

(b) LOAD ASSEMBLY PACKING AREA—GROUP 61: Study Area L1, Explosive Burning Ground; Study Area L2, Demolition Area; Study Area L3, Landfill Area; Study Area L4, Salvage Yard; Study Area L5, Group 1: Study Area L7, Group 2: Study Area L8, Group 3: Study Area L9, Group 3A: Study Area L10, Group 4: Study Area L14, Group 5: Study Area L15, Group 6: Study Area L18, Group 9: Study Area L19, Group 27: Study Area L23, Group 62: Study Area L25, PVC Area: Study Area L33, including all associated inventoried and noninventoried buildings and structures and piping in the Joliet Army Ammunition Plant.

(c) DESIGNATION OF CEMETERY.—The national cemetery shall be established as the "Joliet National Cemetery." The Secretary of the Navy shall provide and maintain the cemetery.

SEC. 202. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A COUNTY LANDFILL.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer, without reimbursement, to the Secretary of Veterans Affairs the parcel of real property at the Arsenal described in subsection (b) for use as a national cemetery.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 31 and 32, Jackson Township, T34N R10E, and part of sections 25 and 36, Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Map.

(c) CONDITION OF CONVEYANCE.—The conveyance shall be subject to the condition that the Secretary of Veterans Affairs have the right of immediate entry into the property for in this Act. Such use shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary exercises its option to cause the property to revert, the United States shall have the right of immediate entry into the property. Any determination of the Secretary of the Army under this Act shall be made on the record after an opportunity for a hearing.

(e) SURVEYS.—All costs of necessary surveys for the transfer of real property under this section shall be borne by the Secretary of the Army. The Secretary of the Army may prescribe a parcel of real property at the Arsenal consisting of approximately 982 acres, the approximate legal description of which includes part of sections 31 and 32, Jackson Township, T34N R10E, and part of sections 25 and 36, Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(f) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain security measures (which may include fences and natural barriers) for the property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to ensure the grantee's interest in the property, including gaining unobstructed access to the portion of the Arsenal that is under the administrative jurisdiction of the Secretary of Veterans Affairs that may endanger health or safety.

(g) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal properties from the Secretary of the Army to the Secretary of Veterans Affairs shall be borne solely by the Secretary of Veterans Affairs.

(h) DESIGNATION OF CEMETERY.—The national cemetery established using the real property transferred under subsection (a) shall be known as the "Joliet National Cemetery."
of the Army makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied or that the convey land is not being used for economic development purposes, then, at the option of the United States, all right, title, and interest in and to the property, including improvements thereon, shall be subject to reversion to the United States. In the event that the United States exercises its option to cause the property to revert, the United States shall have the right of immediate entry onto the property. All records of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(ii) Surveys—All costs of necessary surveys for the transfer of real property under this section shall be borne by the State of Illinois.

(g) Additional terms and conditions.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. Degree of Environmental Cleanup.

(a) in general.—Nothing in this Act shall be construed to restrict or lessen the degree of cleanup at the Arsenal required to be carried out under any environmental law, or any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas, except to the extent otherwise allowable under such laws.

(b) Response action.—The establishment of the Midewin National Tallgrass Prairie under title I and the additional real property disposals required under title II shall not restrict or lessen in any way any response action or degree of cleanup under CERCLA or other environmental law, or any response action required under any environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel), required to be carried out under the authority of the Secretary of the Army at the Arsenal and surrounding areas, except to the extent otherwise allowable under such laws.

(c) Environmental Quality of Property.—Any conveyance, transfer, or other transfer of real property under title II shall be carried out in compliance with all applicable provisions of section 120(h) of CERCLA and other environmental laws.

AMENDMENTS OFFERED BY MR. EMERSON

The SPEAKER pro tempore. The Clerk will report the amendments. The Clerk read as follows:

Amendments offered by Mr. Emerson: In section 105(b)(2) of the bill, strike the sentence beginning with "Special use" and the sentence beginning with "Fair market value".

In section 202 of the bill, strike subsection (e).

Mr. Emerson (during the reading).

Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. Stenholm. Mr. Speaker, re- serving the right to object, I will not object, but I yield to the gentleman from Missouri [Mr. Emerson] to explain the amendments.

Mr. Emerson. Mr. Speaker, these are technical changes in the bill. The one offered by the Committee on Veterans' Affairs merely allows the Secretary of Veterans Affairs the authority to name the cemetery. The second amendment, given the Forest Service the authority to manage land used for grazing in the same manner that other Forest Service lands are managed. These amendments have been cleared with the minority, and it is my understanding that there is no objection.

Mr. Speaker, I include for the RECORD a letter from Jack Ward Thomas, Chief of the Forest Service, to the gentleman from Kansas, Pat Roberts, chairman of the Committee on Agriculture.

The material referred to follows:

Hon. Pat Roberts, Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

Dear Mr. Chairman: This is to confirm discussions with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the "Illinois Land Conservation Act of 1995."

John Hogan, counsel to the Committee, has told my staff that a proposed amendment may be offered on the House floor to strike two sentences in subsection 105(b)(2). The referenced subsection refers to the issuance by the Secretary of Agriculture of special use authorizations for agricultural purposes. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization shall be issued after a public hearing, and the Department of Agriculture shall permit the Secretary to engage in any necessary public advertising and use of public media in connection with the proposed use authorization."

This proposal could have the effect of lessening the degree of management of the Prairie. The Forest Service has told my staff that a proposed amendment to 105(b)(2) would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization..." The proposed amendment would strike the second and third complete sentences in that subsection, specifically: "Such special use authorization..."

I am writing to ask for your Committee's cooperation in ensuring that the language contained in the draft Agriculture Committee version of the bill continues to reflect the intent of the Forest Service.

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I am writing to ask for your Committee's cooperation in ensuring that the language contained in the draft Agriculture Committee version of the bill continues to reflect the intent of the Forest Service.

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

There was no objection.
Forest. Several of Missouri’s proud historical landmarks, which are important elements of this site, will be maintained and preserved for current and future generations through the efforts of the city of Rolla—at a substantially reduced cost to State and Federal taxpayers.

This is particularly important to bear in mind, since this facility would have no further commercial viability without the direct involvement of the city of Rolla. So many two worthy goals can be achieved—economic development and historical preservation. Indeed, there are other facilities that would serve the city’s need for a tourist center, but the local community and its leaders have had the vision to realize this is a prime opportunity to help themselves and relieve Federal taxpayers from the burden of maintaining these Forest Service buildings and related facilities within the city of Rolla.

Mr. Speaker, I commend the leadership efforts of the Mark Twain National Forest and the city of Rolla. I urge the expeditious approval of this measure. The citizens of Rolla can get on with the business of economic development and job creation.

Mr. De La Garza. Mr. Speaker, I rise in support of H.R. 701, a bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO. H.R. 701 is nearly identical to H.R. 3426 that was introduced in the 103rd Congress by Congressman Emerson. H.R. 3426 was passed by unanimous consent in the House after being discharged by the Agriculture Committee at the very end of the session.

The Senate took no action on the bill before adjournment.

H.R. 701 authorizes the city of Rolla to pay fair market value for the lands described by the bill. The city may pay for the land in full within 180 days of conveyance and requires the preservation of historic elements of this site, will be maintained and preserved for current and future generations through the efforts of the city of Rolla—at a substantially reduced cost to State and Federal taxpayers.

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A. The Talladega National Forest is broken up into two divisions—the Oakmulgee Division, located in central Alabama, and the Talladega Division, located east central Alabama and being east of Birmingham, Alabama.

Q. Which Division is specified in H.R. 1874?

A. The land is located on the Talladega Division.

Q. Where on the Talladega Division are the tracts mentioned in H.R. 1874 located?

A. The largest tract located in Cleburne County and contains 399.4 acres is more particularly described as Township 17 South, Range 8 East, Section 34, NE 1/4, SW 1/4. This tract is located within the existing Proclamation Boundary of the Talladega National Forest, and close to being surrounded by national forest ownership.

The second tract is located in Calhoun County and contains 160 acres and is more particularly described as Township 17 South, Range 9 East, Section 28, SE 1/4. This tract is located just outside of the existing Proclamation Boundary of Talladega National Forest, but is adjacent to and contiguous with National Forest ownership.

Q. What’s presently located on these lands?

A. Both properties are forested tracts with pine and hardwood. There are no known or surveyed cultural resource sites or threatened or endangered species known to be located on these tracts. However, the first and largest tract is located inside a tentative Habitat Management Area for the Red Cockaded Woodpecker, a listed endangered species. In addition, the Pinhoti Trail, administered by the Forest Service, runs through the largest tract.

Q. Is it a Tentative until the Forest has completed its forest plan revision?

A. Yes, it is tentative until the Forest has completed its Forest Plan Revision.

Q. Just what is the Pinhoti Trail?

A. The Pinhoti Trail is a National Recreation Trail that was so designated back in 1977. It is a foot trail that extends for 98.6 miles along the mountains, valleys, and ridges of the Talladega Division, Talladega National Forest.

Q. Where does the Pinhoti Trail begin and end?

A. The trail starts on the Talladega Ranger District and runs west through the Talladega Scenic Drive and ends on the northeastern boundary of the Shoal Creek Ranger District at Highway 278. The 160 acre parcel, located in Calhoun County, was patented to the State of Alabama back in August 1941. A clause in the Patent stated “this patent is issued upon the express understanding that the land or any part thereof is being granted shall revert to the USA upon a finding by the Secretary of Interior that for a period of five (5) consecutive years such land or any part thereof is not being used by the State of Alabama for park or recreational purposes, or that such land or any part thereof is being devoted to other uses.”

Q. What is the history of these tracts?

A. The 399.4 acre parcel, located in Cleburne County, has never been patented and was not withdrawn from the Public Domain when the Talladega National Forest was established by Proclamation 2190 dated 7/17/1936. The property has always been owned by the United States.

Q. When was the tract first patented?

A. The 399.4 acre parcel located in Cleburne County, was patented to the State of Alabama back in August 1941. A clause in the Patent stated “this patent is issued upon the express understanding that the land or any part thereof is being granted shall revert to the USA upon a finding by the Secretary of Interior that for a period of five (5) consecutive years such land or any part thereof is not being used by the State of Alabama for park or recreational purposes, or that such land or any part thereof is being devoted to other uses.”

Q. How much money will it cost the Forest Service to maintain these properties?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. What is the significance of these tracts?

A. These two tracts totaling 559.4 acres from the Talladega National Forest were acquired by the United States under the Federal Land Policy and Management Act before the Public Purposes Act before the boundary was established. The Federal Land Policy and Management Act gave the President the authority to place forest land into public reservations by Proclamation creating the Talladega National Forest. This proclamation creating the Talladega National Forest was established by Presidential Proclamation in 1936. A patent on the withdrawn lands was then issued to the State in 1941 with a reversionary clause to the United States. Alabama recovered by Quit Claim deed to the United States in 1976 due to its non-use. The Proclamation including the Talladega National Forest included a provision that all lands hereafter acquired by the United States under the Weeks Act are administered as a part of the Talladega National Forest. This provision, however, only applied to lands acquired under the Weeks Act, and not the 160 acres patented back to the United States. The proclamation’s lasting force was for the lands being administered as a part of the Talladega National Forest. This provision, however, only applied to lands acquired under the Weeks Act, and not the 160 acres patented back to the United States. The proclamation itself no longer had the force of law when the United States regained title to the subject land due to the repeal of the 1931 Act by section 704 of the Federal Land Policy and Management Act of 1976. Hence, the subject land reverted to the status of unpatented public land, and hence are administered as a part of the Talladega National Forest as they had been withdrawn in favor of the State of Alabama prior to the proclamation and were later patented to the State of Alabama. Thereafter, the land line boundary would technically be changed in the jurisdictional transfer.

Regardless of the technicality of boundary modification, the Bill does effect the correct transfer of jurisdiction being sought by both agencies.

Q. How many additional acres of land does the Forest Service presently have in jurisdiction over that are within or adjacent to the Talladega National Forest?

A. None to the best of our knowledge.

Q. Does BLM agree with this change of jurisdiction being sought by both agencies?

A. The main additional cost would be to maintain the 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. Why is this necessary?

A. This is an area that contains pine and pine-hardwood forest types that will be managed or endangered species known to be located on these tracts.

Q. Why is this modification necessary?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. Who is doing this modification?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. How much will it cost the Forest Service to maintain these properties?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. How much will it cost the Forest Service to administer these lands?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. What land boundary modifications are included?

A. The main additional cost would be to maintain the approximately 1 mile of additional boundary lines located on the 160 acre parcel in Calhoun County. Estimated cost for Forest Service runs around $600 per mile. However, with the tract located in Calhoun County, the Forest Service would actually lose approximately 14 miles of land lines. Therefore there is a net loss of around 1/4 miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to or are within existing National Forest, there will be little or no additional costs associated with the change of jurisdiction. The 599 acres would be incorporated into the 229,772 acres that currently makes up the Talladega National Forest.

Q. What is the new boundary?

A. The new boundary is the existing Proclamation Boundary located on the 399.4 acre parcel in Cleburne County.
and conditions of any existing right-of-way, easement, lease, license, or permit on lands transferred by subsection (a), except that such lands shall be administered by the Forest Service. Reissuance of any authorization shall be in accordance with the laws and regulations generally applying to the Forest Service, and the change of jurisdiction over such lands transferred by subsection (a) of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1874, the bill just passed. The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESTRICTIONS ON POLITICAL ADVOCACY MISGUIDED AND MISPLACED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, later this week the House will take up consideration of an appropriations bill for the Departments of Labor, Health and Human Services and Education. I want to call my colleagues' attention to the fact that not included in this appropriations bill are some 13 pages of legislation, something we are not supposed to do on appropriations bills.

The topic of this 13-page legislative provision is "Political Advocacy." It flies directly in the face of the first amendment to the Constitution which says that the Congress, shall make no law concerning free speech, freedom of association, or the right to petition the Government. But that is precisely what this 13-page piece of legislation, buried in this appropriations bill, will do.

Mr. Speaker, the subtitle of this title says, "Prohibition on the Use of Federal Funds for Political Advocacy." As it happens, of course, that is already illegal. The real sweep of this legislative proposal has very little to do with Federal funds. What it does have to do with is your use of your own funds. Every single American citizen, nonprofit organization, recipient of a Federal research grant likely is going to be swept into the impact of this incredible and chilling piece of legislation.

Mr. Speaker, if you look at the definition of "political advocacy," which is one of the principal operative concepts in this bill, you find virtually everything that you might have thought was protected speech under the first amendment to the Constitution. Even an inked contribution to a political campaign; even the purchase of something to do with politics, if the person or the organization you are purchasing it from happens to have used more than 15 percent of its resources on political advocacy. Again, political advocacy includes just about anything having to do with the political debate in this country not just at the Federal level, but at the State and local levels as well.

Mr. Speaker, the other principal concept that makes this such an overreaching and intrusive provision has to do with the definition of grant, because it is only grantees, recipients of grants, that are swept into this new regime of accounting for political speech. But again, if you look at the definition of grant, it is not just what you might think in a commonsensical way; that is, the provision of funds to somebody directly from the Federal Government. No, it is much broader than that. Anything of value provided, not given, but provided, to any person or organization.

So if you consider, as absurd as it may seem, that this political advocacy restriction applies to anyone who gets a grant, it will do for trying to affect the political debate in this country just at the Federal level, but at the State and local levels as well.

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RESTRICTIONS ON POLITICAL ADVOCACY MISGUIDED AND MISPLACED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. SKAGGS] is recognized for 5 minutes.

Mr. SKAGGS. Mr. Speaker, actually, this goes even farther and includes some of the groups that the gentleman from California mentioned.

Now, it would not affect defense contractors, for instance, but the way I read it, somebody who gets a Federal grant at a subsidized rate would indeed be swept under the provisions of this proposal.

PROTECTING AMERICAN WORKERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, later this week the House will be considering the Labor and Health and Human Services appropriations bill, and this bill will have provisions in it that really punish working Americans and working families in this country.

We now believe that when we send a member of our family out into the workplace in this country, that they have a reasonable expectation, and we have a reasonable expectation, that our children or our spouse will go to work in a relatively safe workplace, and that workplace will meet certain standards as to its obligations to members of our family as they go to work.

Mr. Speaker, that is because of OSHA, the laws of general duty and obligations that says, an employer has an obligation to provide a safe workplace, but also because of the many standards that OSHA has developed to make the construction trades safer, to the petrochemical industry, in the case of MSHA, safer, that make the chemical industry safer, and it has made the petroleum industry safer, throughout the American economy. We have done this all at the same time that productivity has increased dramatically in this country.

So it is not to suggest that OSHA, as others have, that somehow they have to be curtailed because they curtail productivity, because there is just no evidence that is that is the fact the case.
In fact, American corporations are experiencing some of the greatest increases in productivity at the same time that they have continued to work under workplace safety standards as promulgated by OSHA.

Mr. Speaker, what is interesting is that in the same bill, while most of the other agencies are subjected to budget cuts of around 7.5 percent, we see that OSHA, that agency which protects our families when they go to work, to make sure that when they leave the house they will come back to the House in the same condition when they left, we see that the enforcement for OSHA is cut by almost 33 percent. A third of its budget is taken away from this agency that is given the obligation to protect American workers.

Mr. Speaker, this is simply unacceptable. We cannot go back to the days when American workers were chewed up in the mines in this country, in the factories in this country, in the places of manufacturing in this country. We still, even with the tremendous successes that OSHA has had in bringing down the injury rate and the loss of life in the American workplace, we still see that each day, some 6,000 Americans are injured, some 4,000 Americans are killed, and this leads American businesses billions of dollars a year, and that is unacceptable. But to now take off, to take off the ability of OSHA to enforce the laws, is to suggest that industries and businesses and manufacturers are not accountable for their workers, that they are learning it in the home—and it is especially bad when children are learning it in the home, and it is unacceptable to America’s workers, and it is not acceptable to America’s families.

Mr. Speaker, the bill also goes on to say that OSHA cannot even promulgate regulations to try and protect workers who suffer from repetitive motion disorders because of the increased use in this country and some jobs in the assembly segment of American manufacturing. All of us are aware, we see people in the supermarket, we see people standing in line to go to the show, members of our own families, as they wear harnesses on their hands, they wear harnesses on their elbow, they go to therapy because they are trying to stay on the job.

At the same time that this Congress is asking for more ergonomics-sensitive components, machines to try to protect their workers in the U.S. Congress, we are suggesting that we cannot promulgate the regulations to provide that same kind of protection to American workers in the American workplace. Yet we find that millions of Americans suffer from these kinds of disabilities that limit their ability to earn a living, to provide for their families. That is what OSHA is about. It is about Americans being able to go to work in a safe workplace, to earn a wage, to provide for their families. To the extent that they are disabled, to the extent that they are injured, to the extent that they suffer these kinds of accidents, their capabilities of providing for their families are reduced. This budget cut in this bill is simply an attack on working families in this country and it should not be allowed to stand. The Republicans are wrong-headed in this effort and they should not be allowed to succeed.

Mr. Speaker, I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank the gentleman from California for yielding. I would just like to refer to earlier points you made in your statement that I think deserves a great deal of emphasis. You referred to the fact that our American workers cannot afford to be eaten up, and the fact that productivity has increased today. That is especially true in the coal mining industry.

WOMEN AND THE RIGHT TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I rose earlier to commemorate this wonderful stamp that is going to be coming out on August 26 that is going to celebrate women who had the right to vote for 75 years in this country.

I must say as we see these women in the stamp marching down the avenue with men who supported them demanding the right to vote, I would be a little surprised if I were a Member of Congress, because I think after 75 years women are learning how to use that vote and women are going to be very angry about what this Congress is doing to women and children.

Last week we saw a good example where in the prior Congress there had been a unanimous consent on the Violence Against Women Act, that we really had to get aggressive and do that. It passed this House unanimously. And we doled it out. We voted for it. Last week, after first attempting to zero out the funds, we finally had to get excited and be very grateful because we got 50 cents on the dollar. We have ignored it all these years, we know violence is very critical, and it is especially bad when children are learning it in the home—when they are learning it in the home, good luck ever undoing it—so we really made that commitment but we really did not mean it, and if it had not been for the momentum we would not have even gotten 50 cents on the dollar, because they were quick to say, OK, well, we voted for it, but we do not have the to fund it and it will slip away.

We are seeing women’s right to choose go down the chute, we are seeing all sorts of educational programs and opportunities in the workplace going down the chute, and we are seeing all sorts of things happening to children.

In fact, a mother from Denver sent me the poster for what they thing the Labor-HHS bill that we are going to be taking up this week should be showing. Here it is. It is this wonderful child. I think what the Congress is saying to this child is, “Let them eat mud.”

We are going after Head Start. Can you believe that? We have never made enough commitment to these going after all sorts of educational programs that this child’s future depends on and so forth and so on. We are going to attack their nutrition, attack their education, attack their chance to get ahead. Attack their mother’s ability to move forward. I remind you that in the Budget Act, they put a 15-percent tax on child support enforcement. If the government collects child support, they are going to take 15 percent of that out. Yet we keep saying to these families, “Get up and get on your own.”

How are you going to do that unless you were lucky enough to have picked the right parents? This child did not get a chance to pick my parents. I did not get a chance to pick my parents that I am aware of. If you are lucky enough to have picked the right parents, although I never knew you got that choice, then you are going to be OK. The idea that the government should be able to take away equal playing field so you can utilize all of your abilities, be you male, female, be you black, white, be you Hispanic, Asian or whatever is really rapidly eroding. It is very rapidly eroding. If you do not think it is, I suggest you look at what we do this week. We are bringing the meanest bill to this floor, the most extreme bill to this floor that this Congress has seen since the end of the war. We are saying to this child, “You’ve got to pay for the debt.” Obviously she caused it. Listen, she was not even here. She cannot even vote.

That is why I think as we get ready to celebrate women having voted for 75 years, maybe people better sit back and reflect. We may not have voted in any great numbers in 1994, but I have a feeling that women all over America are getting as angry as the mother of this child in Denver, CO and saying: What are you people doing there? You are not touching the B-2 bomber, you are not touching the space station, you are not touching the women and children, you are not touching the traditional pork. You are going after kids. You are going after the people who cannot fight back.

You may find that women unite this year and we do fight back. We have had the vote long enough. We now know how to use it, and I think this Congress better be careful. This war on women and children had better end or women and children will declare war on the Congress.

MASSIVE CUTS LOOM IN LABOR-HHS APPROPRIATIONS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. Minik] is recognized for 5 minutes.
Mrs. MINK of Hawaii. Mr. Speaker, I, too, want to rise in great dismay and almost shocked disbelief at the bill that we are being asked to consider this week which provides funding for programs in the Departments of Labor, Health and Human Services and Education.

Most of the people who hold public office today, whether in local, State, or national capacities, have always made a very strong and vocal commitment to the use of education, but not to the children that are here today but virtually for the future of this country. In order for us to be truly competitive in a world sense we have to be sure that the children of America are being given the fullest opportunity for education, for training, for career development, and certainly in meeting the changes that occur in our economy and in jobs throughout the Nation, we have to also be prepared to make sure that there are funds available for the job training of workers who are displaced in a wide variety of industries, outcomes of such things as NAFTA and GATT, and simply the downsizing of our major corporations.

So it is almost with a dismay and disbelief that I rise today to advise the people in the country about these massive cuts that are coming in the field of education. The budget that we are going to be asked to vote for this week cuts $3.8 billion in education and about $2.8 billion of this cut are going to affect the local schools directly. It is astounding that such a major cut would come from a field that everybody agrees is the most important responsibility of Government. But there you have it. Now, how do these cuts come into the budget category?

Education Cuts

The first major cut is $1.1 billion in title I, which is a special program that has been in existence since 1965. I happen to have been here in the Congress where the debate over 25 years finally came to fruition and the first federally financed aid to education was enacted. It was then called Public Law 89-10; and that program has continued over the years. Although never fully funded, it has provided billions of dollars of assistance directly to our schools.

How is it determined what the schools are to get? It is targeted to economically and educationally disadvantaged children. In some instances, private schools are to get? It is targeted to economically and educationally disadvantaged children. In some instances, private schools are able to benefit by sending their children out to partake of the various programs that are located in the public schools.

We have a devastating impact. Our report shows that 1 million of our most disadvantaged children in our neediest schools that do not have the real property tax base or the financial wherewithal to pay for adequate education are going to have these funds stripped away. I think this is the most egregious of all of the cuts that we are being asked to make this week.

Mr. Speaker, the other program which has had widespread support throughout the country is a program that we call Head Start. Time and again, people have stood on the well of this floor. Presidents have announced that we must achieve full funding of Head Start.

It takes into consideration the need to prepare disadvantaged children, particularly, at age 4 and 5 years of age to make it possible for them when they enter the public schools in first grade that they can achieve at a far more adequate and rapid pace.

This is a program that has bipartisan support and yet I am dismayed to report that the Committee on Appropriations cut Head Start by $137 million, which means 45,000 to 50,000 children who are currently in the program will not be able to participate any longer. What a tragedy for these youngsters. It is a bill that is so banal that we educational system in America? What produces quality education? It is not money in itself, it is the quality of the teachers, and so on of the important areas that we have funded in the past is teacher education, and that program is being totally eliminated, that is known as the Eisenhower Professional Development Program for teachers. I see that my time is up, and I will be back again on the floor.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, I rise the same as Mrs. Mink in vehement opposition to the new majority’s Labor, HHS, and Education appropriation bill. It is a bill that is so banal that we should not even try to amend it, even if we could, because I do not believe there are any amendments that could improve it, so let it come to the floor just the way it is and show the American people what the new majority is really all about.

Some have come to this floor and said that the new majority are mean spirited. Mr. Speaker, this goes beyond mean spirited. The Labor HHS bill is a cold-wooded attack on the American dream.

It is especially damaging for those at the very bottom of the ladder. The cuts in education are at the very heart of the concern. Mr. Speaker, I have always been a plus, something to laud, in America. Without education, would we have had the major technical advancements that we have known? That came from people that were well educated in countries. Some nations have more onerous taxes than we will ever have, but they do not have the advancements in technology that we do.

Taxes are a sacrifice made to invest in our country.

We hear our colleagues every day come to this floor and say, we have to run Congress like a business. I was in business for many years, but I got into politics and I saw other businesses and I was appalled. I believe the business would not make the sacrifice that we need to make to make an investment in our business. Well, we are now giving a tax break to the rich at the expense of an investment in the programs for the poor of our country.

The Labor, HHS, education bill is a disinvestment in the future of the children of this Nation that is irrational and unfair. Mr. Speaker, what has happened to the promise of a brighter tomorrow, a kinder and gentler America that we heard about not so long ago, a future for our children that people, and especially politicians, love to make in speeches?
Tobacco and America's Youth

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to insert extraneous material.

I have taken out this special order to talk again about the No. 1 threat to the health of our children—tobacco.

A year and half since I spoke to this body last week. They Justice Department has confirmed that it will impanel a grand jury in this city to consider perjury charges against tobacco company CEO's. The U.S. attorney in New York has confirmed that he will impanel a grand jury in Manhattan to investigate whether tobacco companies lied to Federal regulators about the health effects of tobacco.

And the President has begun to consider the latest regulate tobacco.

Almost unnoticed amid the headlines, however, is the damage cigarettes have done to the health of our Nation. In the last week alone, over 7,000 Americans have died from lung cancer, heart disease, and other illnesses caused by addiction to tobacco.

Even worse, in the last 7 days, 21,000 American children have begun to smoke for the first time. One-third of these children—7,000 kids—will become lifelong nicotine addicts and eventually die from a tobacco-related disease.

Clearly, the time has come for commonsense regulation to discourage children from smoking.

When I appeared before this body last week, I reported on my investigation into the research activities of Philip Morris, the Nation's largest tobacco company. This investigation revealed three important facts.

First, Philip Morris conducted secret research on nicotine pharmacology for more than a decade.

Second, top company officials—including the Philip Morris board of directors and at least three separate vice presidents for research and development—had knowledge of the secret nicotine research program.

Third, Philip Morris conducted research for the specific purpose of determining the pharmacological effects of nicotine on children and college students.

One major question remained unanswered, however. Did Philip Morris use its secret nicotine research to design cigarettes sold to the American public?

We know from the documents I released last week that Philip Morris' secret research program was undertaken for commercial reasons. The document describing the plans and objectives for the behavioral research laboratory in 1979, for example, stated expressly:

The rationale for the program rests on the premise that widespread knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

Philip Morris, however, has consistently maintained that it never commercialized this research or manipulated nicotine. A year ago, the Philip Morris CEO, William Campbell, testified before my subcommittee that "Philip Morris does not manipulate nor independently control the level of nicotine in our products.''

Last month, when the New York Times first reported on the secret Philip Morris research program, Philip Morris asserted that it never used the research results in creating products for the market.

Today, I will present evidence that conflicts fundamentally with these Philip Morris statements. I will present evidence that appears to prove beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public.

My investigation of nicotine manipulation by Philip Morris has been hindered by two obstacles. First, Philip Morris has not cooperated with the investigation. Over a year ago, on June 29, 1994, I wrote Philip Morris to request copies of Philip Morris documents relating to nicotine manipulation. With one exception, Philip Morris has refused to provide these documents.

The second obstacle is that the Congress has apparently ceased its investigation. This makes it impossible for me to call Philip Morris witnesses before an investigative committee to respond to my inquiries.

Because of these obstacles, I cannot yet provide a complete and final record of Philip Morris's efforts to manipulate nicotine. Nevertheless, what I have recently learned is significant enough that I believe I must take the extraordinary step for reporting on it in this chamber today. I believe I have an obligation to the American people to tell what I know so that together we can move closer to the truth.

As I did last week, I will first present a summary of my investigation. Then I will read into the RECORD a chronology of excerpts from previously secret Philip Morris documents. Finally, I will present the documents themselves for publication in the CONGRESSIONAL RECORD for the record.

The evidence of nicotine manipulation begins in the very same Philip Morris laboratories in Richmond, VA, that conducted the electric shock studies and the nicotine pharmacology research that described last week. Throughout the 1970's, researchers in these laboratories engaged in a systematic search "to determine optimal nicotine/tar ratios for cigarette acceptability in laboratory tests.”

The nicotine/tar ratio is a ratio that compares the amount of nicotine delivered by a cigarette with the amount of tar delivered by the cigarette. Officials of the tobacco industry have long maintained that because nicotine levels follow tar levels, there is a single, fixed nicotine/tar ratio in all cigarettes. For instance, Alexander Spears, the former Lorillard Tobacco Co., testified before my subcommittee on March 25, 1994, that:

The nicotine/tar ratio in cigarettes is essentially a constant for the market... The correlation between nicotine and tar shows that there is no manipulation of nicotine.

The objective of the Philip Morris researchers, however, was to break this essentially perfect correlation between nicotine and tar. Their goal was to determine if an increased ratio of nicotine to tar would make low-tar cigarettes more acceptable to the smoker.

The first document to discuss the secret search for the optimal nicotine/tar ratio is a December 1970 research report. In this report, Philip Morris scientists stated that they were investigating the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures.

In May 1974, the Philip Morris scientists described their research as involving the systematic manipulation of nicotine. Although Philip Morris CEO William Campbell testified last year that Philip Morris does not manipulate nicotine, the researchers stated that they were "systematically manipulating the tar and nicotine parameters of cigarettes to predict nicotine/tar ratios for optimal cigarette acceptability.''

By November 1974, the Philip Morris scientists achieved a breakthrough. According to the researchers, the natural ratio of nicotine to tar in tobacco is 0.10/0.10 parts nicotine to 100 parts tar. The researchers found that by boosting this ratio in low-tar cigarettes, about 40 percent to approximately 0.20/0.20--parts nicotine to 100 parts tar—they could produce a low-tar cigarette that equaled a regular-delivery cigarette in both acceptability and strength. In other words, the researchers found that by increasing the nicotine level in a low-tar cigarette by 40 percent while leaving the tar level unchanged, they could produce a stronger and more acceptable low-tar cigarette.

By October 1975, the scientists completed a follow-up study to replicate their findings. This follow-up study confirmed the initial results. The scientists found that "the optimum nicotine/tar ratio for a 10 milligram cigarette is somewhat higher than that occurring in smoke from the natural state of tobacco.''

There is compelling evidence that not long after confirming this research, Philip Morris used the research findings to manipulate nicotine levels in cigarette brands sold to the American public.

The rationale for the program rests on the premise that widespread knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.
One brand in which manipulation seems certain to have occurred is the regular-length Benson & Hedges cigarette. I have a chart that shows what happened to the nicotine/tar ratios in this cigarette between 1968 and 1985, the first and last years for which data is available for this cigarette variety.

As you can see, the nicotine/tar ratio remained essentially flat at 0.07, the natural nicotine/tar ratio in tobacco, from 1968 to 1970. From 1970 to 1983, however, the ratio changed significantly. During this period, the nicotine/tar ratio did exactly what the Philip Morris researchers recommended—it increased.

As the chart shows, the nicotine/tar ratio reaches a high of 0.2 in 1981. By 1983, the nicotine/tar ratio in the Benson & Hedges cigarette is 0.11—virtually the exact level recommended by the Philip Morris scientists. This increased nicotine/tar ratio resulted from increases in the nicotine level of the Benson & Hedges cigarette. The tar level in the cigarette in 1983 is exactly the same as it was in 1978—but the nicotine level is more than 50 percent higher.

A key question arises from these facts: Were the increases in the nicotine level and the nicotine/tar ratio of the Benson & Hedges cigarette the result of the deliberate design decisions of Philip Morris? Or were they the result of chance or random variation?

To answer this question, I asked Dr. Lynn Kozlowski from Penn State University, one of the Nation’s leading experts on tobacco cigarettes, to perform a statistical analysis of the changes in the nicotine/tar ratio of the Benson & Hedges cigarette. His analysis shows that the increases in the nicotine/tar ratio were not the result of chance or random variation. Specifically, he found the possibility that the elevated nicotine/tar ratios could be explained by chance or random variation is less than 1 in 100,000. In other words, the possibility is virtually zero.

Benson & Hedges is not the only example of commercialization I found during my investigation. In 1981, Philip Morris introduced a new cigarette brand, the Merit Ultra Light. Like the Benson & Hedges cigarette, the Merit Ultra Light had an increased nicotine/tar ratio.

I have a chart that shows the nicotine/tar ratio in the Merit Ultra Light. As the chart illustrates, the nicotine/tar ratio currently elevated from the natural ratio of 0.07. The ratio in this cigarette is 0.11—virtually the exact level recommended by the scientists.

In summary, the evidence I will present today shows three crucial points. First, Philip Morris researchers determined that the natural nicotine/tar ratio in cigarettes is 0.07.

Second, Philip Morris researchers recommended that this natural nicotine/tar ratio be increased to approximately 0.10 in low-tar cigarettes to increase acceptability and strength.

Third, shortly after this recommendation was made, Philip Morris raised the nicotine/tar ratio in Benson & Hedges cigarettes to the recommended level of 0.10 and above and introduced a new brand, the Merit Ultra Light, with a similarly elevated nicotine/tar ratio.

There appears to be only one conclusion that can be drawn from this evidence: Philip Morris deliberately increased nicotine levels in commercially marketed cigarettes.

At this point, I want to begin to read excerpts from the documents.

**CHRONICLE OF PHILIP MORRIS RESEARCH ON NICOTINE MANIPULATION**

December 1970.—Philip Morris researchers commence a study that directly involves manipulation of the nicotine/tar ratio in cigarettes. The study involves reducing tar levels and boosting nicotine levels by adding nicotine salt, a commercial form of nicotine. Specifically, the researchers write:

> We are initiating a study of the effect of systematic variation of the nicotine/tar ratio upon smoking rate and acceptability measures. Using Marlboro as a base cigarette we will reduce the incremental reduction in filtration and increase the nicotine delivery incrementally by adding a nicotine salt. All cigarettes will be smoked for several days each by a panel of 150 selected volunteers.


September 1971.—Philip Morris researchers describe their research objectives for 1972. They state that their goal is "to determine optimal nicotine/tar ratios for cigarette acceptability of relatively low delivery cigarettes."

The researchers also identify tobacco's natural nicotine/tar ratio, stating that a ratio of 0.07 is "characteristic of a broad range of natural leaf."

**Source:** Memorandum on "Plans for 1972," from W. Dunn et al. to P.A. Eichorn—Sept. 8, 1971.

January 1972.—Philip Morris researchers report plans to conduct a national mail-out of cigarettes with altered nicotine/tar ratios. Specifically, they write:

> Low delivery cigarettes with varying tar and nicotine deliveries are being made with both low nicotine tobacco and with ordinary tobacco. These cigarettes will be used in national mailouts to determine what combinations of tar and nicotine make for optimal acceptability in a low delivery cigarette.


October 1972.—Philip Morris researchers develop a three-stage study for determining the optimal nicotine levels in menthol cigarettes. The researchers write:

> This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes. Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make for optimal acceptability. And then in stage 3, cigarettes with these combinations of nicotine and menthol will be tested against current brands of known quality and sales potential.

The researchers also describe their ongoing "tar and nicotine studies." They state:

> We have done a number of nicotine to tar ratio studies. . . . When we get successful models, we will exit to a national panel in an attempt to determine the combinations of tar and nicotine for optimal acceptability.


November 1973.—Philip Morris researchers state that one of their research objectives for 1973 is to determine if "a cigarette with a high nicotine/tar ratio has market potential."

**Source:** Memorandum on "1600 Objectives for 1973"—Nov. 11, 1972.

May 1973.—Philip Morris develops a 5-year plan for research and development. This plan states explicitly the nicotine/tar ratio studies are being conducted to develop new cigarette designs. Specifically, the R&D plan states:

> This program comprises a number of studies expected to provide insight leading to new cigarette designs. These include studies of optimum nicotine ratios [and] nicotine/menthol relationships.

**Source:** Philip Morris, USA, "Research and Development Five Year Plan, 1974-1978"—May 1973.

October 1973.—The Director of Research at Philip Morris, Thomas Osdene, who subsequently became vice president for science and technology, circulates the company's R&D strategy for the next 5 years. The strategy makes it clear that manipulating the concentration of smoke constituents was one of the major priorities of Philip Morris's research efforts.

Osdene's strategy states:

> R&D management will concentrate a large part of the resources at its disposal in two major long-range new product programs: a cigarette which controlled-composition mainstream smoke, and a "full-flavor" cigarette delivering less than ten milligrams of FTC tar.

The strategy then explains that the "full-flavor/low-delivery program requires developing new means of manipulating the relative concentrations of key smoke constituents. Specifically, the strategy states:

> This program is directed at a dramatic reduction in cigarette tar level while maintaining subjective responses equal to our present "nicotine controls" . . . . This research requires . . . . developing means of decreasing the relative concentration of desirable constituents.

**Source:** Memorandum on "5-Year Plan," from T.S. Osdene to W.L. Dunn et al.—Oct. 29, 1973.

May 1974.—Philip Morris researchers state that they are engaged in systematic manipulation of nicotine.

In a monthly research report, they state:

> Having done a number of studies (J ND-1, J ND-2, J NT-3, J NT-4) in which we have systematically manipulated nicotine parameters of cigarettes, we are trying to see if we can make any overall conclusion.
Specifically, we are trying to predict nicotine/tar ratios for optimal cigarette acceptability at differing tar deliveries.


November 1974. In the 1974 annual report of research activities, Philip Morris scientists report a breakthrough in their efforts to develop "low delivery cigarettes with increased nicotine/tar ratios." A low delivery cigarette with an increased nicotine/tar ratio of 0.12 was found to be "comparable to the Marlboro in terms of both subjective acceptability and strength." According to the researchers:

Although we previously have had cigarettes in this delivery range which achieved parity with Marlboro in acceptability, this is the first time that such a cigarette has achieved parity in both acceptability and strength.

The researchers also described a follow-up study to determine whether "the high nicotine/tar ratio was the primary determinant of the smokers' favorable perceptions of the cigarette." According to the researchers:

In this study we made the 10 mg tar cigarette ratios 0.07, 0.10, and 0.13—insuring that tar is constant over cigarettes—and a Marlboro control. From this test, we will be able to determine: (1) whether we can reliably make full flavored cigarettes in the 10 mg range; and (2) whether a relatively high N/T ratio is essential in order to do so.

Top officials at Philip Morris were informed of the results of this research. The 1974 annual report was approved by the Director of Research, Thomas Osdene and distributed to the vice president for Research and Development, Helmut Wakeham.


Other Morris researchers report the results of the follow-up study to Helmut Wakeham, the vice president for Research and Development. The follow-up study successfully confirmed the original results. According to the researchers:

This study provides evidence that the optimum nicotine to tar ratio for a 10 mg cigarette is somewhat higher than that occurring in smoke from natural state tobaccos.

Specifically, the follow-up study involved boosting nicotine levels by adding a nicotine salt—nicotine citrate— to low-delivery cigarettes to raise the nicotine/tar ratio above the natural ratio of 0.07. These experimental cigarettes were then sent to a test panel of hundreds of smokers. The results showed:

The experimental cigarette with the moderate level of nicotine addition was rated higher in acceptability than the proportionally increased nicotine/cigarette and equal to the Marlboro control.


December 1978—Philip Morris researchers analyze the nicotine levels in cigarettes produced by other manufacturers. They prepare cigarettes listing the tar and nicotine levels and the nicotine/tar ratios of competitors' brands. Then they state:

The table suggests . . . that our competitors' brands . . . seemed to be higher in nicotine/tar ratios. But our nicotine level had tripled to 0.12 . . . .

A high alkaloid blend refers to a blend of tobacco containing high concentrations of alkaloids. The principal alkaloid in tobacco is nicotine.


February 1979—Philip Morris researchers plan a study on the changes in nicotine level in the products of smokers. This study is intended to address "the recurring expression of concern about the relative downness of N/T ratios in PM products."


THE FTC DATA

The documents I have just read show that during the 1970's, Philip Morris researchers learned that the optimum nicotine/tar ratio in low-delivery cigarettes is approximately 0.10, compared to a natural ratio of 0.07. This raises a question of central relevance: Did Philip Morris commercialize this research? In other words, did Philip Morris design commercial cigarettes with an elevated nicotine/tar ratio of 0.10 or above? To answer this question, I reviewed the tar and nicotine data from the Federal Trade Commission for low-delivery cigarettes manufactured by Philip Morris. The FTC has collected tar and nicotine data on cigarettes since 1968. For each variety of cigarette, the FTC tests 100 cigarettes collected at random from 50 different geographical locations. The tar and nicotine numbers reported by the FTC show the results of this extensive testing.

As I summarized earlier, this FTC data provides compelling evidence that Philip Morris commercialized its research on optimum nicotine/tar ratios in at least two cigarette brands.

The first example of commercialization is the Benson & Hedges cigarette. The first year that data is available for this brand is 1968. At that time, the tar level was 21 milligrams/cigarette, the nicotine level was 1.29 milligrams/cigarette, and the nicotine/tar ratio was 0.07. From 1968 to 1978, tar and nicotine levels in regular-length Benson & Hedges filtered cigarettes dropped significantly to 0.9 milligrams tar and 0.06 milligrams nicotine. Throughout this period, however, the nicotine/tar ratio in the cigarette remained essentially the same. In 1978, the nicotine/tar ratio was 0.07, virtually the same level as in 1968. My chart illustrates this point. The change after 1981 was significant in the nicotine levels in the cigarette. In 1978, the nicotine level in the Benson & Hedges cigarette was 0.06 milligrams. By 1981, however, the nicotine level had dropped to 0.12 milligrams. In 1983, the nicotine level was 0.10 milligrams—an increase of over 60 percent from the 1978 level.

As the nicotine level was rising, so was the nicotine/tar ratio. The chart again illustrates this point. The nicotine/tar ratio rose in the Benson & Hedges cigarette to 0.09 in 1979 and then to 0.2 in 1981. In 1983, the ratio was 0.11—virtually the same ratio recommended by the Philip Morris researchers.

In 1984 and 1985, Philip Morris reduced the nicotine/tar ratio in the Benson & Hedges cigarette to the original 0.07 level. Nothing is known about why Philip Morris took this step. It could be because Philip Morris found other, more subtle ways, to manipulate nicotine/tar ratios, such as increasing the pH of the cigarette smoke, or perhaps it simply reflects a decision to phase out the product. In any case, Philip Morris apparently stopped making the regular-length Benson & Hedges cigarette after 1985, because no further FTC data is available.

There are two further points that emerge from the Benson & Hedges data: First, the increased nicotine/tar ratios from 1978 to 1983 are almost certainly due to the design decisions of Philip Morris—not to chance or random variation. Dr. Lynn Kozlowski, the head of the Department of Biobehavioral Health at Penn State University, has reviewed the FTC data for the Benson & Hedges cigarette. The analysis shows the possibility that the elevated nicotine/tar ratios could be due to random fluctuations in tar and nicotine levels is virtually nonexistent—less than 1 in 100,000.

Second, the data refute the tobacco industry's claim that higher nicotine/tar ratios in low-tar and ultra-low-tar cigarettes are unavoidable because they are a necessary consequence of filtering. The Benson & Hedges cigarette was an ultra-low-tar cigarette throughout the period from 1978 to 1985. The tar levels in the cigarette were consistently below or near 1 milligram during this period. Yet in three of these years—1978, 1984, and 1985—the cigarette had a natural nicotine/tar ratio of 0.07.

This history shows that Philip Morris was capable of producing—and in fact did produce—an ultra-low-tar Benson & Hedges cigarette with a natural nicotine/tar ratio of 0.07. This plainly demonstrates that the much higher nicotine/tar ratios observed in the Benson & Hedges cigarette between 1978 and
and, 1983 were avoidable. In other words, the high ratios recorded during this period must have reflected intentional design decisions of Philip Morris.

The second example of commercialization involves the king-size 40 milligram Ultra Light. This cigarette was introduced in 1981 as a low-delivery cigarette. Its nicotine ratio, however, was not the natural ratio of 0.07. Instead, like the Benson & Hedges cigarette, its nicotine ratio was substantially increased. Specifically, the ratio was again 0.11—the level recommended by the Philip Morris researchers.

A chart again illustrates this point.

**CURRENT EVIDENCE OF MANIPULATION**

The evidence I have reviewed appears to show beyond a reasonable doubt that Philip Morris manipulated the nicotine levels in cigarettes sold to the American public in the late 1970's and early 1980's. Is there evidence that Philip Morris continues this manipulation today?

Recent data from the Federal Trade Commission is telling. It shows that the nicotine ratio in the Merit Ultra Light cigarette has remained elevated. For instance, from 1988 through 1993, the nicotine ratio in king-size Merit Ultra Light cigarettes sold in soft packs was 0.10—virtually the same elevated level as in 1981. This strongly suggests continued manipulation in this cigarette brand by Philip Morris.

There is one caveat in the recent data that should be noted. Starting in 1988, the FTC stopped doing its own tar and nicotine testing and instead began to rely on data submitted by the tobacco industry. The tobacco industry data is not as precise as the previous data. For this reason, it is possible that the actual nicotine ratio in Merit Ultra Lights from 1988 to 1993 could deviate somewhat from the reported level.

Manipulating FTC nicotine deliveries is only one of several ways to manipulate the amount of nicotine received by the smoker. For instance, the amount of nicotine absorbed by a smoker can be increased without changing the FTC nicotine delivery by increasing the alkalinity—or pH—of smoke. Alternatively, changes in filter design, such as using ventilation holes that are covered by a smoker’s lips, can be used to increase nicotine intake without affecting the FTC nicotine delivery.

I have tried to investigate whether Philip Morris uses these or other techniques to manipulate nicotine in cigarettes sold to the American public. Unfortunately, as I mentioned earlier, Philip Morris has not cooperated with this investigation. As a result, the full extent to which Philip Morris manipulates nicotine in its cigarettes is still unknown.

**CONCLUSION**

Today, another 3,000 children will begin to smoke. One third of these children will become addicted to nicotine and eventually die from lung cancer, heart disease, or other illness caused by smoking.

We have it in our power to protect these children. Voluntary agreements with the tobacco industry will not work. The tobacco industry has pledged for decades to stop selling cigarettes to children, but it never does. In the last 3 years, despite the industry’s pledges, the teen smoking rate actually increased by 30 percent.

The answer is commonsense regulation by an independent Federal agency—the Food and Drug Administration. We cannot trust the tobacco companies to determine when an advertisement is targeted at children. They continue to insist that Joe Camel is geared to adults. Only the FDA can make these determinations.

Ultimately, the question in front of President Clinton, the Members of this body, and the American people is a political question—not a legal or factual one. We must decide whether we are going to protect the health of our children or the profits of the Nation’s most powerful special interest, the tobacco companies.

We are at a historic moment in the history of tobacco control. If we miss this opportunity, we will lose another generation of kids to nicotine addiction. I therefore call upon my colleagues to study the evidence I am presenting and to reject any legislative effort to block commonsense regulation.

Let us show the American people, and especially the children of this Nation—that we will represent their interests, not the special interests of the tobacco companies.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour, as well as the analysis of Dr. Kozlowski. Pursuant to my earlier unanimous consent request, I am inserting these documents into the Record for publication.

Mr. Speaker, I submit the following documents for the Record.

(The documents will appear in a future issue of the Record.)

☐ 1315

RECESS

The SPEAKER pro tempore (Mr. Evettt). Pursuant to clause 12 of rule 1, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o’clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Combest). Pursuant to the provisions of clause 5 of rule 1, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule 24.

Such roll call votes, if postponed, will be taken after debate later today.

**DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF ACT**

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2017), to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2017

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 “District of Columbia Emergency Highway Relief Act”.

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) Temporary Waiver of Non-Federal Share.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of an eligible project shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) Eligible Projects.—In this section, the term “eligible project” means a highway project in the District of Columbia—

(1) for which the United States—

(A) is obligated to pay the Federal share of the costs of the project; or

(B) becomes obligated to pay the Federal share of the costs of the project;

(2) which is—

(A) for a route proposed for inclusion on or designated as part of the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation); and

(3) with respect to which the District of Columbia certifies that sufficient funds are not available to pay the non-Federal share of the costs of the project.

SEC. 3. DEDICATED HIGHWAY FUND AND REPAYMENT OF TEMPORARY WAIVER AMOUNTS.

(a) Establishment of Fund.—Not later than December 31, 1995, the District of Columbia shall establish a dedicated highway fund to be comprised, at a minimum, of amounts equivalent to receipts from motor fuel taxes and, if necessary, motor vehicle taxes and fees collected by the District of Columbia to pay in accordance with this section the cost-sharing requirements established under title 23, United States Code, for fiscal year 1995.

(b) Payment of Non-Federal Share.—For fiscal year 1997 and each fiscal year thereafter, amounts in the Fund shall be available to pay the non-Federal share of the cost of projects that are eligible under section 2(a), title 23, United States Code, for such fiscal year.
(c) **Repayment Requirements.**—

**(1) Fiscal Year 1996.**—By September 30, 1996, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1995 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid by the United States in that fiscal year pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

**(2) Fiscal Year 1997.**—By September 30, 1997, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

**(3) Fiscal Year 1998.**—By September 30, 1998, the District of Columbia shall pay to the United States from amounts in the fund established under subsection (a), with respect to each project for which an increased Federal share is paid in fiscal year 1996 pursuant to section 2(a), an amount equal to 50 percent of the difference between—

(A) the amount of the costs of the project paid in such fiscal year by the United States pursuant to section 2(a); and

(B) the amount of the costs of the project that would have been paid by the United States but for section 2(a).

**(4) Deposit of Repaid Funds.**—Repayments made under paragraphs (1), (2), and (3) with respect to a project shall—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

**(d) Enforcement.**—If the District of Columbia does not meet any requirement established by subsection (a), (b), or (c) and applicable in a fiscal year, the Secretary of Transportation shall not approve highway projects under title 23, United States Code, until the requirement is met.

**(e) GAO Audit.**—Not later than December 31, 1996, and each December 31 thereafter, the Comptroller General of the United States shall audit the financial condition and the operation of the District of Columbia for the fiscal years 1995 and 1996.

This bill will also require the District to establish a dedicated highway fund for the first time to meet future local cost-share requirements, and repayments of the amounts weighed, and ensure that improvements are made in the District’s highway program. The District has been unable to provide local matching funds this year, as required under the Federal highway program; generally, 20 percent of the cost of the highway project.

In the past, the District of Columbia has financed its entire capital improvement program through the sale of general obligation bonds. Because the District’s bond rating now stands at junk bond status, the District has not sold any bonds these years, so it does not have the approximately $20 million that is necessary to leverage over $80 million in Federal highway funds.

Due to the lack of the local match no new construction projects are underway in the District, and no new bids have been solicited in over 20 months.

Mr. Speaker, I am very pleased to see that the Washington Post and others have editorialized very strongly in support of this legislation, arguing that highways are good for the District, that they create jobs, and they stimulate economic activity. I am thrilled that they noticed this about the District of Columbia. We have been saying this about the entire United States for many, many years, and what is good for the rest of America is good for the District of Columbia as well.

This legislation, as amended by our committee, will allow an increased Federal share during 1995 and 1996 for certain highway projects. However, by December, 1995, the District, for the first time under our legislation, will have to establish a dedicated highway fund separate from the general fund. That is the good news.

Gas taxes and other motor vehicle taxes collected by the District must be deposited in this fund in amounts sufficient to repay the amounts waived in 1995, as well as the additional temporary waiver for fiscal 1996 and every year thereafter.

Currently, the gas taxes collected by the District are deposited in the general fund and mostly allocated to the metro account. The $35 million in annual gas tax revenues will be more than adequate to meet cost-sharing requirements.

This legislation also includes a strict 3-year repayment schedule. By September 30, 1996, the District must repay 50 percent of the amount waived in 1995, approximately $8 million; by September of 1997 another 50 percent; and then in 1998.

If the District does not meet any of these requirements, then the Secretary of Transportation must withhold approval of highway projects in the District until the requirement is met.

Finally, H.R. 2017 includes several other requirements to ensure that the District’s highway program operates efficiently during the waiver period and in the future, with GAO reporting on the implementation of these requirements. The provisions in the legislation are significantly tougher than any other proposals which have been put forth to address this current crisis.

However, the Committee on Transportation and Infrastructure believes that this temporary waiver is an extraordinary action, and these stringent requirements are justified.

I was a little concerned, Mr. Speaker, to see a statement of administration policy today which says ‘‘Similar waivers have been previously granted to 26 States.’’ That is disingenuous at best.

In the past, we have written into the law when there was substantial increased funding provided by the Federal Government, that if a State would have time to make up the match, and we made this temporary waiver available to all 50 States. In no case were we faced with a situation where we had to give a waiver because a State was about to go into bankruptcy, as is the case with the District, so the District is unique.

This is different. We did not do it 26 times in the past, as has been suggested by the administration, but nevertheless, new standards with these stringent requirements are an extraordinary action, and these stringent requirements on the District for the first time.
Mr. Speaker, it is not the intention of the committee that the District receive further waivers in the future. For that reason, this legislation has been crafted to ensure that the improvements that are made in the current program and in the Control Board's future highway fund will provide a stable revenue source for the District's match requirements in the years to come, long beyond the waiver period, so we should not be faced with this situation again in the district. We have worked very closely with the Control Board, and I told them to support this legislation.

Also, I would emphasize that the gentleman from Virginia, Mr. Davis and Mr. Wolf, the gentlewoman from Maryland, Mrs. Morella, the gentleman from Virginia, Mr. Moran, along with the help and cooperation of the gentleman from California, Mr. Dixon.

Therefore, Mr. Speaker, we bring this to the floor today with bipartisan support, support on the committee, support from the regional representatives, and we ask that this legislation be passed. It is unfortunate that the financial mismanagement of the District has forced this House to consider this bill today, but I think we have taken a bad situation and imposed tough requirements that will in the long run make a difference in the stability and viability of the District's highway program. That will be good not only for the residents of the District of Columbia, but for all Americans who visit our Nation's Capital.

For all of these reasons, Mr. Speaker, I urge the House to adopt H.R. 2017.

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

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

Mr. Speaker, the distinguished chairman of the Committee on Transportation and Infrastructure has explained the pending matter and I commend him for bringing the bill to the floor in such an expeditious manner.

This is one of those rare instances where the administration, the Senate, and the House are joining together in concert to provide relief to the residents of the District of Columbia.

In this regard, I think it important to point out that the issues raised by this legislation affect more than just the District, and more than the neighboring States of Maryland and Virginia which support it on the basis of maintaining a sound regional transportation system.

This bill has national and international implications as well.

For it is here, at the Nation's Capital, that many American and foreign visitors alike come to witness the seat of the greatest democracy on this Earth.

As such, it is important that the gateway arteries into the city, those roads with the greatest significance, at least be in passable if not excellent condition.

With respect to the pending matter, I would note that Congress on three other occasions granted temporary waivers from the local cost-sharing requirements under the Federal Aid Highway Program.

It is true that these waivers were general in nature, with all States and territories eligible. On the other hand, while the pending bill relates only to the District of Columbia, it contains far more conditions to obtaining the waiver than were required in the past.

First, the bill provides for a very stringent repayment schedule, with payments made on an incremental basis.

Second, the repayment must be made in full with the option for the repayment to be made in the form of a reduction in the amount of future Federal aid highway funds available to the District.

Third, as a condition of obtaining the temporary waiver, the bill requires the District to establish a dedicated highway trust fund comprised of motor fuel tax receipts.

And fourth, if the District fails to meet these obligations in any respect, the Secretary of Transportation would be prohibited from approving any highway project in the city.

There are other conditions as well, conditions that any State would view as an intrusion on its rights, as a Federal mandate, as a regulatory burden.

But, as well all know, the District is not a State, and the conditions imposed by this legislation great conditions to the local Government, the Control Board, and to the duly elected representative of the District of Columbia in this body, Delegate Eleanor Holmes Norton, with that stated, Mr. Speaker, I urge adoption of the pending measure, and I reserve the balance of my time.

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

Mr. Speaker, I would emphasize to the House that the Speaker, the gentleman from Georgia, Newt Gingrich, has certainly pushed hard. He is really the one who came to our committee and said we should consider this legislation, so the Speaker certainly deserves great credit for his interest in seeing to it that we be helpful to the District on this particular issue.

Mr. Davis. Mr. Speaker, anyone who drives a car in Washington, DC, knows that this city needs highway money. Practically every street and highway in this town has potholes or broken pavement. Many of the bridges are in desperate need of repair or replacement. It seems like every other bridge in the District has at least one heavy metal plate stuck in the pavement to cover a hole in the bridge. The road infrastructure in the District is failing apart. The $82 million in Federal highway trust fund money was simply vital if the District is to reverse this trend.

But, as we are well aware, a decaying transportation infrastructure is not a unique problem in Washington, DC. Many other cities face similar problems. So why should this city receive a total waiver of fiscal year 1996 and fiscal year 1997 matching funds requirements to get their highway money as the administration has asked for?

The District is in this position, because of years of fiscal mismanagement. The city could not sell bonds to raise the capital necessary to meet the 20-percent match requirement, because its bond rating is so poor. I do not think we want to reward the District's fiscal mismanagement by waiving the requirement for 2 years. This would be unprecedented in the 39-year history of the Federal highway program and is simply the wrong direction to go in. This legislation does not grant a complete waiver and as a result, does not set such a precedent.

However, I support H.R. 2017, the District of Columbia Emergency Highway Relief Act, sponsored by Delegate Norton and which I have cosponsored with Members from the region. I strongly support the Transportation Committee's mark up of H.R. 2017 which is being considered on the floor today. The District is in a budget crunch—one of its own making. But, we have acknowledged the mismanagement of the past that brought the District to this position, and we have put in place a Control Board to bring financial responsibility being considered on the floor today. The District and has already taken aggressive steps to get control of this situation. There will be budgetary responsibility in the future.

With this bill, we are trying to respond to the immediate problem—the District will lose its Federal highway funding if we do not act. This waiver is part of the solution we are trying to reach in the District. We are not penalizing the city for past sins by denying desperately needed highway funds. We are deferring payment of the matching share recognition that the city's immediate cash crisis and structuring a repayment program. This is a disciplined, responsible approach. I would note also that this is not unprecedented, on three occasions in 1975, 1982, and 1991 the States were given an opportunity to defer payment of the matching share took advantage of that Federal offer. Admittedly, this is a different situation, the District is requesting this deferral, but after all, the District doesn't have a State to turn to like Fairfax County might under similar circumstances. The District of Columbia, as our national city, is unique and in many ways the Federal Gov- ernment must act as the State for the city.

I have looked at the final bill reported from the Transportation Committee, and I heartily applaud their efforts. They have imposed financial restrictions on the August 1, if we do not act. This waiver is part of the solution we are trying to reach in the District. We are not penalizing the city for past sins by denying desperately needed highway funds. We are deferring payment of the matching share recognizing the city's immediate cash crisis and structuring a repayment program. This is a disciplined, responsible approach. I would note also that this is not unprecedented, on three occasions in 1975, 1982, and 1991 the States were given an opportunity to defer payment of the matching share took advantage of that Federal offer. Admittedly, this is a different situation, the District is requesting this deferral, but after all, the District doesn't have a State to turn to like Fairfax County might under similar circumstances. The District of Columbia, as our national city, is unique and in many ways the Federal Gov- ernment must act as the State for the city.

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down that road, and I urge the committee to support it.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. PETRI], the chairman of the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure.

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

Mr. Speaker, because of the severe financial crisis of the District of Columbia and its inability to provide a 20-percent local match share, no Federal-aid highway funds have been obligated in the District for all of 1995. The highway program is at a virtual standstill, highway contractors are being forced to lay off workers, and there are concerns regarding the conditions of several of the major routes traveled each day by 300,000 commuters and visitors to the Nation’s Capital.

H.R. 27 will waive for 2 years the District’s local cost share necessary to access roughly $82 million in Federal highway funds in 1995 and a similar amount next year. However, because of the serious concerns on the part of the Transportation and Infrastructure Committee regarding this dedicated waiver, other very substantial requirements and safeguards have been included in H.R. 27.

The annual gas taxes and other vehicle use taxes collected by the District each year are readily earmarked for the Metro account of the general fund. H.R. 27 will require that the District establish a dedicated highway fund by the end of this year which must maintain, at a minimum, amounts necessary to meet the District’s cost-sharing requirements beginning in fiscal year 1997. The fund must also have amounts necessary to meet the strict repayment schedule over fiscal years 1996 through 1998 of the approximately $35 million in Federal-aid highway funds that are temporarily waived under this legislation. If any deadlines are not met, the Secretary of Transportation will withhold any further project approvals until the requirement is met by the District. By establishing this dedicated fund, the District will no longer rely on the bond market to secure the funds for its local share as has been its practice in the past. Rather, a stable and more secure source of funding, as well as repayment funds, will be in place.

Finally, section 4 of H.R. 27 imposes additional requirements on the District which should lead to improvements in the District’s highway program both during the 2-year waiver period and in the future.

Mr. Speaker, I do have concerns about moving forward with legislation which will waive, however temporarily, cost sharing requirements for one particular section of the District’s infrastructure. The cost sharing principle is basic to the Federal Aid Highway Program and has been one of the reasons for its success over the past 40 years. We do not grant this waiver lightly, nor do I want that this be an invitation to other States to seek waivers in the future.

The Transportation Committee has worked closely and cooperatively with the Administration to ensure an informed interest in this legislation. These include Congresswoman NORTON and other Members representing the capital region, the Subcommittee on the District of Columbia, the recently created D.C. Financial Authority, and the District itself. The House also has an interest in this legislation. While I am disappointed that the financial mismanagement of the District has forced us to consider this bill today, passage of H.R. 27 will allow critical highway projects to move forward in the District immediately, and will also result in a better, more stable highway program in the future.

I urge the House to approve H.R. 27.

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

Mr. Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] has justifiably come to the Speaker of this body and asked for his support of this legislation.

I would also like to take one quick moment to commend the legislation led by the chairman of the Department of Transportation, Federica Peña, and most importantly Rodney Slater who has been most helpful on this legislation. Mr. Slater testified before our subcommittee in support of the bill. We have a statement of administration policy in support of this legislation, and so I commend them as well.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking minority member.

Mr. MINETA. Mr. Speaker, many of my colleagues have raised two questions about today’s legislation. First, will it bring back the money we gave away, and second, will we be here a few years from now facing a similar situation?

I want to assure the Members that this bill was crafted specifically to address these two concerns. That’s why it contains numerous accountability provisions to ensure that the District will not only promptly repay, in full, its local share, but also will dedicate stable, reliable funding for the future transportation program.

Unlike the time-based waivers, such as the one offered to all States in 1991, this bill requires the District to repay in cash, beginning next year.

The bill also requires the District to establish a dedicated highway account, funded by motor fuel taxes and vehicles fees, to ensure that funds are available for the cash loan repayment and for future local shares. No longer will the District to be able to rely solely on general obligation bonds to fund its local share.

In addition, the District’s new financial control board has assured the Committee on Transportation and Infrastructure that the Board will closely monitor District compliance with the terms of today’s bill.

In closing, let me just remind my colleagues why we have Federal involvement in highway construction. Local road conditions have regional and national significance. This bill limits the use of the higher Federal share financing to projects of national significance or those National Highway System routes. The Federal Highway Administration has announced that it will closely monitor these projects, even locating some of its staff in the District’s Department of Public Works, to ensure that Federal dollars are used wisely on only the most critical regional needs.

I think particular credit for pulling together this solution should go to ELEANOR HOLMES NORTON, to Chairman SHUSTER, and to Speaker GINGRICH, all of whom have been champions of great obstacles, because they know how important it is to solve this problem, rather than to ignore it.

The District’s infrastructure is too important to both the region and the Nation to deteriorate further. So, I urge my colleagues to recognize the importance of this legislation and to vote for the bill.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding time to me.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the Committee on Transportation and Infrastructure, for his work in finding an appropriate way to release funds for the resumption of street repair work in the District at a time when its financial condition does not permit it to deteriorate further. So, I urge my colleagues to recognize the importance of this legislation and to vote for the bill.

Mr. RAHALL. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from West Virginia [Mr. RAHALL], the ranking minority member of the Subcommittee on Surface Transportation, who quickly prepared a hearing and brought forward the information that was necessary to arrive at a viable bill. The work, advice, and counsel of the gentleman from California [Mr. MINETA], the full committee ranking member; and the gentleman from West Virginia [Mr. RAHALL], the ranking minority member of the Subcommittee on Surface Transportation, were indispensable to the bill, and they have my deep appreciation as well.

Mr. Speaker, in the Senate I am grateful to Senator JOHN WARNER who has already led that body to the passage of a bill similar to the one before the House today, and to Transportation Secretary Federico Peña and highway administrator Rodney Slater who have been tireless in their extraordinary assistance. May I say also that I do not believe this bill would be on the Floor today without the indispensable assistance of Speaker NEWT GINGRICH.
Mr. Speaker, it is perhaps not surprising that a city close to insolvency would have difficulty making its matching share to obtain Federal funds. At the same time, my colleagues know that this body has taken definitive legislative steps recently to help repair the malfunction that led to the District's financial problems. In April, you approved the establishment of the financial responsibility and management assistance authority, whose work has only recently begun.

While H.R. 2017, the Fiscal Relief Act, does in large part not only to allow the highway funds that have already been set aside to be used, but the bill of the gentleman from Pennsylvania also does what the financial authority would have done had it not been just established to correct the problems and prevent them from arising in the future.

Mr. Speaker, this waiver does not differ substantially from waivers previously granted to 39 States, except that it poses more stringent conditions on the District than on those States. Like the District, full repayment must be made. Unlike those States, the District must make a cash repayment of its waived funds, while waivers for other jurisdictions have allowed repayment from future highway fund appropriations. Unlike those States, the District is required to establish and maintain a separate dedicated revolving fund account to maintain its matching share. The GAO, the Highway Administration, and the D.C. Financial Authority, are given specific responsibilities to see that all the requirements of this bill are carried out.

Mr. Speaker, the other difference from waivers routinely granted in other States is that the District's waivers are granted individually by the bill at the fiscal year rather than as part of a group of States at the time of the reauthorization of a highway bill.

Mr. Speaker, the individual waiver to the District is more than justified by three circumstances. First, this city is totally dependent on the Congress in time of emergency because under the Constitution, the District of Columbia is not a jurisdiction of any State, but is under the exclusive jurisdiction of the Congress. Other large cities and localities, experiencing difficult times would turn on their States to develop a plan like that outlined in the Chairman's bill before you.

Second, the financial condition of the District of Columbia is due in large part to the fact that it must fund State, county and municipal functions that no large city could meet on its own today. These unfunded mandates include programs that cities do not fund at all, including Medicaid and prisons. The many unfunded Federal mandates financed solely by District of Columbia residents, such as aid to Families with Dependent Children, are funded entirely by businesses and residents of a city with less than 600,000 people, with a rapidly diminishing taxpaying population.

Mr. Speaker, it is easy enough to blame the District for its predicament, but fairness requires that the Congress look at the entire picture and ask yourselves whether any large city in the United States today could have carried this heavy State, county and municipal load alone without going under.

Mr. Speaker, finally, this waiver is surely warranted because the District of Columbia is our Nation's capital. Whenever the District has sought the same democratic rights as those enjoyed by citizens of the 50 States and the four territories, our citizens have been told that we cannot have full democracy because we live in the Nation's capital. This justification does not meet the high standards of democracy we have set for ourselves and have insisted upon throughout the world.

Until the District of Columbia status is made to satisfy both Congress must assume some of the responsibility that attaches to such a heavy responsibility. Mr. Speaker, this is particularly the case for roads. The streets involved are roads to the world, carried far more by 20 million tourists and commuters than by District residents. To miss another construction season is to condemn your constituents as well as mine to unsafe and uncomfortable road conditions. Unresponsibly at best for Congress to force the District to forego 2 years of already appropriated general highway funds while the Congress continue its work in a city collapsing around it.

Mr. Speaker, to its credit, the full committee and subcommittee have chosen a responsible course. The Chairman's version is a risk-free bill for the Congress because repayment is guaranteed, and because the bill contains structural changes to keep the situation from arising again.

Mr. Speaker, may I once again say that I appreciate the tremendous help we have received on this matter from Speaker Gingrich, minority leader Gephardt, Chairman Shuster, Chairman Petri, ranking member Mineta, ranking member Rahall, the Regional Delegation and the Clinton administration. I ask for approval of the bill.

Mr. WOLF. Mr. Speaker, I rise in support of the Washington Metropolitan Highway Relief Act. This legislation is of vital importance to our Nation's capital and the Washington metropolitan area and I urge Congress to approve this legislation as quickly as possible.

For the past 1 1/2 years, the District of Columbia has not moved forward with critically important highway projects. As a result of the D.C. financial crisis, the District of Columbia has been unable to fund the matching share required before it may obligate Federal highway funds. The District of Columbia has been forced to plan and implement necessary highway projects. Now, roads and bridges in and around the District of Columbia are literally falling apart. Some roads are barely passable, and without necessary repairs, may need to be closed off to traffic.

Our Nation's capital must have a basic network of transportation which includes safe roads. Transportation is about getting to work, the grocery store, church, and recreational activities. Safe roadways are critical for ambulances, fire and rescue vehicles, and police. Finally, roadways provide access to the Nation's capital, allowing thousands of Federal employees to get to work, and serving thousands more tourists who visit annually. H.R. 2017 offers a reasonable and necessary solution to the District of Columbia dire financial situation. This legislation will grant the District of Columbia additional time in which to pay its matching share of the highway funds. The District of Columbia would be permitted to use its portion of Federal highway funds now rather than lose these funds forever. I want to underscore an essential aspect of this legislation: The bill does not provide for a forgiveness of the matching fund requirement. The District of Columbia will still be required to pay the requisite matching portion. H.R. 2017 includes important provisions aimed at improving the District's financial condition.

Legislation is needed to allow for needed repairs and upgrades to the most heavily traveled roads leading to and within the District of Columbia. Timely enactment of this legislation will allow the District of Columbia to begin road work right away, during the summer construction period. I urge passage of H.R. 2017.

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

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

The SPEAKER pro tempore (Mr. COMBEST). The question is on the motion offered by the gentleman from Pennsylvania [Mr. SHUSTER] that the House suspend the rules and pass the bill, H.R. 2017, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all
Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2099, and that I be permitted to include tables, charts, and other extraneous matter.

The SPEAKER pro tempore (Mr. WHITFIELD). Is there objection to the request of the gentleman from California? There was no objection.

LIMITING TIME FOR CONSIDERATION OF DINGELL AMENDMENT TO H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the time for consideration of the Dingell amendment to H.R. 2099 and all amendments thereto be limited to 30 minutes to be equally divided and controlled.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? There was no objection.

PARLIAMENTARY INQUIRY

Mr. WILSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The SPEAKER pro tempore. The gentleman will state it.

Mr. WILSON. Mr. Speaker, is the Durbin-Wilson amendment the pending business before the House? The SPEAKER pro tempore. It will be as soon as we are in the Committee of the Whole.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 201 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. 2099.

Pursuant to the order of the Committee of Thursday, July 27, 1995, the gentleman from Illinois [Mr. DURBIN] has 4½ minutes remaining in debate and the gentleman from California [Mr. LEWIS] has 1 minute remaining in debate.

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

Mr. LEWIS of California. Mr. Chairman, I think we have had enough debate on this matter. It is a very, very cleverly worded amendment that has a tremendous effect upon EPA, broadening its authority. I ask very strongly for a "no" vote of the membership.

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

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the amendment of the gentleman from Illinois [Mr. DURBIN] was withdrawn.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there other amendments to title III?

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with great respect for the gentleman from California [Mr. LEWIS], the chairman of the committee, to discuss a matter which I think is of importance to the House. I have here before me a release from the Chemical Manufacturers Association in which this trade association of the businesses which pay most of the costs of the Superfund tax are complaining.

In the beginning it says, nearly three-quarters of all Americans believe that money paid to the Federal Government to clean up our hazardous waste sites should not be diverted to other Federal programs or to help pay for other Federal programs to help pay for the Federal deficit according to a recent national public opinion survey. It goes on to discuss whether or not a prohibition for that use exists, and it points out, more properly, that no such prohibition does exist. Then, Mr. Fred Weber, the president of the Chemical Manufacturers Association which sponsored the research, says, and I quote now, "Almost from the very beginning, Superfund has been used by the government as a cash cow. This has to stop. Every dollar raised for Superfund should be spent on cleanups, not on other programs, and not on deficit reduction."

That is the thing, I think, with which every Member of this body fully agrees.

It certainly was the intention of the committees of the House, the Committee on Transportation and Infrastructure and the Committee on Commerce, when we adopted that legislation, that this would be a trust fund, it would be protected against being raided for such interesting programs as has been tapped for, for other purposes.

Mr. Weber in his press release goes on to state as follows: "Nearly $3 billion originally intended for cleaning up waste sites has been used for deficit reduction and to offset the costs of other Federal programs and administrative costs such as at the Environmental Protection Agency and at other agencies. For example, the Congress has used Superfund money to offset the costs of developing the Space Station," and he goes on to say the fact that Superfund money has been used by the government on things other than cleaning up waste sites is one of the great untold stories of the program.

It is also one of its greatest outrages, and he goes on to say a little later, "For years the government has collected more money for Superfund than it spends. For example, in fiscal year 1994, total Superfund receipts were nearly $2.1 billion. However, the Congress appropriated only about $1.5 billion for Superfund activities. By earmarking the nearly $600 million in excess Superfund collections for deficit reduction and for other agencies, Congress avoided having to cut spending to meet other budget guidelines."

Mr. Chairman, I am telling my colleagues something which is very important. Shortly we are going to be considering an amendment which will address the question of whether we are going to have new starts under Superfund to clean up hazardous waste sites now ready. Moneys which would normally be available for that activity are not being spent here.

I would like the attention of my dear friend and my respected colleague, the gentleman from California [Mr. LEWIS], on this matter, because I am told that the moneys that are being spent for Superfund cleanups are General Fund moneys, and the Superfund moneys in the Superfund account or trust fund are not, in fact, being so spent.

In point of fact, we are going to spend a little over our 20 billion dollars on cleanup, but we have about $1.6 billion in the trust fund. Mr. Chairman, can the gentleman from California tell me whether I am correct on that point?

Mr. LEWIS of California. Mr. Chairman, I would respond to the gentleman and say that we are taking all the authority out of Treasury.

Mr. DINGELL. Mr. Chairman, I am not talking about my amendment; I am asking a question to find out how much money is being spent for that we are going to spend a billion for cleanup. We have $1.6 billion in Superfund, but we are spending General Fund moneys; is that correct?
Mr. LEWIS of California. Mr. Chairman, that is correct.

Mr. DINGELL. Mr. Chairman, that is rather peculiar, and it is not in conformity with the intention of the House and the Senate when they passed the original Superfund legislation or the amendments to it, because that was supposed to be a trust fund for the cleanup of these hazardous waste sites.

Mr. LEWIS of California. Mr. Chairman, the gentleman has been a leader in this field for a long, long time, and as the former authorizing committee chairman, he knows full well that Superfund has not been reauthorized and so we are operating with a statute that all sides agree is in need of major reform. To say the least, there are problems with the way the Superfund operates. I would urge the authorizing committees to go forward quickly as possible to overcome these problems.

Mr. DINGELL. What the gentleman is telling me is that we are spending Superfund moneys for other purposes.

Mr. LEWIS of California. 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. DINGELL: Page 59, line 23, before “to remain available” insert “(increased by $440,000,000)”.

Page 64, line 13, after “$320,000,000” insert “(reduced by $186,450,000)”.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan [Mr. DINGELL] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Michigan [Mr. DINGELL].

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

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

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

Mr. LEWIS of California. Mr. Chairman, this is an amendment which I offer on behalf of myself and the gentleman from Ohio [Mr. BROWN], my friend and colleague. Mr. Chairman, this is a very simple amendment. Without the adoption of this amendment, $8 new starts of cleanups of hazardous sites will not be begun; there will be, without the adoption of this amendment, no new Superfund cleanups started next year.

The amendment is a very simple one. All it does is put about $400 million more into Superfund. It takes it out of FEMA. We have it costed out very carefully by the Congressional Budget Office. Some 52 Members of this body will find that the land, the air, the water, the subsurface waters of their districts will continue to be contaminated with imminent endangerment to the health, welfare, and environment of their people and the districts that they serve.

Mr. Chairman, I would urge my colleagues to vote for this amendment because, I reiterate, without the adoption of this amendment, there will be no new starts under the cleanup program.

At the appropriate time, Mr. Chairman, I will insert into the RECORD a list including these 58 sites and the areas in which they are located.

Why is the amendment necessary? Because, as reported, the legislation contains a harmful reduction in the Superfund program of over $500 million below the President's budget request and more than $140 million below the fiscal year 1995 level. Under this greatly reduced funding, progress at many sites will be frozen. Many other cleanups will be stopped. No new starts will occur, and there will be significant delays in cleanups all throughout the programs and throughout the sites in many parts of the country.

This is going to affect, I reiterate, the air, the water, the subsurface waters of the soil, the environment and the health of the people in the area. This makes no sense. If this amendment is not passed, the new sites that are now scheduled for cleanup—and all that has to be started is to do the digging and the work of making the cleanup move forward—will not start.

Communities will be denied cleanups that have been promised and in many cases contamination of the air, the water, the soil, and the subsurface waters especially, will continue to spread, and other cleanups further down the pipeline will have to wait even longer.

From a financial and cost standpoint, stopping these cleanups fits the old adage of “penny wise and pound foolish.” Spreading contamination means ultimately higher cleanup costs, greater risk to the health and welfare of the American people. And stopping cleanups can harm and hurt economic development as well as the health of the people.

By stopping cleanups ready to go, which will happen unless this amendment is adopted, Congress will be breaching faith with the citizens who live around these areas and the affected communities.

The amendment, as I have observed, is outlay neutral, and it should be observed that cleaning up and protecting the health and the welfare of the American people by good forward on sites now ready to start, some 58 of them in districts of Members in every part of this country, Republican and Democratic districts alike, is something that we must address forthwith. I urge my colleagues that the amendment be adopted.

Mr. Chairman, let us begin the cleanups on these sites which would otherwise be stopped. I remind my colleagues, without this amendment, there will be no new starts on cleanup of Superfund sites in the United States.

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

REMEDIAL CLEANUPS SCHEDULED FOR FISCAL YEAR 1996
Mr. LEWIS of California. Mr. Chairman, I rise in strong opposition to the amendment of my colleague. Mr. Chairman, just for the record, the gentleman from Michigan [Mr. DINGELL] mentions that there will be no new sites, and he mentions, specifically, 58 sites that will not be moving toward construction if we do not move forward with this amendment, and the volume of money that is involved here. Mr. Chairman, I would suggest to the gentleman that it would have helped the process an awful lot if over the last several years we had gone about reauthorizing and fixing Superfund. The Secretary herself, testifying before my subcommittee, said that Superfund absolutely needs to be fixed. It is broken. Indeed, there is a long process with those 15 sites. They have to go through a record of decision. There is environmental impact analysis to be done. There is no question that there is need for money, but why should we throw good money after bad if the program is not fixed by the authorizing committee?

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio. [Mr. OXLEY].

[Mr. OXLEY asked and was given permission to revise and extend his remarks.]

Mr. OXLEY. Mr. Chairman, I reluctantly rise in opposition to the amendment offered by my good friend, the gentleman from Michigan.

As the chairman of the primary subcommittee in charge of reforming the Superfund program, I also wanted increased funding for Superfund. I, along with the gentleman from Virginia, Chairman BLILEY, and the gentleman from Pennsylvania, Chairman SHUSTER, wrote to Chairman LEWIS and requested funding for the Superfund program that reflected fiscal year 1995's appropriation. Unfortunately, the Appropriations Committee simply could not provide that level of funding. While that makes my job of reforming the Superfund program more difficult, the appropriators' rationale is a sound one—that we can no longer afford to waste money on a Superfund program which simply doesn't work.

If you are under the impression that Superfund works well, we need only to look at the case of Southern Foundry Supply Co., a family-owned business located in Chattanooga, TN. As shown on this chart, EPA spent approximately $1.3 million studying the site. Southern Foundry was forced to spend an additional $500,000 in attorneys' fees and in conducting its own studies. Some 15 years and $2 million later, Southern Foundry escaped the Superfund web by spending $36,000 and 2 days scooping up nonhazardous dirt, shipping it off-site. It is a perfect example of how Superfund works—millions for lawyers and consultants but little for actual site. It is a perfect example of how Superfund works—millions for lawyers and consultants but little for actual cleanup. It's no wonder that the Appropriations Committee doesn't think that this program should continue without significant reform.

I think it is vitally important that we clear about what the Appropriations Committee is doing in this bill. Realizing that we will have limited funds now and into the future, the appropriations committee can no longer afford to throw away money on ineffective cleanups and endless litigation. They have said that EPA should wait until Congress reforms this program before they go forward with any more flawed remedies or make the Federal Government responsible for any new sites. And, frankly, I agree.

Superfund's track record speaks for itself: since the program was enacted in 1980, only 75 sites have been cleaned up at a cost to the Federal Government of more than $15 billion. What many of my colleagues fail to realize is that the appropriations bill before us actually spends more on cleanup than EPA has in the past. In this bill, nearly 65 percent of the funds are directed to Pennsylvania, even though EPA claims that as much as 70 percent of Superfund dollars are for cleanup, my subcommittee found that less than 50 percent of that money ends up being spent on Superfund sites. What is reduced in this bill is EPA bureaucrats and justice Department lawyers. This appropriations bill is the natural predecessor to my subcommittee's reform effort. It redirects funds to cleanup, and imposed a deadline on the Congress and the administration for reforming the Superfund program. If we can't make this program work by the end of the year, then the American people are better off without it.

If we leave the status quo intact, who wins? Not the environment; not the people who live near these sites; certainly not the American taxpayer. A little more money won't help this program clean up more sites or make Americans any safer, particularly when shifting that money from FEMA will leave our citizens more exposed to the ravages of disasters, both natural and manmade. The only thing that can make Superfund more effective in protecting our citizens' health is top to bottom reform, and the bill we are debating today is the first step in that effort. The authorizing committee will totally change the Superfund program for the better. The authorizing committee will take the next step this fall.

I urge my colleagues to oppose the Dingell-Brown amendment and support the bill as is on final passage.

Mr. OXLEY. Mr. Chairman, I yield myself 1 minute.

My good friend from Ohio, for whom I have the most enormous respect, sent a letter to the appropriating subcommittee, which I will insert in the Record because I know the gentleman has forgotten sending the letter, in which the gentleman from Ohio [Mr. OXLEY], the chairman of the committee, the gentleman from Virginia [Mr. BLILEY], and the gentleman from Pennsylvania [Mr. SHUSTER], and this letter written to you, to my good friend, the gentleman from California [Mr. LEWIS], "Therefore, we respectfully request that you include in your subcommittee mark of the VA-
HUD appropriations bill an appropriation for the Superfund program of at least $1.5 billion in new budgetary authority, quite different from what my friend from Ohio tells us today.

I would also remind my good friend from Ohio that last year, 54 of the 58 members of the Committee on Commerce came a bill passed 44 to nothing which was endorsed and supported by the administration, by industry, by the environmentalists and by everybody on the committee. It has been reintroduced by the gentleman from California [Mr. MIKULA] and me, and lies in the gentleman's subcommittee.


Hon. JERRY LEWIS, Chairman, Subcommittee on VA-HUD and Independent Agencies, Committee on Appropriations, Washington, D.C.

Dear Jerry: As you know, the authorization of appropriations for the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), commonly known as Superfund, expired at the end of fiscal year 1994, and the program has been operating without authorization since then. The various committees of jurisdiction have tried unsuccessfully for years to make Superfund into a program that achieves the goal of protecting human health and the environment. We intend to reverse that failed record this year by reforming Superfund to make it fairer, cheaper, and more effective.

We are writing to request your assistance in rebuilding this broken program from the bottom up. We want to ensure that Superfund is actually protecting Americans from the hazards of toxic waste and not just financing another generation of lawyers at the expense of the taxpayers. To do that, we need a program focusing on finding cost-effective solutions to hazards rather than on assessing blame and raising funds.

At the heart of the Superfund "blame game" is the system of strict, joint and several, and retroactive liability. If we, the authorizing committees, are to reform this program, we must deal with this issue head on, and the liability system, including a repeal of retroactivity. I want to do that, and I want to ensure that truly hazardous sites are being cleared up, we must have the maximum funding possible for fiscal year 1996 and into the future.

Therefore, we respectfully request that you include in your Subcommittee mark of the VA-HUD Appropriations bill an appropriation for the Superfund program of at least $1.5 billion in new budgetary authority. This amount is consistent with funding levels for previous years, necessary to ensure that we have the operating funds necessary in the first years of the reformed program. We are open to working with you on reprogramming funds within Superfund to ensure that this year's program is consistent with the goals we have set forth for our reform effort.

There is broad consensus that Superfund is a broken program in need of immediate fixing. If we cannot achieve the kind of meaningful, comprehensive reform of CERCLA that is necessary—and it is evident that prior Congresses have been unable to deliver—this is a program which simply should not be continued. Accordingly, we also ask that you consider the possibility of authorizing appropriations for Superfund beyond December 31, 1995 contingent upon the enactment of CERCLA's reauthorization. We believe the program should be terminated if we cannot pass a Superfund reform worthy of being signed into law.

Thank you for considering our views. We stand ready to work with you to reach a consensus on a reform package allowing us to achieve the kinds of fundamental reforms necessary to make our common goal of a balanced budget. Sincerely,

THOMAS J. BILEY, Jr., Bud SHUSTER, MICHAEL G. OXLEY.
Mr. LEWIS of California. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Let me point out, I pointed out in my response about that letter; I referenced the fact that Chairman BILEY, Chairman SHUSTER, and I sent a letter to the gentleman from California in my remarks and recognize that they have a job to do as well, and they recognize that the program as it is now constituted is simply not working.

And so they said to us, "Look, you get your act together, get a good bill passed. We've been talking about the kind of money that will be available in the Superfund Program." I think that is entirely, entirely reasonable.

As a matter of fact, the bill that the gentleman from Michigan referred to we all worked very hard on, did not pass.

Mr. DINGELL. The Republicans killed it.

Mr. OXLEY. Right. If you recall, the last time I looked in the 103d Congress, the Democrats were in control. We were not able to kill anything.

The fact is this bill will pass this year and will be a major reform of the Superfund Program. We will keep faith with the appropriators, keep faith with the American people, we will keep faith with the environment. I am entirely confident that will be the case.

Mr. LEWIS of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to make an observation at the tail end of that discussion between the gentleman from Michigan [Mr. DINGELL] and the gentleman from Ohio [Mr. OXLEY] that we are allocated only so many dollars within our bill, very difficult dollars to stretch among these various accounts.

This specific proposal would be a budget buster insofar as our bill is concerned. We are talking about approximately $9 million in outlay. We would be short if this amendment were to become law.

I strongly urge the membership to refuse this additional allocation and recognize the bill does have to stay within its outlay targets. I ask for a "no" vote.

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

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Michigan [Mr. DINGELL], in large part because there will not be one new startup cleanup, not one new cleanup if this amendment does not pass.

This amendment ensures 55 important projects currently slated to begin in fiscal year 1996 can go forward. It is fully funded through offsetting revenue funding for FEMA, which currently holds nearly $1.8 billion in unobligated funds.

In Elyria, Ohio, in my district, hundreds of homes and businesses have been affected by application of methyl parathion, a toxic pesticide which can damage the central nervous system and the brain. This pesticide was illegally applied by an unlicensed exterminator, affecting many Ohio communities.

Short-term effects of exposure to methyl parathion include headache, vomiting, lung damage, mental disorder, coma, paralysis, heart failure, and even death. As little as a teaspoon can cause serious illness, especially in children or elderly who are particularly vulnerable.

This cleanup in Elyria is ongoing. At June 10, 105 units were decontaminated, 75 residential homes restored, 430 residents were temporarily relocated, and 225 returned to their homes.

But these numbers represent only 50 percent--what we estimate--of contaminated homes are still being identified. The situation is dire in Lorain County and needs continued attention.

This is only one example of the 55 sites which would be short if this amendment were defeated, and then I repeat what the gentleman from Michigan said, that if this amendment does not pass, none of these cleanups will begin.

Certainly we must reauthorize Superfund to clean up sites rather than continuing to line lawyers' pockets, but the projects that will be eliminated by cutting funding included in this bill pose an imminent threat to the health of human beings in our communities.

This is the very goal, obviously, for which Superfund was created. The funding cut will halt the progress that we have made. It will tie the hands of the EPA. It will punish residents in Lorain County, Ohio, and 54 other communities, including one in Richland County in the district of my friend, the gentleman from Ohio [Mr. OXLEY].

Furthermore, the longer we wait the more expensive the cleanup will become. As pesticide leaches into ground water, rivers, streams, and contamination spreads, cleanup costs will only increase.

The language of the report accompanying H.R. 2099 seems to say that it is OK to finish studies but not to disseminate the remedy. It is OK to finish the design but not to proceed with cleanup. It is OK to prohibit EPA from overseeing cleanups being undertaken by private, responsible parties, and it is OK for Congress to tell our communities that we will have to wait indefinitely for this cleanup.

Mr. Chairman, this is wrong. It is not OK to ask our communities to wait for us to address the toxic chemicals that
Hon. JOHN D. DINGELL, the public health in the area. 

impose imminent endangerment upon are Superfund sites, because they have yield further, that is correct, and these from these sites. Is my understanding could spread, and that most important, increase if we do not pass this amend-

States have said that overall costs will standing these same managers in the 50 on that point which we will insert in the RECORD at the appropriate time.

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. DINGELL. The answer to the question is "yes," and I have a letter on that point which we will insert in the RECORD at the appropriate time.

Mr. BROWN of Ohio. It is my understanding these same managers in the 50 States have said that overall costs will increased. If we let pass this amend,

that contamination, if unabated, could spread, and that most important, surrounding communities will continue to be subjected to health risks posed from these sites. Is my understanding correct?

Mr. DINGELL. If the gentleman will yield further, that is correct, and these are Superfund sites, because they have been chosen under the criteria as areas, and as contamination sources which important imminent endangerment upon the public health in the area.


Hon. JOHN D. DINGELL,
Ranking Member, House Commerce Committee,
Washington, D.C.

DEAR CONGRESSMAN DINGELL: I am writing on behalf of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), whose membership includes the top program managers from across the country and therefore have a fundamental interest in ensuring that Superfund program managers are adequately funded. The purpose of this letter is to communicate our strong support for your amendment to H.R. 2289 restoring $400 million to the Superfund budget.

After 15 years of experience with the Superfund program, many NPL sites are now in the remedial design and construction phase. Delaying site progress at this stage will have far reaching impacts, i.e., the over-all costs associated with these sites will increase if left unaddressed, could spread, and most importantly, surrounding communities will continue to be subjected to health risks posed from these sites. We believe an expectation has been created in the minds of the American public that no matter where one lives or what economic class one belongs to, human health will be protected. As we understand, your amendment will allow at least 55 remedial and removal actions to proceed uninterrupted.

While the federal Superfund program is directly responsible for ensuring the remediation of approximately 1300 NPL sites, it can also be credited with indirectly spurring the growth of State Voluntary Cleanup Programs and over 40 State Superfund programs. As of 1992 State programs have remedi-

dated 2,609 sites and are currently working on an additional 11,000 active sites. The Federal Superfund program provides the backbone for these cleanups and must be sufficiently funded.

State Waste Officials thank you for your support.

Sincerely,

TERESA D. HAY, President.

Mr. BROWN of Ohio. I again ask for support of the Dingell amendment. Fifty-five sites will not be cleaned up if this amendment is not enacted.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to my distinguished friend, the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I am pleased to support the Dingell amendment to restore funding for the Superfund hazardous waste cleanup program.

What is the major complaint heard year after year about the Superfund program? Not enough cleanup, not enough shovels in the ground. Well, EPA heard those criticisms and rearranged the priorities of the Superfund program to assure the maximum amount of cleanup with the minimum brief amount of delay. Now, as EPA is continuing to increase the number of cleanups, the Appropriations Committee decides to refuse to fund those cleanups.

This is not what is in the best interests of the people living in the vicinity of the 58 sites which will receive no cleanup should the Dingell amendment fail.

There is no valid reason to hold back on the cleanup of these sites just because you believe, as we all do, that the Superfund program needs reform. The cleanups which would be restored by the Dingell amendment are EPA cleanup sites. They are sites at which the Superfund program is providing the funding for cleanup. These are not sites which would be affected by any change in the liability mechanism of Superfund.

Congress may or may not determine to alter the liability mechanism of Superfund. But, liability is not an issue in the cleanup of these 58 sites. These are EPA-led sites where there is no pri-

vate party involvement. Congress can repeal the liability mechanism, retain it, or adopt a compromise—it will not matter to the cleanup of these sites. What will matter is whether EPA is allowed the resources to initiate cleanup actions on these sites.

Failure to initiate cleanup at these sites poses a serious health threat to those who live nearby. Twenty-five of these sites are scheduled remedial actions are only undertaken as short-term responses where there is a public health threat which needs to be abated. Without the Dingell amendment, some 25 sites, in 19 States, and in 22 congressional districts, will not receive attention next year, yet the health threat will remain.

An additional 30 sites are scheduled for remedial actions. Again, this bill will prevent the cleanup of sites in 19 States, and in 30 congressional districts. Superfund reform is supposed to be in the name of getting on with the work, yet when EPA proposes to move forward on cleanups, EPA is told it cannot have the resources to do so. The question whether the American leadership is serious about Superfund reform. As we debate this bill in July, there is but one comprehensive reform bill pending before the Congress—H.R. 228, which was introduced on the first day of the session by Mr. Dingell and myself. Now, 7 months into the Congress, there is not one comprehensive reform bill pending from the majority party. At the same time, the Appropriations Committee has determined that Superfund will be shut down entirely should reform not occur before the end of this year.

Why the delay? The bill Mr. DINGELL and I introduced from last year had the support of organizations such as NFI, the U.S. Conference of Mayors, the American Bankers Association, several environmental groups, and the administration. But, there has been no action. There is not even anything scheduled toward enacting reform.

The majority with the Dingell amendment does not pass H.R. 228, but don't kill the program while awaiting reform. There has been a reasonable, responsible proposal before the House for over 6 months, let's get on with it. Let's also get on with cleanups which are ready to go—support the Dingell amendment.

Mr. DINGELL. Mr. Chairman, how much time remains to me?

The CHAIRMAN. The gentleman from Michigan has 1 minute remaining.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

Mr. CHAIRMAN. The gentleman from California.

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

Mr. DINGELL. I yield to the gentle-

man from California.

Mr. LEWIS of California. Mr. Chair-

man, out of respect for my colleague from California and my chairman, especially my colleague's mother-in-law, I will be happy to yield a couple more minutes to the gentleman.

Mr. DINGELL. Mr. Chairman, I am grateful. I do not think we need it, but I want to thank my good friend.

There is one bill pending, but that bill will not be enacted this year because it is only going to come up in September, and we are going to be very busy during the month of September. What is the majority willing to do to us? Is it the case that committees will be dawdling while the country is afflicted with some 58 sites which are decided already to be imminently dangerous to the public health?
welfare and to the environment. There will be no cleanup, there will be no new starts. Pollution of ground water, air, soil, and surface water will continue unabated. How many Americans will have to die because we do not address this? How many will get cancer? How many will suffer health failures and health problems because of this failure? There are some 52 congressional districts and some 58 sites involved here. I plead with my colleagues, and I say this with respect to my good friends on the Republican side, let us clean up these sites, let us spend the money, let us do what has to be done now. The money is here. The appropriations arrangement will move the money from where it is not needed to where it is, and we can begin to address an imminent problem immediately affecting the health and the well-being of American people in some 19 States and in some 58 areas.

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

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

Mr. Chairman, it is not as though this program is not funded in our bill. We do provide for an additional billion dollars, and I know that there are those who suggest that there is a need for more. But I must say to my colleagues in the House that one of the objectives here is to put pressure on the entire process, perhaps even get the other body to respond to the authorizing process. Unless this program is reformed, there is something fundamentally wrong with his continuing to throw money at it without that basic reform. I urge a "no" vote.

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

The CHAIRMAN. Mr. DINGELL. The question was taken; and the committee's intention.

Mr. Chairman, I do not intend to press this matter further at this time, although I'm convinced that this provision makes an already bad bill even worse. But I would say to the gentleman from California, the chairman of the subcommittee, that I and others from this side of the aisle are very concerned about this, and would like the opportunity to discuss this matter with you prior to your conference with the Senate.

The CHAIRMAN. Are there further amendments to title III?

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the full 5 minutes. I have repeatedly expressed my great respect and affection for the gentleman from California [Mr. LEWIS], and I again do so at this time because he is an extraordinary valuable Member of this body. I do rise, as has the gentleman from Massachusetts [Mr. STUDDS], to express concern about the fact that funds for the Council on Environmental Quality have been stricken from the bill.

When the Congress adopted the basic legislation, the National Environmental Policy Act, years ago, as a matter of fact some 30 years ago, it was our purpose to set up one agency inside the Federal Government on the environment, and without it and without this money I do not think we could look forward to the same process being as successful as it has been heretofore.
The CHAIRMAN. Are there further amendments to title III?

The Clerk will designate title IV.

The text of title IV is as follows:

### TITLE IV

**CORPORATIONS**

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized such expenditures, within the limits of funds and borrowing authority available to such corporation or agency and in accord with law, and to make such commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act unless such loans are in support of other forms of assistance provided for in this or prior appropriations acts: Provided further, That this provision shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to the financial interest of the United States Government.

**RESOLUTION TRUST CORPORATION**

OFFICE OF INSPECTION GENERAL


**CONGRESSIONAL RECORD — HOUSE**

The CHAIRMAN. Are there amendments to title V?

The Clerk will designate title V.

The text of title V is as follows:

### TITLE V

**GENERAL PROVISIONS**

**SECTION 501.** Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth thereon in the budget estimates submitted for the appropriations: Provided, That the expenditures shall not be used to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly or through any other entity with care appropriate treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Office of Management and Budget in connection with audits and investigations; or to payments to interagency motor pools where separate funds are provided therefor: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for such travel corresponding to such increments shall exceed the amounts therefor set forth in the estimates in the same proportion.

**SECTION 502.** Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available for the purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5902-5902h): hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

**SECTION 503.** Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Savings Association Insurance Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, any agencies within the ambit of such Act, meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

**SECTION 504.** No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly provided herein.

**SECTION 505.** No funds appropriated by this Act may be expended—

1. (a) pursuant to a certification of an officer or employee of the United States unless—

   (A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

   (B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

2. (a) unless such expenditure is subject to audit by the Comptroller General or is specifically exempt by law from such audit.

**SECTION 506.** None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee of the Export-Import Bank of the United States, the Federal Loan Corporation, or any other Federal agency, unless provided by law.

**SECTION 507.** None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government; Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

**SECTION 508.** None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for pay, or pay equivalent, whether earned, received, or retained by the Federal Government or a grantees at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

**SECTION 509.** None of the funds in this Act shall be used to pay personal cook, chauffeur, or other personal services for which such expenditure is being made, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

**SECTION 510.** Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any expenditure shall be limited to contracts which are—(1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into by the agency which is substantially derived from or substantially includes any report submitted to or made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice of the contents of the report as made available in this Act.

**SECTION 511.** Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services to be performed by any Federal Government contractor and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), to report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

**SECTION 512.** (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice of the provisions made in subsection (a) by the Congress.

**SECTION 513.** None of the funds appropriated in this Act may be used to implement any cap or reimbursement to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

**SECTION 514.** None of the funds made available in this Act may be used for any program, project, or activity, whether funded by this Act or otherwise, and the funds are made available that the program, project, or activity is not in compliance with applicable Federal laws relating to the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there amendments to title VII?

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

Mr. Chairman, we communicated a good deal of this in the initial stages of the bill, but I would like to have the Members know one more time just how
much I appreciate the very, very positive and constructive working relationship that I have had with my colleague, the gentleman from Ohio [Mr. Stokes]. He was my chairman during the last Congress. His friendship is very important to me, and I think this process of transition, working together has been extremely positive in spite of the fact that the shift in policy direction is not necessarily always to the agreement of the gentleman. He has been willing to communicate at every step of the way and has been very cooperative and helpful in the process, and I appreciate that.

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

Mr. Lewis of California. I yield to the gentleman from Ohio.

Mr. Stokes. I would like to say how much I appreciate the comments of the chairman of the subcommittee, and I would just like to say in return that working with the gentleman from California has been one of the most enriching experiences of my career here in the Congress, and I think I said this on other occasions, but I reiterate it here again, that notwithstanding whatever philosophical changes or differences exist as a result of the majority changing in this Congress, working with the gentleman from California has been an experience which has meant a great deal to me. I have enjoyed cooperating and working with him, and while we have changed chairmanships, from myself over to him, I do want him to know that I have enjoyed working very closely with him and look forward to a continued personal relationship of the kind that we have had.

Mr. Lewis of California. I appreciate the comments of the gentleman very much.

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

Mr. Torricelli. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as my colleagues know, I have an amendment that is currently filed at the desk that would bar the Federal Government from making any per diem payments to a State veterans administration nursing home if that nursing home has undergone privatization which results in the diminution of services or care to the veterans, the quality of their health care, or quality of life. It is my understanding, Mr. Chairman, that in your judgment, the Secretary of Veterans Affairs currently has this authority and would indeed be required under current law to bar per diem payments to any State nursing home who sees a decline in the quality of care following a privatization of services.

Because we share a concern with a possible privatization in the district of the gentlewoman from New Jersey [Mrs. Roukema], but in the county which we jointly represent, I would like at this time, Mr. Chairman, to yield to Mrs. Roukema.

Mrs. Roukema. Mr. Chairman, actually I wanted to hear from the gentleman from California [Mr. Lewis], his observations regarding our understanding concerning the existing legislation that controls this process of transition.

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

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

Mr. Lewis of California. Mr. Chairman, it is my understanding the intent of the gentleman's amendment is already existent in current law, and the Department of Veterans Affairs has the legal authority to withhold these payments if the concerns that the gentleman has made come to fruition.

Mr. Torricelli. Mr. Chairman, if the privatization of a Federal-State nursing home were to happen, and the concern would be such a decrease in the number of nurses or other tangible signs of a decrease in the quality of care provided to the veterans would occur, the Federal Government has the legal authority to withhold per diem payments to that facility.

Mr. Chairman, the concurrence of the gentleman from California, Chairman Lewis, with this judgment and his commitment to work with me and the gentlewoman from New Jersey, Mrs. Roukema, to require that the VA take this action seriously, is extremely important. I take from the gentleman's comments, Mr. Chairman, that indeed is the belief and commitment of the gentleman from California [Mr. Lewis].

Mr. Lewis of California. Mr. Chairman, if the gentleman will yield, my colleagues from the committee have my commitment.

Mrs. Roukema. If the gentleman would yield, I certainly appreciate the assurance of the gentleman from California, Chairman Lewis, and would like to make some important observations of my own.

Mr. Chairman, over the last few days I have conducted extensive research on Mr. Torricelli's amendment. We have confirmed several key points: Whether our Paramus home is operated by State employees, private contractors, or some combination of the two, it is clear: Responsibility for the quality of care at the home will not change.

It rests with the New Jersey Commissioner for Veterans Affairs as monitored by the New Jersey Department of Health, which is currently monitored by the U.S. Department of Veterans Affairs. The VA's quality assurance program, as outlined in subchapter 5 of chapter 17 of title 38 of the United States Code, includes precise standards on both the range and the quality care is critical—an enforcement regime.

Throughout the State's privatization study, I have expressed serious reservations. In fact, based on recent bids, I believe this proposal will not go forward.

Our State commissioner of veterans affairs, Gen. Paul Glazer sat in my office last Wednesday and pledged that the quality of care would not diminish whether services are contracted out or not. I know that to be his commitment, the Governor's commitment and the New Jersey legislatures.

Mr. Chairman, when it comes to our veterans, we cannot afford to diminish our commitment to protect them in their time of need, just as they served us in our time of need. We must preserve, protect and enhance the quality of care at the veterans' health care facilities around the country, including our veterans' memorial home at Paramus.

I yield back the balance of my time.

Mr. Lewis of California. If the gentleman will yield further, I appreciate my colleagues bringing this matter to my attention. I assure both Members we will continue to work with them. If our good offices will help open the channels of communication with the Department of Veterans Affairs, we are happy to be of service.

Mr. Torricelli. I thank the gentleman from California. The gentlewoman from New Jersey [Mrs. Roukema] joined with me in this, and the bipartisan leadership of the New Jersey legislature, to assure that we will watch the Paramus Nursing Home, the quality of its care, the numbers of nurses, the quality of the food, to ensure that these people, who served our country so well, are not jeopardized.

Mr. Chairman, I will not ask for my amendment.

Mr. Lewis of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. Porter) having assumed the chair, Mr. Combest, 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. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

SEIZE THE OPPORTUNITY: CONTINUE B-2 BOMBER PRODUCTION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. Dicks] is recognized for 60 minutes as the designee of the minority leader.

Mr. Dicks. Mr. Speaker, I took this special order today in order to again be able to present my very strong and deeply held concerns about the future
of the U.S. defense policy and defense posture. I have served on the defense committee on appropriations for the last 17 years, and I can remember very well, almost vividly, when President Carter and Secretary Harold Brown made the decision to start producing a stealthy long-range bomber known to the American people as the B-2 bomber.

We are now at the point in this program where we have committed ourselves to 20 of these 25 or 26 bombers. They are being delivered to Whiteman Air Force Base in Missouri. They have met, according to Secretary Darleen Druyun, all requirements under the block 10 configuration, and they will be steadily improved between now and the year 2000.

In the defense appropriations bill and in the defense authorization bill in the House, there has been authorization and a recommendation to the House to appropriate funds to do two additional planes and 20 additional planes, and I want to rise today in very strong support of that recommendation.

We have a very difficult problem as we look at our bomber force. Today America possesses over 90 B-52's and over 90 B-1B's. They represent the bulk of our American bomber force. Unfortunately, neither one of these bombers are able to penetrate air space where we have Russian surface-to-air missiles. So one of the problems we face today is that Russian surface-to-air missiles have proliferated around the world. In fact, just a month ago, when Capt. Scott O'Grady was shot down, he was shot down by a A-6, a Russian surface-to-air missile in Bosnia, and he was flying a nonstealthy airplane.

One of the lessons that we learned in the Gulf war in the first 10 days of that war is that the F-117's, the stealthy attack aircraft, were used for only a small percentage of the aircraft, about 25 percent of the sorties, but they were able to knock out 40 percent of the most difficult targets. The reason for that is that when you put smart conventional weapons together with stealth, you are able to go in against the most heavily defended targets, knock them out, destroy those surface-to-air missiles, destroy those radars, and the pilots are able to then come out and survive.

This is a truly revolutionary capability. It is to World War III as the F-106's were to World War II. If you think back to Vietnam and Korea, we lost a lot of our planes and a lot of our pilots because they were shot down. As I have mentioned, with the proliferation of Russian surface-to-air missiles in Korea, Iran, Iraq, Bosnia, all over the world, China, if they fly in over enemy airspace, are going to get shot down unless they are stealthy.

So the decision that we are about to make on whether we should continue to build the B-2 bomber is, in my judgment, one of the most important defense decisions that we will make in this decade.

I happen to believe that the B-2 bomber offers us a revolutionary new conventional capability. You have got long range. This plane can fly over 5,000 miles, and, with one aerial refueling, it can go one-third of the way around the Earth.

When you combine that with smart conventional munitions, J DAM's or GATS/GAM or the sensor-fused weapon, you give this airplane a tremendous conventional capability.

Rand estimated in 1991 that looked at what would have happened if we had had the B-2 operation and we had loaded it up with sensor-fused weapons against Saddam Hussein's invading division from Iraq into Kuwait. In that scenario, three B-2's, each B-2 would have had about 1500 of these little bomblets, and they would come down with little parachutes and hit the moving Iraqi vehicles, this division in column, and they were able in this scenario, in this simulation, to knock out 80 percent of those vehicular and personnelized vehicles, and that includes tanks.

We have never had that kind of a conventional capability against a mobile division. That is why I think this is such an important decision. Rand General Colin Powell, I said what would be the ideal number of B-2's? And in each of these studies, the recommendation was somewhere between 40 and 60.

I believe that the decision on the part of the House thus far to go forward with longlead for two additional planes is a very important decision.

The other point is that we have an industrial base out in California where we produce the B-2 at Palmdale, and the Northrop Co. receives parts from all over the country, but particularly parts from Texas and Washington and other States, Ohio, and they put that plane together there. That industrial base, in my judgment, is very important to the industrial base today.

The other problem is in the weapons, in the administration's study on bombing, they are married up with a sensor fused weapon, the smart conventional munition that I described earlier, that if he had known that, he might have thought long and hard about whether he should invade because he would have known that his Republican Guard would have been destroyed before it got into Kuwait.

That is, in my judgment, my colleagues, a revolutionary conventional precision capability. Enough of this airplane I think makes a great deal of sense.

The other problem is in the weapons, in the administration's study on bombers. They say we should rely on stand-off capabilities. In other words, we should load up the B-52's and the B-1's that cannot penetrate with long-range cruise missiles. Well, there are a couple problems with that. The first problem is that the long-range cruise missiles cost about $1 million per missile. If you have 12 to 14, you can do the math, it is going to cost somewhere between $15 and $20 billion for a load, for one plane load of those missiles.

The other problem is they can only go to a fixed target. They have no utility against a mobile target, a mobile division moving in the field. They also will not help us go after the launchers, the mobile launchers that the Scud missiles utilized. So they have very much deficiencies.

What are the costs of the weapons on the B-2 bomber? The J DAM's, the 2,000-pound bomb, the equivalent of what we
used on F-117 and the F-15 Eagles, they only cost $20,000. The B-2 would handle 16 of them. So that is $320,000. That is one-fourth the cost of one cruise missile. So the difference in weaponry is very, very important. And the administration is willing to buy these long-range cruise missiles, and it certainly is not part of their budget.

The other weapon that I mentioned, the sensor fused weapon, a load of those would cost about one-fourth the cost of a load of standoff cruise missiles.

So the difference in cost in weaponry is very, very significant, and as I mentioned before, the difference in cost, if you shut this line down and have to open it up and you will have to spend $6 to $10 billion, and you will not get a thing for that except to open the line up, and then it is going to take a number of years to start producing the planes again. To me that just does not make sense.

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

Mr. DICKS. I yield to the gentleman from California, the distinguished chairman of the HUD appropriations subcommittee, and a very strong supporter of the B-2 and one of the most knowledgeable members of the defense appropriations subcommittee.

Mr. LEWIS of California. Mr. Speaker, let me say that it is truly a privilege to serve on the subcommittee of appropriations that deals with our national defense. There is little question that the gentleman from Washington is one of the House's experts in this entire field. He and I have had a chance to look at various elements of our defense system. That is what we are talking about, we are talking about peace in the world, creating a foundation for our own national defense and the defense of freedom that really stops the prospect of major confrontation in the world.

There is no question that America is on the edge of having the kind of force that will allow us to preserve the world from major conflict. One of the elements of that force that could bring us to peace in our time is the B-2. It is an incredible vehicle. We all know the role that stealth will play in our air future. The B-2 has a tremendous potential for America's future in terms of peace.

Nobody ever said that peace was inexpensive, but if there is a responsibility for the national government, if there is a reason for us to have a national Congress, the reason is to make sure that we have adequate national security.

Fundamental to that is to have this aircraft available in numbers that will allow us to make that difference in the world. And without the gentleman's leadership, I think this issue might well have been dead by now. That is, we would be in a dangerous place in terms of defense spending this year, where we should be willing to make a sacrifice, it is to make sure that the B-2 is available and in a quantity that makes sense. So I want the gentleman to know that I very much appreciate the work he has done here and look forward to continuing working with him in that regard.

Mr. DICKS. I think we ought to have a little colloquy here, a little dialog on this.

I appreciate that the gentleman has been on the floor and has been very involved in other matters. He makes some very important points. The thing that I have always believed in and the great secret of our success in the cold war was that America stood for strength but it also stood for deterrence. We had a strong capable military so that we could deter the Soviet Union and its allies from ever attacking us in NATO.

Mr. LEWIS of California. Absolutely. Mr. DICKS. It was our strength and our commitment. The fact is, in this, this dialog here today, that was bipartisan, Democrats and Republicans joining together to foster a defense policy for this country that I think is so important.

On this question, what we are really talking about is a revolutionary conventional capability. I think once we can demonstrate it and show the skeptics, including some in this administration and the previous administration, that the conventional weapons work, will work effectively, and Rand has said in its simulation that it will work by destroying 46 percent of Saddam's invading division. I mean, to me that will give us for the first time conventional deterrence. We have nuclear weapons, too many nuclear weapons. But we know we do not want to ever have to use those nuclear weapons.

A conventional deterrent, on the other hand, if deterrence fails and someone makes a move from North Korea, it is possible for us to go in against the most heavily defended targets, take them out and come out alive. If we said, you have to throw the B-2 in there or the B-1B in there, they would be shot down by Russian surface-to-air missiles. I do not know how a commander would face his troops and say, go do that job. With the B-2 in there, you might have got the capability to fly this plane a third of the way around the world with one aerial refueling and with these smart conventional weapons attack these mobile divisions. Frankly, we have never had a conventional capability to do that.

That is why this decision is so important.

The other point, of course, is that of maintaining the industrial base for boredom. The fact is, in the production, the industrial base for both is revolutionary technology. We are talking about stealth, long range, and a tremendous conventional capability against mobile targets, against, as the gentleman and I both have been following in the analysis of the gulf war, one of the biggest problems we had was finding those Scud launchers. With the block 30 upgrade on the radar of the B-2, we will have an ability to fuse into that cockpit the kind of intelligence that we are now able to gather so that we can go after those mobile targets.

Remember, if those Scuds had been accurate, which they thank God were not in the gulf war, and the upgrades in Scuds were going to be accurate, or if they had used chemical, biological or, God forbid, nuclear weapons, then we would have been in real trouble and our forces would be in real trouble. We had really no capability to go and find those mobile targets. The B-2 could be used for that.

Mr. LEWIS of California. In those circumstances, without that force available, if those Scuds had been accurate, potentially thousands of American lives could have been lost. The gentleman has articulated very well in our committee the fact that just two B-2's can deliver a force halfway around the world with so few numbers of personnel involved. It takes a whole armada of aircraft to replace that force. That is a great value, not only in terms of preserving the peace but it is less expensive than continuing to build and maintain that armada, of aircraft.

Mr. DICKS. It is so true. The gentleman is exactly correct. When you have this standard package in our chart, the value of stealth, it was like I think 76 airplanes and 145 crewmen that went in, in the most heavily defended targets in Iraq, and they got them all. They could not do the job. So they had to come back. We risked all those lives.

We did the same thing the next day with eight F-117's, which were equivalent to two B-2's. So the gentleman is exactly correct. When you have this standard package in our chart, the value of stealth, it was like I think 76 airplanes and 145 crewmen that went in, in the most heavily defended targets in Iraq, and they got them all. They could not do the job. So they had to come back. We risked all those lives.

The other point is, as the gentleman points out, because the weapons are less expensive, and because we do not want to lose any lives, we mean, stealth is the best possible force to go in against the most heavily defended targets, take them out and come out alive. If we said, you have to throw the B-52 in there or the B-1B in there, they would be shot down by Russian surface-to-air missiles. I do not know how a commander would face his troops and say, go do that mission, especially if we have ability as a country and turned it down to put those young men at risk. They got him out, and it was a great mission, but they never, if it had been a
stealthy airplane, they would have never had to go in there and do it. So the value of stealth is not only that it saves us money, but most importantly, it saves us American lives.

Think about World War II, when we lost 589 B-24s over Nazi Germany, that were shot down by either fighters or knocked down by enemy antiaircraft. Now in this world we live in, we have this incredible Russian surface-to-air missiles that have proliferated in the world. So if we are going to send somebody in, we better have them in a stealthy airplane in order to win that air war quickly, gain superiority so that we can then use the stealthy assets after we have got total air superiority.

Mr. LEWIS of California. If I could make one more point, then we might get the gentleman from California [Mr. HUNTER] involved, who is a member of the authorizing committee on national security.

There is a tendency for people to believe, my colleagues, in this day and age of supposed peace in the world, because there is not a major confrontation between the Soviet Union or Russia, that no longer is there a need for a national defense. Nothing could be further from the truth. We are living in a shrinking world with elements of potential danger that we have never really thought about.

America needs to be strong to preserve the peace. One element of our strength that is critical is the expansion of Stealth. The B-2 bomber as a vehicle can make all the difference in terms of how many lives we would have to put at risk over the next several decades. It is a very, very important item. I want to congratulate my colleague for his continued work on behalf of this effort.

Mr. DICKS. I would like to also yield to the chairman of the Procurement Subcommittee of the House Committee on National Security, another Californian, but also someone who has been very ahead of this issue of ensuring that America has a strong national defense.

The chairman was able to put into his mark and defend on the floor the authorization for two additional B-2s. Now we are going to have the appropriations bill in the next day or two. I hope that the gentleman from California [Mr. LEWIS] and I are as successful as the gentleman from California was. I think it is important for the American people, for the press, for our colleagues to understand our intellectual rationale for this important defense system, one that I am proud to happen to start under a Democratic President but has been supported by Republicans and Democrats in the Congress for the last several decades.

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the guys that are forced to write confessions under torture. One reason we built this stealth bomber and this stealth technology is so we would not have those guys being shot down and we would bring them home to their families.

Mr. Speaker, with the conventional mission that the opponents of B-2 would like to go with, on a conventional mission to hit 16 targets, you risk 134 crew members. If you send one B-2, you risk a total of two crew members. If you send two B-52's, you risk a total of four crew members.

I would say to the gentleman from Washington [Mr. DICKS], I would feel pretty bad about telling our Air Force personnel every time in the past, in this century, when we have had top technology, we field it. The best stuff we could get, we field it. Chuck Yeager shot down one of the first German aircraft, a jet aircraft, when he had a pro-peller driven plane. He was real happy to get one that could go faster than the speed of sound in the late 1940’s and drive American technology.

Mr. Speaker, we have always given our kids technology. This will be the first time we will tell our pilots, you know, we spent $30 billion developing a technology that makes your plane virtually invisible to radar, but we decided not to give it to you because we think it is too expensive.

Mr. DICKS. Mr. Speaker, the other point is the gentleman made a very major point here. We have spent all this money to get us where we are, and what are we talking about, by the Air Force’s own numbers, $15.3 billion, to build 20 more of these airplanes. That is a much lower price than we purchased the first 20. It is about a half to a third of the cost. The gentleman and I have been around quite a while, and at some point, they will say, ‘‘Oh my gosh, we made a terrible mistake, we should not have done this.’’ Then we will have to reopen the line.

The Air Force tells me it is $6 billion to $10 billion to get the line up if we wait 5 years. For that, we get nothing. It seems to me while the line is open out in California, we should continue at a low rate to purchase these bombers. It will keep the industrial base alive, keep it there in place, and it will allow us to have the most modern technology for our young men and women to fly and use if we have another major problem.

The world is not any safer. I think the world was safer during the cold war, if you want to know the truth. Now you have all kinds of problems around the world. It is a combination of saving money in the weapons that are used, the J DAM’s weapon for $20,000 apiece versus the standoff cruise missile for $1.2 million apiece. They cannot have any capability against mobile targets.

That is the other problem, Mr. Speaker, with saying we will take the B-52’s and the B-1’s, and load them with standoff cruise missiles. Those standoff cruise missiles only go to a fixed point and they cannot be effective against the mobile issues. We have not only the division coming in either in South Korea or in Iraq or Iran, but you have this problem with the scud launchers. That was a major problem in the gulf war years and those are not stealthy and have limited range, so we cannot rely on them either.

The B-1’s cannot penetrate, the B-52’s cannot penetrate, the planes coming off the carriers cannot penetrate. The only thing we have are the F-117’s and the F-22’s and the B-2’s. I am not going to go out and re-shuffle my defense dollars and buy the most incredible capability, the capability for the next 30 years, that can deal with the radars?

To me, this does not make any sense. I am hard pressed to come up with a rational explanation, especially when the B-2 has this potential against mobile targets.

That is what bothers me the most.

None of these other weapons, Mr. Speaker, have the capability to go against these mobile targets before we have complete air cover and air cap because of the surface-to-air missiles that go along with the division.

I yield to the gentleman.

Mr. HUNTER. Mr. Speaker, the gentleman made a very major point here. To project power off aircraft carriers, I was reminded again, as we all were who watched CNN and read the front page of the newspapers, of American, I believe it was an A-7 aircraft that were shot down by Syrian gunners. I believe they were being used the same Russian-made surface-to-air missiles that are proliferated throughout the world. That was the pilot that, I believe, Jesse Jackson went over and rescued amid enormous publicity and self-promotion by Syria.

The gentleman has made his point, but the point has really been validated every time we have had to send conventional aircraft into areas that maintain these strategic, surface-to-air missile sites. We have been shot down.

Mr. DICKS. Mr. Speaker, they have proliferated all over the world. This is not something that is just in a few countries. We have them in North Korea, Iran, Iraq, China. We have them in Bosnia, where Captain O’Grady was shot down.

Another thing here, for some of the crowd of American people saying, ‘‘Are these two Congressmen just up here by themselves?’’ I feel very proud of the fact that without any request from me or anybody else who is a B-2 supporter, seven former Secretaries of Defense wrote the President of the United States, and this is unprecedented in the history of the United States. Sub-committee on National Security of the Committee on Appropriations, and said, ‘‘Mr. President, please keep this line open. This is the kind of weapon system that we are going to need in the future. Twenty of them simply is not enough.”

One of those colleagues, Mr. Speaker, former Congressman Dick Cheney was the one who made the decision with Les Aspin, our former colleague, former Secretary of Defense, now deceased, to limit this to 20. There was absolutely no military rationale for that decision. It was strictly a decision made on what Congress would go along with. At that time there was some question about the plane, but now we have six of these Air Force Base, according to the pilots there. One just flew all the way to Europe, did a mock bombing run over the Netherlands, went to Paris, engines running, changed crews and flew back to Whiteman Air Force Base.

Mr. Speaker, this thing is going to work. It has a 95-percent mission reliability, and it is at the block 10 configuration. Over the next 4 years it will be upgraded to block 30, which will give us this revolutionary capability.

Mr. Speaker, to have seven former Secretaries of Defense write the President and say this would be a terrible mistake, is, I think, one of the most unprecedented things I have seen. In light of all that, I am amazed, frankly, and with the importance of power projection in this very dangerous world, and the potential of the national utility of this system, why we are killing this at this point. I think it is the greatest mistake that I can think of since I have been in the Congress and involved in defense matters. This is a terrible, awful decision. We in the Congress, under the Constitution, as the gentleman well knows, serving as a senior member of the Committee on National Security, ultimately have the responsibility for raising navies and armies and, by inference, air forces. It is the constitutional responsibility of the Congress of the United States, and I am proud of the fact that we have stood up on this issue and are trying to correct a very serious mistake in judgment.

The gentleman from California has been willing to stand shoulder to shoulder to discuss this issue, to lay out our rationale with the American people, and I just am very pleased that he has been willing to continue to engage in this colloquy to explain to the American people why we feel so strongly about this and why we think those seven Secretaries of Defense were correct.
Mr. HUNTER. Mr. Speaker, will the gentleman yield?

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

Mr. HUNTER. I thank the gentleman for yielding, because I think the fact that as Secretary of Defense have endorsed the B-2 has some significance.

You ask yourself, "Why would they do that?" I think the answer is laid out in the history of the last 10 or 15 years. We review the way we raid Gaddifi's killing, terrorist style, of American soldiers in Germany. We had the goods on him. We knew that he had ordered these assassinations, these murders. When he did that, Ronald Reagan decided to strike him. But we found out we had a problem. I was being interviewed by British television, I believe, shortly after the raid was made, and I cannot remember the name of the interviewer, but in Great Britain Thatcher had allowed our F-111's, this medium bomber, to take off from Heathrow Airport in Great Britain. But there was great consternation in Britain because they were letting us do this, because the Libyan terrorist capability, there had been threats that if anybody helped the Americans at any time, they would be struck, they were very worried about it, and I was talking to the commentator, I was being interviewed. Thatcher said, "It's nice of her to let us at least use the facilities in Great Britain to strike this terrorist."

The commentator said, "Congressman, don't speak too soon. We've just taken a television poll. In Great Britain they apparently wire a sample number of television sets so when they ask a national question, would you vote no or would you do so and so, people can just punch the buzzer or the button on their set and that gives the British prime minister."

He said, "We've just polled the British people and by a majority," these are against Maggie Thatcher having let our F-111's, which had already been done obviously, but having let the Americans use British air bases to launch this strike against Mr. Qaddafi. Here we had the British people, we had a great British stateswoman, Maggie Thatcher, helping Ronald Reagan, America to launch that strike against Qaddafi. But a little farther away, in France, the French decided not even to let us fly over their airspace, and they forced our F-111's to fly to their border and then we had to skirt around their perimeter at a great height, time and fuel, and fatigue of our pilots, because we were not even being allowed to fly over France to strike a terrorists who had murdered American soldiers.

When we finally went to Libya, we made the surprise strike on Mr. Qaddafi. The U.S. Navy, in assisting with that strike, had moved about $6 billion worth of carrier task force components into the Gulf of Sidra, just outside of the Gulf of Sidra, and they launched naval aircraft from there.

The point is when the going gets tough, you cannot count on having a whole bunch of allies that are going to let you use their airbases, they can run theirways, have their cooperation.

The great thing about the B-2 bomber, and I think this is a reason the seven former Secretaries of Defense support the B-2 bomber, is that they believe in just ability to project American power early.

That means when an armor attack starts, you stop that attack before you have to send a bunch of Marines and U.S. infantry over there to stop it with soft bodies. You do things quick.

You can fly the B-2 out of the United States. You do not have to ask the French, you do not have to ask somebody else, you can fly it out of the United States and you can make a strike in the Middle East. Now, you may have to recover in Diego Garcia, but we own the Diego Garcia base. We do not have to ask anybody's permission to land there, and you can project American power down there. That is why these gentlemen are concerned about. Every American father and mother who have children who may at one time be in the ground forces of the United States have a real interest in having powerful air forces.

Mr. DICKS. The gentleman makes a very important point. I do not know if he was here on the floor, but I suggested that if we had had, say, 60 B-2's, 20 at Diego Garcia as the gentleman suggests, Guam and at Whiteman, Saddam might not have made the attack. If he did, we could have obliterated that division, we could have stopped the war.

Do you know what it cost us to move all the forces out to the gulf to fight the war, just the transportation? Ten billion dollars. The cost of the war to us and our allies was $50 billion, for a total of $70 billion. With an adequate bomber force that is stealthy, that has long range and can use smart conventional weapons against mobile targets like Saddam's republican guard, if we could just prevent one war out there in the future sometime somewhere, whether it is North Korea, Iran, Iraq, or wherever, that would save and pay for the B-2's ten times over. There is nothing else that can do it.

That is why it blows my mind when people talk about priorities. Well, other things are more important. I say, I cannot think of one except the young men and women serving in our military today. They are more important, obviously, they are first in my mind. But in terms of other weapons systems, other things that we are doing, that have the capability to give us conventional deterrence, you have a different look. There is another way to save money.

You have about $40 billion to $45 billion, or it has been reduced about 70 percent.

We have got to continue to do some things that make sense. Here is a system that gives us a revolutionary conventional war-fighting capability, and I believe the potential for conventional deterrence. Not to get this and spend the money on a bunch of lower priority things that have no comparable worth or value to the American people and to our military, to me is just unbelievable.

Mr. HUNTER. If the gentleman will yield, you mentioned the defense over-head. We have about 250,000 professional shoppers in the Department of Defense. Those are the people that engage in the acquisition of military systems. Roughly you have two Marine Corps of shoppers. They cost us about $30 billion a year. That means we have a procurement budget of about $45 billion that as you have mentioned it is about 70 percent. But any kind of tank or weapon that we buy, we pay almost as much as we paid for that system to the Department of Defense for the service of buying it.

That means if you buy an airplane for $100 million, you pay about $70 million on top of that to the shoppers in DOD for buying the components for that airplane. If we cut that bureaucracy down, the shopping component, if we cut it down in the same way we cut the procurement, we might cut from 18 divisions to 12 divisions, and it may go down to 10, and the news did not make Stamp Collectors Weekly, nobody knows about it, and we have
Mr. DICKS. Mr. Speaker, I appreciate the gentleman from California [Mr. McKeon], just arrived, another staunch supporter of B-2. But I think the gentleman has made an excellent point in that we have an article of leverage. We have a system that gives us enormous leverage. The last thing the American people want to do is to start another division of infantry divisions to stop an armor attack. The way you stop an armor attack without using a lot of lives is with air power. The way you stop an armor attack with an absolute minimum of casualties is to use air power that has stealth.

I am thinking, if you went inside Saddam Hussein's war room or maybe, later in this decade, inside North Korea's war room and you saw them making a determination as to whether or not they should strike American positions, it would be awfully nice to have one colonel in that North Korean intelligence operation or in that Iraqi operation say, "How about the American invisible bombers? I'm kind of scared of them. How about the invisible bombers? The way you can work with our SAM's, will they be here? Does anybody know where they are? Are they launched?" That uncertainty is deterrence. That means you do not start it.

The gentleman made one great point. The amount of money we spent on Desert Storm because we did not deter Saddam Hussein from striking, because he thought we were weak, was enough money to buy out the entire B-2 program of 80 airplanes and have a lot of meat money left over.

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Mr. DICKS. The gentleman makes a point too. Remember one thing, a plane can be seen. That does not mean you can take it off the field. That is the thing that you have to remember about stealth.

People say, "Well, I can see it. It is there on the field." But when you have that thing up in the air at 45,000 feet, it is a lot harder to see. This technology is very, very hard to see, even when you are just a few miles away from it. But it is the fact that the enemy cannot vector weapons against it. That is why it is so revolutionary. So we do not want anybody to be misled, because you can see it.

DO NOT BE DETERRED: CONTINUE THE B-2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Washington [Mr. Dicks].

Mr. Dicks. Mr. Speaker, it is that important fact, and the fact that we have not been able to figure out a way to counter it. This is a game that goes on and on. There is a struggle back and forth.

Again, I want to thank my colleagues for coming over here and joining me in an impromptu discussion of the B-2. We are going to be moving on to this issue as we get to the defense appropriations bill. As I have said, I think this is the most important defense issue that most of us will decide while we are in the House of Representatives. I will tell my colleagues this: We are going to save lives. If we build the B-2, we are going to save money if we do it at the time the line is open. We are going to preserve the
industrial base. The B-2 weapons that are sometimes 40 percent less expensive than the weapon on the B-52’s or the B-1’s.

But most importantly as the F-117 showed us, we can send pilots into the most advanced military environment with almost no counter-air, and we do it. They can go in and out, in and out, in and out, destroy targets, and come out with impunity, as many targets as vast fleets of conventional aircraft. Factor in these costs, and the B-2 becomes cost-effective.

The final truth of the post-Cold War world is that someday someone is going to attack some safe haven we felt compelled to defend. We will be in a world where a country without a secure defense, or a military in a country without a secure defense, is invulnerable to enemy counterattack. And because it is invisible to electronic warfare, literally useless: We will not use it.

But we have it. Yet, amazingly, Congress may vote in three years to cancel the B-2. Its cost can be cut to $20 billion in development costs—costs irrecoverable whether we build another B-2 or not—the B-2 is facing a series of crucial votes in Congress. And if it is dismantled its assembly lines once and for all.

The B-2 is not a partisan project. Its development was begun under Jimmy Carter. And, as an urgent letter to President Clinton makes clear, it is today supported by seven secretaries of defense representing every administration going back to 1969.

They support the B-2 because it is the perfect weapon for the post-Cold War world. It has a range of about 7,000 miles. It can be launched instantly—no need to beg foreign dictators for a base. It can fly in advance warning, mobilization, and forward deployment of troops. And because it is invisible to enemy detection, its two pilots are virtually invulnerable.

This is especially important in view of the B-2’s very high cost, perhaps three-quarters to a billion dollars a copy. The cost is, of course, what has driven the Republican-votes—the so-called “cheap hawks”—against the B-2.

The dollar cost of a weapon is too narrow a calculation of its utility. The more important calculation is cost in American lives. The reasons are not sentimental but practical. Weapons cheap in dollars but costly in lives are, in the current and coming environment, literally useless: We will not use them. A country that so values the life of every Captain Grady is a country that cannot keep blindly relying on non-stealthy aircraft over enemy territory.

Stealth planes are not just invulnerable themselves, they can see through enemy’s electronic eyes. They spare the lives of the pilots of the fighters and radar suppression planes that ordinarily accompany bombers. Moreover, if the B-2 can strike all of the B-52’s of 1950s origins. According to the under-secretary of defense for acquisition, the Clinton administration assumes the United States will rely on B-52s until the year 2030—when they will be 65 years old!

In the Persian Gulf War, the stealthy F-117 flies at 49 percent of the missions but hit 40 percent of the targets. It was, in effect, about 30 times as productive as non-stealthy planes. The F-117, however, has a limited range and cannot be deployed from forward bases. The B-2 can take off from home. Moreover, the B-2 carries about eight times the payload of the F-117. Which means it can strike in and out, in and out, destroy targets, and come out with impunity, as many targets as vast fleets of conventional aircraft. Factor in these costs, and the B-2 becomes cost-effective.

The issue is whether to purchase more than 20 long-range stealth bombers already in service or being completed. The argument against steady low-level production to keep the B-2’s force to the cost of the B-2 is too expensive, particularly because the mission for which it was designed—penetrating Soviet air defenses to attack hard targets—is no longer relevant.

The case for continuing the B-2 program is more complex, but more compelling. It rests on three facts. The B-2 is not as expensive as critics contend. The B-2 economizes on three facts. America’s next war will be a surprise. Nothing new here. Our last war was too. Who expected Saddam to invade Kuwait? And even after he did, who really expected the United States to send a half-million man expeditionary force? Then again, who predicted Pearl Harbor, the invasion of South Korea, the Falklands War?

What kind of weapon, then, is needed by a country that has bases in every country that is losing its foreign bases, is always at war, who predicted Pearl Harbor, the invasion of South Korea, the Falklands War? And even after he did, who really expected the United States to send a half-million man expeditionary force? Then again, who predicted Pearl Harbor, the invasion of South Korea, the Falklands War?

The original purpose of the B-2 was to have a deterrent. In 1960, the United States had 90 major Air Force bases overseas. Today, we have 17. Decolonization is one reason. Newly emerging countries like the Philippines do not want the kind of Big Brother domination that comes with facilities like Andersen Air Force Base in the Philippines.

The other purpose of the B-2 is to anticipate. But there are three simple, glaringly obvious facts about this new era.

America is coming home. The day of the overseas base is over. In 1960, the United States had 90 major Air Force bases overseas, in 1960, the United States had 90 major Air Force bases overseas. Today, we have 17. Decolonization is one reason. Newly emerging countries like the Philippines do not want the kind of Big Brother domination that comes with facilities like Andersen Air Force Base in the Philippines.

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spare parts, is about 1.1 billion 1995 dollars. Buying 20 more B-2s would consume only 1 percent of the defense budget and 5 percent of the combat aircraft budget for a few years, and would prevent the irreparable dispersal of the industrial base that has produced the most sophisticated weapon ever, a weapon suited to the changed world.

In 1960 there were 81 major U.S. air bases overseas. Today there are 15. The B-2's long range responds to the dwindling of forward-based forces. It's high payload, stealthiness (the difficulty of detecting its approach) enable it to do extraordinary damage to an adversary's war-making capacity, at minimal risk to just two crew members per aircraft. This gives a president a powerful instrument of credible deterrence for an era in which Americans are increasingly re- luctant to risk casualties. The importance of a military technology tailored to this political fact is argued by Edward Luttwak in his essay "Toward Post-Heroic Warfare" in Foreign Affairs.

Luttwak, of the Center for Strategic and International Studies, says the end of the Cold War has brought a new season of war, in which wars are "easily started and fought without perceptible restraint." A war such as the Iraqi invasion of Kuwait can menace the material interests of the United States or even as that in the former Yugoslavia can, Luttwak argues, injure the nation's "moral economy" if the nation "remains the attentive yet passive witness of aggression replete with atrocities on the largest scale."

Perhaps Americans find their "moral economy" too taxing to maintain in today's turbulent world. The debacle of American policy regarding Bosnia strongly suggests that is so. If so, America faces a future in which wars are "easily started and then forgotten without perceptible restraint." A war such as the Iraqi invasion of Kuwait can menace the material interests of the United States or even as that in the former Yugoslavia can, Luttwak argues, injure the nation's "moral economy" if the nation "remains the attentive yet passive witness of aggression replete with atrocities on the largest scale."

The only aircraft that can on short notice go anywhere on the planet with a single crew to deliver high payloads of conventional weapons with devastating precision. Five B-2s can deliver as many weapons as the entire force of F-117s (America's only stealth aircraft) deployed in Desert Storm. Four U.S.-based B-2s with eight crew members could have achieved by same re- sults as the strategic air forces inside the Air Force. They will fly in the F-22 and the C-17, and they will respect the B-2. It is the whole program.

I think that is one of the things that the Congress may have to step in. We may have to reconsider that decision and recreate a Strategic Air Command within the Air Force so we have some real attention by the service on this subject. I think we ought to consider that.

RECESS
The SPEAKER pro tempore (Mr. Ensign). Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

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. 2099.

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. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, with Mr. Combet in the chair.

The Clerk read the title of the bill. The CHAIRMAN. When the Committee of the Whole rose earlier today, title V was open for amendment at any point.

AMENDMENT OFFERED BY MR. ENSIGN
Mr. ENSIGN. Mr. Chairman, I offer an amendment.

The Clerk read as follows: Amendment offered by Mr. Ensign: Page 87, after line 25, insert the following:

Sec. 519. The amount otherwise provided in title V of this Act for "NATIONAL SCIENCE FOUNDATION—RESEARCH AND DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996" is increased by $25,000,000, reduced from $98,500,000, and reduced by $25,000,000.

Mr. LEWIS of California. Mr. Chairman, I ask unanimous consent for a time limitation of 15 minutes total split equally between the two sides on the Ensign amendment and all amendments thereto.

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

There was no objection.

The CHAIRMAN. The gentleman from Nevada [Mr. Ensign] will be recognized for 7 1/2 minutes, and a Member opposed will be recognized for 7 1/2 minutes.

The Chair recognizes the gentleman from Nevada [Mr. Ensign].

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

Mr. Chairman, I offer an amendment to ensure that we keep the promises made to our veterans. The Ensign amendment is about the contract with those who have served our Nation honorably without fundamentally altering the priorities set forth in the bill before us today.

First, I want to commend the chairman of the subcommittee, Mr. Lewis, for making tough choices. In most instances, the VA/HUD Subcommittee and the VA/HUD Appropriations Subcommittee exceeded the President's requested funding levels in veterans programs such as compensa- tion and pensions, readjustment bene- fits, and extended care facility grants.
Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California, chairman of the subcommittee, rise in opposition?

Mr. LEWIS of California. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 7½ minutes.

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

Mr. Chairman, I rise reluctantly in opposition to the Ensign amendment. I do so specifically because of the fact that this subcommittee report is a very carefully and delicately balanced report.

The very account that the gentleman from Nevada [Mr. ENSIGN] is addressing himself to is that account that we are most sensitive about. It is the only account in my entire bill that has any significant adjustment upwards. Indeed, we provide in the medical care section of this bill more than a half a billion dollars of the 1995 authorization as well as outlay. It is very, very important that we recognize that to im- balance this effort could throw the entire bill askew.

For example, NSF has already been cut by $200 million. They are considerably below the President's request. Indeed, we provide in the medical care account a very significant item. One of the other elements I would mention is the fact that we are attempting to put some pressure on the Veterans' Administration, specifically because while we here in Congress are very empathetic to medical care needs of our veterans. Too often the system treats them like cattle in the districts where the hospitals are. We need to put pressure on them to rethink the processes they use whereby we deliver those services to veterans.

Mr. Chairman, I reluctantly but very strongly urge my colleagues to vote "no."

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

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

Mr. Chairman, while the remarks that the previous chairman said are true, that it is important to have basic science research, it is important to have the programs that NSF supports and that NASA supports, it is also true that it is critical that we maintain the contract that we have with the veterans in this country.

The reason that we have the freedoms to have basic science research in this country is because of the sacrifices that our veterans have made serving this country. I have 114,000 veterans in southern Nevada just in my district alone. Many of those veterans have to travel 4½ hours to southern California because there is not adequate funding levels at the hospital in Las Vegas to take care of their needs. Therefore, they have to travel all the way to southern California. I think this is a travesty to those people who have sacrificed so much, have had very little pay while they are in the service, spent a lot of time away from their families, a lot of them sacrificed limbs, a lot of them sacrificed a lot of their friends, people that they knew in battle, and to me and to a lot of the Members of this Congress, I think it is important that we recognize that we have had with these veterans over the years. I would strongly urge that Members consider supporting this amendment to bring the funding levels for 1996 up to what the President has proposed.

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

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. This is a case where you take the account that has been increased the furthest in the entire budget and then you hammer two accounts that have not taken significant increases. In particular I am very concerned about the fact that the National Science Foundation has been targeted by the gentleman from Nevada for increased cuts. This amount to a 17 percent cut in the National Science Foundation and that is in the basic science accounts. This is where we do our basic research. This is the university money that is required in order to make certain that our university research programs stay alive.

Who are some of those universities? Well, the University and Community College System of Las Vegas got $1.6 million. The University of Nevada at Las Vegas got $1 million in 1995. The Clark County College got $867,000. The University of Nevada Desert Research Program got $1.731 million out of the National Science Foundation. On it goes, in programs that from everything I have been able to determine are high quality research programs that are very, very important to the basic underlying fundamental science of this country.
significantly, it seems to me, is the wrong set of priorities. I understand that the gentleman wants to keep our commitments, but we have commitments that are very, very important in science. There are many of these science researchers that over the years also feel that they have a commitment to making certain that we keep this Nation economically strong by having a good basic science base. This particular amendment will cut into this basic science base; this is one of the worst places that we can possibly find to cut programs in the entire VA-HUD budget.

Mr. ENSIGN. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. DOYLE], a member of the committee.

Mr. DOYLE. Mr. Chairman, I rise in opposition to the amendment, and I do so with a unique perspective on this matter, as I am the only member of this body who sits on both of the authorizing Committees affected by this amendment. I am honored to represent a district with one of the largest veterans populations, and I am extremely sensitive to the need to adequately fund veterans’ health care. My father was a permanently disabled veteran. I could not imagine what my life would be like if he had not had access to quality VA health care.

It would be my preference to fully fund the administration’s request for VA health care, and the amendment before us would do by cutting $235 million from NSF’s research account to achieve $100 million in savings, coupled with a $89.5 million in NASA funds. Despite my support for our nation’s veterans, I cannot support this amendment because of its impact on the National Science Foundation.

In the Science Committee, we have gone to great pains, under the leadership of Chairman WALKER, to make the difficult decisions on funding priorities in order to achieve a balanced budget. I must tell the author of this amendment, since he wasn’t present for the seven or so days that the Science Committee spent considering all the programs in its jurisdiction, that no federal agency enjoyed a greater degree of bipartisan support than the National Science Foundation.

We are proceeding with this account by $26 million from FY 95, and NSF as a whole is being cut by over $200 million from the current year. I am not sure why NSF has been targeted by this amendment, but I cannot endorse this effort to support one worthwhile effort by cutting a greater amount of funding from another important program.

Mr. Chairman, for these reasons, although the reasons of the gentleman from Nevada [Mr. ENSIGN] are worthwhile, I have to oppose this amendment.

Mr. LEWIS of California. Mr. Chairman, I yield one minute to my colleague, the gentleman from California [Mr. BROWN], ranking member of the Committee on Science.

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

Mr. BROWN of California. Mr. Chairman, this is a battle that we have gone through many times before over the past years, and I have frequently sided with those who support the position of the gentleman from Nevada [Mr. ENSIGN] with regard to taking money from NASA or other science agencies and adding it to veterans, because I have such a feeling for the needs of the veterans.

But in this particular case, I spent most of the last week arguing that we had cut NASA too much already, over half a billion dollars, and voted against the space station because of those cuts that came out of NASA science, basically.

Mr. Chairman, I am constrained to oppose the amendment before us for that reason. I think that we have achieved a good balance, not at the level that I would want, but within the constraints of the money available; a good balance with the bill that we have here.

Mr. Chairman, I would urge all of my colleagues to oppose this amendment and to support the numbers which are contained in the bill presented to us by the distinguished gentleman from California [Mr. LEWIS].

Mr. Chairman, I would like to rise in strong opposition to the amendment offered by Mr. ENSIGN. The amendment makes cuts to the National Aeronautics and Space Administration and the National Science Foundation that are ill-advised and will do serious damage if enacted.

Let us first consider the NASA cut. NASA’s request for fiscal year 1996 has already been cut by $600 million in this appropriations bill. In addition, NASA’s funding plans have been pared by 20 percent since 1993. The proposed amendment would cut an additional $90 million from NASA’s human space flight account.

NASA’s human space flight account provides funding for the space station and the space shuttle. The station program was restructured in 1993, its overall development budget was cut by billions of dollars, and an annual funding for the program was capped at $2.1 billion. There is no room for additional cuts to the space station budget if the international space station is to meet its demanding schedule commitments.

The budget for space shuttle operations has been cut 23 percent since fiscal year 1992, and the President’s fiscal year 1996 budget assumes that additional cuts will be made to the shuttle program during the period fiscal year 1997–2000. NASA is making plans to restructure the shuttle program to further reduce costs through contract consolidations and other management changes. However, the shuttle program is already facing additional cuts in fiscal year 1996 without running an unacceptable risk that the shuttle will not be able to carry out its missions, and that NASA will not be able to make needed safety and performance upgrades.

I cannot stress too strongly how important it is not to impose additional budgetary stress on the space shuttle program at a time when the shuttle program is trying to adjust to the cuts already imposed on it. I do not think that I need to remind any Member that the shuttle is a very complicated machine. Indeed, this weekend’s decision to defer further shuttle flights until NASA understands the current problem with the shuttle O-rings underlines the importance of proceeding with caution when dealing with the shuttle.

Turning to the National Science Foundation, this amendment would cut $235 million from NSF’s research and related activities account. This account is already below the fiscal year 1995 funding level in the bill as reported by the Appropriations Committees. The additional proposed cut of 11.4 percent will harm basic research in many important fields of science. Although NSF is a small agency with only about 4 percent of all Federal R&D funding, it is the only Federal agency mandated to strengthen the Nation’s potential in science and engineering. Moreover, the Agency is a principal source of Federal support for basic research in the sciences, mathematics, and engineering; 60% of computer science support; 44% of mathematics support; 34% of biological sciences support; 33% of earth sciences support; and 19% of engineering support.

A cut of $235 million translates into foregoing potential advances in knowledge in such fields as advanced computers and high-speed data networks, electronic and structural materials, biotechnology, and nanoscience—the observation and manipulation of chemical, biological, and mechanical processes at the atomic scale.

The cut will also help to weaken the scientific infrastructure of universities. Last year well over 20,000 senior scientists and 19,500 graduate students worked on research projects sponsored by NSF, mostly at colleges and universities. The proposed cut to NSF’s research account would reduce these numbers by 25 percent and by 30 percent for the students. In addition, 24 percent of the research and related activities budget supports unique national research facilities, such as telescopes, research ships, and supercomputers, all of which enable a broad range of research activities. Imposition of a $235 million cut to the budget would mean that operations are additionally reduced and maintenance delayed for these facilities.

Reductions in basic research budgets have consequences for the economic strength of the Nation and the future well being of its citizens. Federal support for basic research is an investment, as has been quantified by economists who find a social rate of return from basic research funding of 30 to 50 percent. The proposed cut to the NSF research budget is shortsighted.

I urge my colleagues to resist the temptation to make additional cuts to NASA and NSF.

Mr. LEWIS of California. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana [Mr. LIVINGSTON], Chairman of the Committee on Appropriations.

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)
Mr. LIVINGSTON. Mr. Chairman, I want to compliment the gentleman from California [Mr. Lewis] on the outstanding job that he has done with a difficult bill.

This amendment highlights the problem that has had with the bill. There are conflicting interests, all of which are necessary and vital. We pit NASA against housing; housing against veterans’ benefits. There is no one in this Chamber that wants to cut any of these things unless it is absolutely necessary. It is absolutely necessary to cut these to get to a balanced budget by the year 2002.

The gentleman’s amendment is well intentioned, but it still cuts $99.5 million out of NASA, and $235 million out of the National Science Foundation. These cuts are proposed in an effort to help the veterans’ programs which now currently, in this bill, receive $562 million in medical benefits over and above what we spent last year. That represents 777 billion in medical care for veterans.

Mr. Chairman, nobody can say that that is not sufficient. We can always spend more money on these programs, but I would hope that the Members would understand that we cannot continue to spend more money on every good cause. We have got to try to balance the competing interests.

Mr. Chairman, this is a balanced bill. The gentleman from California [Mr. Lewis] and the members of the Committee on Appropriations have tried to bring forward a balanced bill considering all of the needs: The needs of the veterans, the needs of science, the needs of NASA, and the needs of housing. Together, those needs demand that this amendment be rejected.

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

Mr. Chairman, while I respect the words that have been said by my colleagues, I remind the Gentleman from Nevada that we cannot continue to spend more money on every good cause. We have got to try to balance the competing interests.

When we are looking at limited funds, we do have to say, “What is important? How much should we spend on veterans? How much should we spend on science?”

Science is a theoretical number. Should we spend $100 billion on those science programs, and the Members of Congress would spend $200 billion? We have no idea what that number should be. It is some number floating out there.

We do know, Mr. Chairman, that veterans have those needs and we do know that we cannot continue to spend more money on every good cause. We have got to try to balance the competing interests.

It is a question of priorities. There is no question.

Mr. Chairman, this is a difficult decision to make, and I appreciate what the subcommittee chairman and all the members of the committee have gone through in crafting this bill. To me, though, this happens to be a question of priorities. I believe that the NSF can take a 10-percent cut in this year’s budget. It is just a question of the priorities that I have set for myself to come and represent the people of southern Nevada and especially those 114,000 veterans that I represent there.

When we are looking at limited funds, it is the medical care that they are to get this year. I would be the first one, though, to add my voice to reforming the whole veterans’ medical care. It needs to be reformed just like Medicare does. We need to provide better service for less cost, and then maybe next year, we will not have this argument.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The gentleman from Nevada [Mr. ENSIGN], the chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, further proceedings on the amendment offered by the gentleman from Nevada [Mr. ENSIGN] will be postponed.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and according to the rules of the House, the House resolved itself into the Committee of the Whole House on the State of the Union, pursuant to clause 1(b) of rule XXII, on H. Res. 205, to take a recess, to reserve the time of the Committee for the purpose of debate on H. Res. 205, and to adjourn the House.

H. RES. 205

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of this bill.

The Clerk read the resolution, as follows:

H. Res. 205

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2126) making Appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with clause 2(1)(6) of the rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived.

General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate this bill shall be considered for amendment under the five-minute rule. The bill shall be considered for amendment by title rather than by paragraph. Each title shall be considered read. Points of order against consideration of the bill for failure to comply with clause 2 or 6 of rule XXI are waived.

An amendment striking section 8021 and 8024 of the bill shall be considered as adopted in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose as a non-piece of order.

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

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the custom 30 minutes to the distinguished gentleman from Texas [Mr. Frost], pending which I yield myself such time as I may consume.

The previous question shall be considered as ordered on the bill and pending which I move to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. GOSS. Mr. Speaker, I am pleased to bring to the floor yet another very fair and simple open rule. H. Res. 205 provides for one hour of general debate, equally divided between the majority and minority. For the purposes of debate only, any Member can offer amendments in accordance with the rules of the House. Members are encouraged, but not required, to preprint their amendments in the RECORD, so that we can engage in full and well-informed debate, and I think that is something that has actually worked out pretty well.

In addition, the committee granted limited waivers for the consideration of H. Res. 205 including waivers of clauses 2 and 6 of rule XXI that are necessary to bring the record into full and well-informed debate.

The need for these protections, due to lack of the authorization for many of the programs, has been thoroughly debated, so I will not debate it here. We all know we have a problem between the authorizing and the appropriations cycle and that is part of the budget reform that we hope to bring forward.

In order to expedite the floor schedule and allow the House to complete its schedule of appropriations work before the August break, I think is of great interest to every Member and
probably the Nation at large as well, the committee granted waivers of clause 2(1)(6) of rule X and clause 7 of rule XXII, regarding 3-day layovers for the committee report.

The report for H.R. 2126 has been available since Friday, however, and Members have had the weekend and then some time today to review this report. I would also point out that we have been through much of this in the authorizing process already as well. Further, Mr. Speaker, the large waiver granted is a technical one for section 306 of the Budget Act regarding measures under the jurisdiction of the Committee on the Budget reported by other committees. I would like to point out to Members that the two “offending” sections of the bill, 8021 and 8024, have been removed at request of the Committee on the Budget by a self-executing amendment, so I think that problem is behind us.

Mr. Speaker, that may seem like a lot of explanation for what really is, in essence, a very simple open rule, but I am confident that we have a very fair, I would say very open rule that will allow us fully to consider this vital appropriations measure.

Providing for our national defense is one of the few charges specifically given to the Congress of the United States under the Constitution and we cannot shirk our responsibilities in this area. Freedom is not free. The American people demand a strong and ready force, capable of dealing with whatever crisis may arise, wherever it may happen. We obviously must ensure that our armed services are the best trained, best equipped for both for their benefit and ours. There are a few, I suppose, who still argue that the demise of the Soviet Union meant an end of all major threats to the United States’ interests, therefore, we do not need much defense.

Mr. Speaker, those folks are wrong, in my view, and I think in most Americans’ views. Vigorous military buildups in countries like Iran, North Korea, and China pose new challenges to American interests across the globe, not to mention the real threat we face from the slow but steady spread of nuclear capability to new countries and possibly to terrorist groups.

Nor could we totally ignore genocide as we now witness it in former Yugoslavia. Threats to democracy and our national security come in many forms, in many ways these days.

No, to most of us there is no question that we need a strong and ready defense, and I am pleased that after several years of steadily declining budgets and uncertain leadership from the administration these past 2 years, we now have a Department of Defense appropriations bill that begins to meet the needs both long term and immediate of our armed forces.

Make no mistake, many of the items funded in this bill are not for future acquisition of some high-tech weapons systems, but they are for things like food, clothing and other basic necessities for our men and women in the service.

The chairman of the Subcommittee on National Security Appropriations, my friend and distinguished colleague from Florida, the gentleman from Florida [Mr. Young], presented the Committee on Rules with a list of these basic requirements that we are not being met until now. That list, containing lots of nuts and bolts necessary to keep our forces fit, was put on a roll that stretched across the entire width of the Committee on Rules hearing room. We may even get to see that roll again before this debate is over.

So I congratulate the chairman, the gentleman from Florida [Mr. Young], and the gentleman from Pennsylvania [Mr. Murtha] and the rest of the Committee on Appropriations for their work in this particular important appropriations bill.

I urge support for the rule and support for H.R. 2126.

I include for the Record the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 103D CONGRESS V. 104TH CONGRESS

[As of July 31, 1995]

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Totals: 104 100

²This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

³A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be printed in the Congressional Record.

⁴A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 31, 1995]

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<td>H.R. 5</td>
<td>Unfunded Mandate Reform</td>
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<td>H. Res. 44 (1/24/95)</td>
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<td>H.R. 440</td>
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<td>H.R. 665</td>
<td>National Security Revitalization</td>
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<td>H. Res. 61 (2/1/95)</td>
<td>O</td>
<td>H.R. 666</td>
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<td>H. Res. 100 (2/1/95)</td>
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<td>H. Res. 104 (2/1/95)</td>
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<td>Attorney Accountability Act</td>
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<tr>
<td>H. Res. 105 (2/1/95)</td>
<td>O</td>
<td>H.R. 990</td>
<td>Product Liability Reform</td>
<td>A: voice vote (2/1/95)</td>
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<td>H. Res. 106 (2/1/95)</td>
<td>O</td>
<td>H.R. 996</td>
<td>Product Liability Reform</td>
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<td>O</td>
<td>H.R. 173</td>
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<td>H. Res. 110 (2/1/95)</td>
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<td>H.R. 600</td>
<td>Older Parent Nash Act</td>
<td>A: 423-1 (2/1/95)</td>
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Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I rise in support of the rule providing for the consideration of the Department of Defense appropriation bill for the fiscal year 1996. While I am concerned that once again the Committee on Rules did not seek fit to allow the amendment authored by the gentleman from Missouri [Mr. S KELTON], the rule otherwise will allow the House to consider amendments that will amend funding levels contained in the bill.

The Schroeder amendment, of course, seeks to reduce the overall funding level of the appropriation to the level originally sought by the administration. Mr. Speaker, while I personally would not support the Schroeder amendment, I do believe her amendment would have provided the House the opportunity to debate how many Federal dollars should be allocated to the Department of Defense in the coming and future fiscal years.

Mr. Speaker, H.R. 2126 closely tracks the provisions of the authorization bill adopted by the House in June. While the two bills are not identical, the appropriation does provide funding for advance procurement of two additional B-2 Stealth bombers. The committee is to be commended for this action and I support the inclusion of these advance procurement funds. I also commend the committee for including $200 million in the bill for the continued development of the F-22 fighter.

Mr. Speaker, I have in my 17 years in Congress always been a supporter of a strong national defense, I intend to continue my record and support this rule and this appropriation.

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

Mr. GOSS. Mr. Speaker, I yield such time as I may consume to the gentleman from greater metropolitan Sandimas-Claremont, CA [Mr. DREIER], the distinguished vice chairman of the Committee on Rules.

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

Mr. Speaker, I rise in strong support of this rule. I would like to congratulate both my friend, the gentleman from Florida [Mr. YOUNG], and my friend, the gentleman from Pennsylvania [Mr. MURTHA], who have worked long and hard on this extraordinarily important piece of legislation.

This is an open rule. It is an amendment process which will allow Members to work their will on a wide range of issues that are going to be coming before us.

It is very important to note, as we embark on the defense appropriation bill, that this is legislation that we are addressing as we are all very concerned about the budget and the deficit and the national debt, and yet it seems to me that as we read in the preamble of the U.S. Constitution, it is very important for us to recognize that providing for the common defense is paramount.

There are a wide range of levels of government, State and local governments, county governments that can make decisions that will influence that the U.S. Government today addresses, and yet when it comes to the security of the United States of America, only one level of government, only one level of government is in a position to address those, and that is the U.S. Government.

So it is for that reason that we have to recognize the preeminence of the issue of defense appropriations.

Now, there are going to be some controversial questions that will come forward with the B-2 bomber. The B-2 issue is one which I know my very good friend, the gentleman from Missouri [Mr. SKELTON], and I have worked on for a number of years. Let me just say this very briefly about that issue, it seems to me that if we look at this question as one which to back off, it will be the first time in the history of our republic that we would have taken a retrograde step on a new and very important technology.

There are many who argue that since we lost the demise of the Soviet Union, that it is no longer necessary, and yet there are potential conflicts in the Middle East which a friend of mine in California was talking to me about not too long ago, and other spots where this technology is very important, and it cannot be ignored.

I have to say that none of the jobs for this are actually in my district. I recognize that many of them are in California, but I believe this very firmly, because of the national security of our country, that what we should proceed with the B-2. I hope very much will be successful when that comes up on the floor.

Let me say that I do congratulate again my friend, the chairman of the Subcommittee on Defense Appropriations, for the valiant effort he has put forward, the chairman of the full committee, the gentleman from Louisiana [Mr. LIVINGSTONE], and others who have been very involved.

I urge a "yes" vote on this open rule. Then we will look forward to having the House work its will.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise in support of this rule. First I compliment my friend, the gentleman from Florida [Mr. YOUNG], the chairman of the committee, and the gentleman from Pennsylvania [Mr. MURTHA], the ranking Democrat, for their excellent work as well as the full committee.

I also wish to express my appreciation and agreement with the funding for the two long-lead issues involving the B-2.

Of course, Whiteman Air Force Base is in the district that I am privileged to serve, but it is more than that. As the gentleman from California [Mr. DREIER] so eloquently pointed out, we must look to the future. We must look to future technology. This is the one weapons system that will allow us to
continue to bring the technology forward as we bring the troops and become more continental-based in our Air Force, Army, and Navy. This is what is called power projection. It not only can serve as a strong weapon, it can serve as a potent deterrent to those who would cause mischief on the other side of the world.

Mr. Speaker, this is a dangerous world in which we live. Few Americans remember even last year that we came within a very close eyelash, not once, but twice, but three times to conflict; once involving Haiti, once involving North Korea, and the third time when we sent our troops over and successfully stopped Saddam Hussein from proceeding to the south of the border.

This dangerous world in which we live, and we being the only superpower on this Earth, it is incumbent upon us to be strong, to be militarily prepared. We want to learn from history. We should learn that in the years past and the decades past, the United States of America, after every major conflict or every major threat, has cut itself militarily to the bone.

It is my intention to fight hard to keep that from happening now, and I am pleased to see so many Members of this House joining in that fight.

Mr. Speaker, you will recall that I offered a defense budget of my own, increasing the administration's budget over 4 years by some $44 billion. The budget that was adopted was relatively close to that. But we should make sure it is not just in the areas of technology the B-2, not just in the areas of weapons systems, ships and tanks, and guns, but we must look to taking care of the young men and young women who wear the American uniform. That is utmost. That is important in this bill, and I will vote for this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Speaker, the President of the United States is the Commander in Chief of the Armed Services. This bill that will come before us increases the administration's budget over 4 years by some $44 billion. The budget that was adopted was relatively close to that. But we should make sure it is not just in the areas of technology, and not just in the areas of weapons systems, ships and tanks, and guns, but we must look to taking care of the young men and young women who wear the American uniform. That is utmost. That is important in this bill, and I will vote for this rule.

Mr. FROST. Mr. Speaker, we urge adoption of the rule, and I yield back the balance of my time.

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

Mr. Speaker, I just simply would like to say that the gentleman from Utah [Mr. ORTON] has made a very important point about our concern about the line item veto, and I would like to have included, with the statement that we are putting in the RECORD today, a statement from the Speaker of the House to the chairman of the Committee on Rules which says, from the Speaker, that he is committed to moving forward on line item veto and to that end he has promised to schedule a motion to go to conference on the line item veto and to appoint conferees press on the first day of House business in September. So we have achieved getting forward with that, and I will put that in the RECORD at this point.

We have a fair and open rule that allows Members to offer cutting amendments on an appropriations bill, and it is an honor to bring this appropriations bill to the floor with this good a rule on this important subject.

The letter referred to is as follows:

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., July 27, 1995

Hon. GERALD B. SOLOMON,
Chairman, Committee on Rules,
Washington, D.C.

Dear Chairman Solomon: I want to thank you for your valuable contributions and ongoing efforts to move the Line-Item Veto Act to conference at the earliest practicable date. The line-item veto is one of the most important commitments we made as a party in our Contract with America. I have every confidence that with your help and leadership we can resolve the differences that exist between the House and Senate passed bills over how best to fashion and implement the line-item veto authority for the President.

Although some have suggested we should delay the process of working out the differences with the Senate, I want you to know I am committed to moving forward on this bill. To that end, you have my promise to schedule the motion to go to conference on the line item veto and to appoint conferees on the first day of House business in September. You can be assured that I share your dedication to enacting this central component of our Contract with America.

Sincerely,

NEWT GINGRICH.
DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore (Mr. HASTINGS of Washington), Pursuant to House Resolution 201 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. 2099.

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. 2099 making appropriations for the the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending Sept. 30, 1996, and for other purposes, with Mr. Combest in the chair. The Clerk read the title of the bill. The CHAIRMAN. When the Committee of the Whole rose earlier today, title V was open for amendment at any point.

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. DORNAN

Mr. DORNAN. 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. DORNAN:

Amendment No. 71: Page 88, after line 3, insert: "Mr. DORNAN]

The CHAIRMAN. The gentleman will be recognized.

Mr. SCHUMER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from California [Mr. DORAN] would come at the end of the three which have already been postponed, and the further amendments would then come in order as well.

Mr. SCHUMER. So in other words, Mr. Chairman, it would be fair to say that we are going to roll all votes until we finish debating all the amendments.

The CHAIRMAN. It would be fair to state that that is correct.

The Chair would make this exception:

If after the series of votes taken on all amendments on which votes have been requested, if there were amendments which were in order that were offered, then the Chair would obviously recognize those.

So the Chair is only stating there could possibly be amendments offered after the votes.

Mr. SCHUMER. Understood, Mr. Chairman.

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

Mr. DORNAN. Mr. Chairman, this is a cost-saving measure that would be on page 88, on the very end of the bill. It would simply say that in creating a new section 509 that none of the funds under this act shall be used for the Department of Education, even though it is not in the budget.
Mr. LEWIS of California. I yield to the gentleman from California.

Mr. DORAN. Mr. Chairman, if the authorizing committee, and it would start with the subcommittee, chaired by our colleague, the gentleman from California [Mr. KOCH], termini
ated this Senior Environmental Employment Program, would the gen-
tleman support that, as a Member, at the authorizing level?

Mr. LEWIS of California. I would want to evaluate it at a lot more depth than I have before. I certainly would be inclined in that direction. If the gen-
tleman would decide to withdraw his amendment, I would be happy to work with him.

Mr. DORAN. If the gentleman would further yield, Mr. Chairman, he has done such an outstanding job man-
aging this bill, and has put so much ef-
fort into it and burned the midnight oil so such, that I will gladly accept that of-
er to work together on this, and
withdraw the amendment.

Mr. LEWIS of California. I would very much appreciate my colleague's cooperation in that connection, Mr. Chairman, it would certainly help the House.

Mr. DORAN. Mr. Chairman, the Senior En-
vironmental Employment [SEE] Program at the EPA is the most egregious example of what's wrong with how things work in Washington. The SEE Program is little more than a relic of the Tammany Hall era.

Year every six and only six liberal special in-
terest groups catering to senior citizens pay salar-
ies to hundreds of their members to work at EPA facilities all over the country. The em-
ployee's salary, fringe benefits, travel ex-
penses, registration fees, and medical mon-
itoring are all covered by the liberal special in-
terest group. The groups provide the jobs and their members are grateful.

The only problem with this cozy scenario is that none of the money used by the special in-
terest groups to pay their members is their own money. All the money used in the SEE Program comes from taxpayers. This means that lobbying groups such as AARP and the National Council of Senior Citi-
zens [NCSC] receive millions of tax dollars each year to give patronage jobs to their members. And on top of it all, these groups get to keep up to 45 percent of these tax dol-
ars for administrative and related costs.

In 1994 alone, the AARP received nearly $25 million from taxpayers to hire their mem-
bership for positions at EPA facilities all around the Nation. Of this $25 million AARP kept $10 million for itself. NCSC kept $3 million out of $9 million for its operations.
This is a patronage jobs program and noth-
ing less.

The Dornan amendment to H.R. 2099, the VA, HUD, and Independent Agencies appro-
briations bill would strike $55 million for the express purpose of defunding the SEE Pro-
gram at EPA.

Mr. Chairman, just a moment to explain how the program works. The EPA awards coopera-
tive agreements to the six and only six, spe-
cial interest groups throughout the United States to recruit older workers for temporary and part-time positions. The older Ameri-
cans—65 years or older—who are selected to join the program are called SEE enrollees and they receive compensation from the grantee organization. They are not Federal employees. The grantee organization works with the re-
questing EPA office to develop appropriate part-time or temporary assignments as support staff in designated EPA offices. The grantee recipient of our taxpayers money is respon-
sible for recruiting, screening and compensat-
ing the SEE enrollees. Once enrollees are placed, an EPA employee monitors their ac-
tivities.

The only requirements for participation in the program are that the applicant be at least 55 years of age and the applicant must oper-
ate through one of the six grantee organiza-
tions. SEE enrollees receive hourly compensa-
tion and are entitled to the fringe benefits of-
ered by the grantee organization.
By law, only certain private, nonprofit orga-
nizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 are eligible. These eligible grantees are limited to just six; First, American Association of Retired Persons [AARP]; Senator SIMPSON to the rescue, please; second, National Coun-
cil of Senior Citizens [NCSC]; third, National Council on Aging [NCA]; fourth, National Cau-
sion and Center on Black Aging; fifth, National Association for Hispanic Elderly [NAHE]; and sixth, National Pacific/Asian Re-
tsource Center on Aging [NPARCA].
No other seniors organizations are eligible as grantees. All older Americans wanting to par-
ticipate in the SEE Program must work through one of these six grantees. Listen as I read the numbers of grants awarded along with the tax dollars given just in 1994 to these special interests.

<table>
<thead>
<tr>
<th>Group</th>
<th>AARP</th>
<th>NCSC</th>
<th>NCA</th>
<th>NCCBA</th>
<th>NAHE</th>
<th>NPARCA</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of grants</td>
<td>108</td>
<td>93</td>
<td>11</td>
<td>66</td>
<td>23</td>
<td>26</td>
</tr>
<tr>
<td>Total dollars</td>
<td>24,882,166</td>
<td>9,035,147</td>
<td>1,030,506</td>
<td>7,380,675</td>
<td>4,688,178</td>
<td>3,544,841</td>
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The SEE Program issued 307 grants total-
ning over $50 million in 1994. SEE grants to AARP and NCSC amounted to 67 percent of all SEE grants issued comprising 59 percent of all SEE funding. AARP and NCSC are the only two grantees with registered House lobby-
ists, 52 and 9 respectively.

Mr. Chairman, grantees are allowed to keep a certain percentage of SEE funds allocated for related costs of providing employment for each enrollee. These add-ons include: fringe benefits, travel, training and registration fees, medical monitoring, and administrative costs.

Each grantee is allowed up to 15 percent for adminis-
trative costs. What this means, Mr. Chairman, is that on top of the 15 percent for administrative costs, none of which each of these six grantees can charge taxpayers, they also are able to charge tax-
payers for all sorts of benefits for their enroll-
ees.

As a result, AARP skims 40 percent off of each California IMSC takes 33 percent. NCA
grabs 30 percent. NCCBA snatches 17 off the top. NAHE squeezes 35 percent from tax-
payers. And NPARCA siphons off a mon-
talent 45 percent.

In 1994, those indirect costs amounted to $10 million for AARP, $3 million for NCSC, $300,000 for NCA, $2 million for NCCBA, $1.6 million for NAHE, and another $1.6 million for NPARCA.

Mr. Chairman, if we want to come up with a workable jobs program for seniors, certainly we could do a much better job than the SEE Program at EPA. Older Americans involved in the SEE Program would actually be much bet-
ter off if the Federal Government just gave them the money directly rather than funneling
the money through six Great Society lobby groups. Why not take the $50 million paid to the SEE Program in 1994 and just disperse it out evenly to all American seniors, rather than route the money through select liberal special-interest groups to a few select patrons? The AARP and the National Council of Senior Citizens alone skimmed $13 million off the top of the $50 million issued by the program in 1994. Thirty-seven percent of all the SEE money in 1994 went to cover the overhead of just six special-interest lobbyists who hold an iron grip monopoly on the program.

Why aren't my few opponents to this amendment looking for private sector ways to meet the legitimate needs of senior citizens? The United Seniors Association and 60Plus are two senior groups which support my amendment. But, of course, they don't have any vested interest in the success of the SEE Program. It is not coincidental that the only voices you'll hear in opposition to my amendment are voices protecting wallets being lined with tax dollars from this program.

Mr. Chairman, I urge my colleagues to put an end to patronage jobs at EPA, and vote "yes" on the Dornan amendment.

My amendment has the full support of: Unit ed Seniors Association; the 60Plus Association; Citizens Against Government Waste; the American Conservative Union. Mr. Chairman, I ask unanimous consent that I amend the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. WELDON], will be recognized for 3 minutes.

Mr. WELDON. Mr. Chairman, I rise today, with my colleagues from Florida, to urge you to join me in providing a hospital for east-central Florida's veterans. This project has been on the books at the VA for over a decade.

My amendment transfers $354.7 million from the Federal Emergency Management Agency (FEMA) to the Veterans' Administration's major construction account.

As a veteran and a doctor who has served many of these veterans, I understand their need firsthand.

While the veteran population in most of the country has declined, Florida has seen a 25-percent increase over the last 10 years. Yet, the availability of veterans' medical facilities has not kept pace with the influx.

Today 100 veterans will move from New York, Wisconsin, Michigan, Ohio, Pennsylvania, Illinois, New Jersey, and other States to Florida. Tomorrow another 100 will come.

The influx of veterans hasn't stopped, but the VA's ability to provide these veterans with medical care has. Florida's medical centers serve thousands of veterans who come to Florida for the winter. To my colleagues, I would say that many of these veterans are your constituents and this hospital will serve their needs.

Florida ranks 2d in the Nation in veteran population, but 46th in medical care expenditure by the Veterans' Administration.

Florida has virtually no long-term psychiatric beds and the fewest total psychiatric beds of any State. The proposed veterans hospital is designed to serve this need. Veterans in my district needing long-term psychiatric care must go to northern Georgia some 500 miles away.

This amendment is about fairness. It's about guaranteeing our Nation's veterans, who happen to live in Florida, access to the same type of medical care that is available to veterans in other parts of the Nation.

Please vote for this amendment and help us serve all of our Nation's veterans.

Ms. BROWN of Florida. Mr. Chairman, I rise today on behalf of veterans throughout this Nation and especially in Florida. The Weldon-Brown amendment will restore $154,700,000 for a VA Medical Center in Brevard County, FL. This authorized project, included in President Clinton's budget for fiscal year 1996, has been planned for over 10 years.

Right now we have a disaster in Florida because Congress has not lived up to its commitment to veterans. The funds for this project will come from the Federal Emergency Agency Disaster Relief which has more than $7 billion and currently has $700,000 in discretionary funds.

Perhaps it was an oversight that the House Appropriations subcommittee decided to cut this funding. The 470 bed VA hospital will provide 240 acute care beds and 230 beds for Florida's mentally ill veterans.

Here are some of the shocking facts about Florida veterans:

First, one in every two veterans who moved last year, moved to Florida.

Second, Florida ranks second in the Nation in veterans population, but 46th in medical care funding by the VA.

Third, Florida has more than twice the national average of veterans per hospital bed.

Fourth, Florida VA facilities do not have long term beds for the mentally ill.

The Brevard VA Medical Center will greatly assist in caring for veterans, especially wounded or ill veterans—many of whom are fragile and aging World War II and Korean conflict veterans. These, and all, veterans should expect and receive good care. If we cannot protect veterans in their time of need, how can we ask them to stand in harms way to protect us?

We all know that American men and women—in the prime of their lives—willingly go to remote parts of the world to defend this country. Sometimes they do not return. Sometimes they return wounded. Sometimes they return with wounds that do not surface until years later. War is never without human cost.

There can be no backing down on this matter. A vote to keep this veterans' project is a vote to keep a promise to our veterans. This project is critically necessary to Florida veterans. We must fund this project. We owe this to our veterans.

I have in my hand a copy of a letter from the Secretary of Veterans Affairs, Mr. Jesse Brown, to Chairman Jerry Lewis. The letter is dated May 10, 1995. A part of the letter reads:

The need for additional VA hospital beds in Florida has been documented since December, 1992, when VA requested Congressionally mandated "Thirty-Year Study of the Needs of Veterans in Florida." This and subsequent analyses support the need for the Brevard facility and identify a significant population of veterans with inadequate access to care. The nearest inpatient facilities are approximately 120 miles from the Brevard County population center. The Brevard hospital will provide primary and secondary medical and surgical services and...
help fill a great need as a statewide referral center for chronically mentally ill veterans. The administration included in our fiscal year 1996 budget $154.7 million, which represents 11 percent of the total construction budget of the Brevard County VA Medical Center, because of the unique need for a new hospital in this area and our desire to avoid the need for repeated, partial requests in the future. We have been moving forward with the advance planning for this project I believe we have demonstrated that this project is not only appropriate but is it is the right thing to do, and it is particularly appropriate that this project be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

I have a letter from Major General Earl Peck, Executive Director, Department of Florida Veterans’ Affairs, dated July 27, 1995, which reads in part: “The veterans of Florida deeply appreciate the extraordinary efforts you and Dave Weldon are making to save the Brevard VA Medical Center. It would be patently unfair for the Congress to terminate the construction of this facility, and thus, freeze Florida veterans in a permanently disadvantaged status.”

Mr. Chairman, I submit for the RECORD the letter from the Secretary of Veterans Affairs, as well as the letter from Earl Peck, Executive Director, Department of Florida Veterans’ Affairs, dated July 27, 1995, and the Department of Veterans Affairs fiscal year 1995 budget submission, “Construction Appropriations and Authorization,” page 2-1, 2-2, 2-3, and the Department of Veterans Affairs fiscal year 1996 Budget Submission, “Construction Appropriation and Authorization,” page 2-11, 2-12, 2-13, and the Public Law referred to previously.

The material referred to is as follows: THE SECRETARY OF VETERANS AFFAIRS, Washington, May 10, 1995.

Hon. JERRY LEWIS, Chairman, Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. LEWIS: I am following up on my March 13, 1995, letter requesting approval of our proposal to reprogram $10 million from the Major Construction Working Reserve to the Advance Planning Fund. Of the $30 million proposed for reprogramming, a total of $5.5 million is needed to continue with our planning for the new Medical Center in Brevard County, Florida. I have not yet received an answer from you approving our proposal. Rather, we have been advised by Subcommittee staff that the reprogramming request has been approved for the Brevard project. As a result, as of May 1, the funding source for the Design Development of the Brevard County VAMC was exhausted, and we were forced to shut down this project. We strongly urge your approval of the reprogramming so that further delay and disruption can be avoided on this extremely important project.

The need for additional VA hospital beds in Florida has been documented since December 1982, when VA completed the Congresional Thirty-Year Study of the Needs of Veterans in Florida” (Public Law 97-101). This and subsequent analyses support the need for the Brevard facility and identify the population on the grounds in need of care with inadequate access to care. The ratio of VA hospital beds to veterans is only 1.4/1000 for Florida, while it is 2.0/1000 nationally. When the Brevard VAMC is completed, the ratio for Florida will still be only 1.69/1000. The nearest inpatient facilities to Brevard County, Orlando and Daytona Beach, are both approximately 120 miles from the Brevard County population center. The nearest outpatient facility is in Orlando, approximately 50 miles distant.

The Brevard hospital will provide primary and secondary medical and surgical services and has been designed to serve the regional center for chronically mentally ill veterans. Florida VA hospitals have a much smaller percentage of psychiatry beds than VA hospitals in the nation. The psychiatry beds for the chronically mentally ill. Private providers and insurance coverage simply do not offer the range of treatment and services necessary for the treatment of chronic psychiatric disorders. Even if these services were available from the private sector, reimbursement costs would be significantly higher than care through a VA facility. In 1989, the average cost of veteran admissions to non-VA hospitals in East Central Florida was 36.6 percent higher than care in VA hospitals. At Brevard County, using 1990 data, showed private sector costs were 35 percent to 113 percent higher than in VA hospitals. Hospitalization in a VA medical center is cost-effective treatment.

Plans for Brevard include a 120-bed nursing home on the grounds that has the highest percentage of veterans 65 years and older in the nation. They currently represent 30 percent of the state’s veteran population and the numbers are increasing. Based upon the 1990 census, approximately 1,100 VA-operated nursing home care beds will be needed in Florida by 2005. VA currently operates 840.

In keeping with the fundamental changes which are taking place in modern health care, VA is moving vigorously toward outpatient treatment in lieu of hospitalization wherever medicine allows it. We are working to expand the number of cost-effective ambulatory care centers which provide primary acute and urgent care to veterans. However, both ambulatory care centers and nursing homes must be supported by modern inpatient services or they fail to offer the continuum of care necessary for the effective care of our veterans.

The Administration included in our FY 1996 budget $171.9 million for construction of the Brevard County VAMC, because of the unique need for a new hospital in this area and our desire to avoid the need for repeated, partial requests in the future. We have been moving forward with the advance planning for the project; and, at this time, our architect has selected the architectural proposal which was the product produced by the architectural office, since they will soon be forced to disband the design team to other projects. It will also delay the schedule, forcing our veterans to wait longer for accessible medical care, and will increase the project cost through inflation.

I believe we have demonstrated the value and need for this project. Therefore, I urge you to promptly authorize us to continue our mission to our Nation’s veterans by addressing recognized needs of Florida’s veterans. It is the right thing to do, and it is particularly appropriate that this project be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

Sincerely,

JESSE BROWN.

STATE OF FLORIDA, DEPARTMENT OF VETERANS’ AFFAIRS, OFFICE OF THE EXECUTIVE DIRECTOR

Hon. MERRIELEWIS, House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN BROWN: The veterans of Florida deeply appreciate the extraordinary efforts you and Dave Weldon are making to save the Brevard VA Medical Center. It would be patently unfair for the Congress to terminate the construction of this facility, and thus, freeze Florida veterans in a permanently disadvantaged status. Until we enjoy something approaching equitable access to VA health care, it will be patently unfair to force Florida veterans to the Advance Planning Fund. VA has already obligated about $1.945 billion from the Advance Planning Fund. Of the $10 million proposed for reprogramming, $5.5 million is needed to continue with our planning for the new Medical Center.

Thank you for the proposed amendment to HR 2099 and your continuing support for Florida veterans.

Sincerely,

E.G. PECK, MGen USAF (Ret),
DEPARTMENT OF VETERANS AFFAIRS, FISCAL YEAR 1996 BUDGET SUBMISSION
BREVARD COUNTY, FL, NEW MEDICAL CENTER AND NURSING HOME.

Proposal is to construct a new medical center with ambulatory care facilities and a nursing home.

I. Budget authority.

Total estimated cost $171,900,000
Available through 1995 $17,200,000
1996 request $154,700,000

II. Priority score: 9.06

III. Description of Project: A new 470-bed medical center and 120-bed nursing home care facility will be constructed in Brevard County. The hospital will provide 135 internal medicine, 60 intermediate care, 45 surgical and 230 psychiatric beds and an ambulatory care clinic to serve the veteran population in this newly defined distributed population planning base (DPPB) area. All associated site work, including surface parking spaces, is included in this project. An environmental impact statement has been accomplished in compliance with the National Environment Policy Act. IV. Provisions: The project is being made possible by provision of comprehensive primary care services which will ensure equity of access to America’s veterans irrespective of residence. The East Central Florida area has been identified for over ten years as a critically underserved area with a growing population of retired, limited income veterans. The project will provide comprehensive primary care and related services. Service delivery will be organized around the managed care concept with priority and preventive care as a foundation.

V. Alternatives to construction considered: In 1988, VA sent letters to hospitals located in the counties where construction of this new medical center was being considered, asking for the cooperation and involvement of the hospitals in this project. A VA constructed medical center on the grounds in the county where construction of this new medical center was being considered. It was particularly appropriate that the hospital be allowed to move forward at a time when a grateful Nation is commemorating the 50th Anniversary of the end of World War II.

Sincerely,

JESSE BROWN.
VA construction. No favorable responses were received.

VI. Mission/background.—The proposed new medical center in Brevard County, Florida, will be part of the Florida/Puerto Rico network. This network currently consists of five existing medical centers in Florida and one medical center in San Juan. Studies conducted in the early 1980's and revalidated in 1992, showed that, by the year 2005, VA will need approximately 1,000 additional hospital beds in the State of Florida to meet the veteran demand. A new VA medical center currently under construction in Palm Beach addresses a portion of the need for additional beds. The studies showed that a medical center in the East Central Florida area would serve a significant number of veterans that currently have no reasonable access to veterans health services. In March 1993, the Secretary of Veterans Affairs announced plans to construct new medical facilities to serve an expanding veteran population. Consideration was given to patient utilization and demographics, accessibility to other VA medical centers and projected patient lengths of stay. As a result, a site in Brevard County, near Rockledge, was chosen for construction of a VA medical center.

The new medical center will consist of 470 hospital beds and provide primary and secondary general medical and surgical care and acute psychiatric care. The medical center will have full ambulatory care capability. In addition, a 120-bed nursing home care unit will be constructed to address the critical need for nursing home care beds in the State of Florida.

VII. Affiliations sharing agreements.—This facility will not be affiliated with any medical schools.

VIII. Demographic data.—

<table>
<thead>
<tr>
<th>Current</th>
<th>Projected (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized beds:</td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>0</td>
</tr>
<tr>
<td>Nursing home care</td>
<td>0</td>
</tr>
<tr>
<td>Outpatient visits</td>
<td>0</td>
</tr>
</tbody>
</table>

VIII. Demographic data.—

VIII. Demographic data.—

IX. Schedule—

Complete design development—Project cost summary—

New construction: 22,524 gross square feet @ $127.94 $1,291,397

Alterations: N/A

Subtotal $1,291,397

Other costs:

- Site work, utilities, demolition, and surface parking: $13,057,000
- Allowance for specialized equipment: $507,000
- 120-bed nursing home care unit: (57,886 gsf) $7,293,000
- Energy plant: (22,945 gsf @ $462.47/gyf) $11,625,000

Total other costs: $32,482,000

Total estimated base construction cost: $133,879,000

Construction contingency (5 percent): $6,694,000

Technical services (10 percent): $14,057,000

Construction management firm costs: $4,113,000

xnolO 21,000

Total estimated base cost: $160,942,000

Inflation allowance to construction contract award: $10,957,000

Total estimated project cost: $171,900,000

X. Annual operating staff and equipment costs.—

<table>
<thead>
<tr>
<th>Project activation costs</th>
<th>Present facility operating costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment costs</td>
<td>$30,000,000 (I)</td>
</tr>
<tr>
<td>Time non-recurring cost</td>
<td>$14,900,000 (I)</td>
</tr>
<tr>
<td>Alteration costs (10 percent)</td>
<td>$2,302,000 (I)</td>
</tr>
<tr>
<td>Other recurring</td>
<td>$14,938,000</td>
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<tr>
<td>Total recurring</td>
<td>$86,688,000</td>
</tr>
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</table>

1 Not applicable.

DEPARTMENT OF VETERANS AFFAIRS FISCAL YEAR 1995 BUDGET SUBMISSION

BREVARD COUNTY, FL—NEW MEDICAL CENTER AND NURSING HOME

Proposal is to construct a new medical center with ambulatory care facilities and a nursing home as a joint venture with Patrick Air Force Base Medical Command.

I. Budget authority.—

Total estimated cost: $171,900,000

Available through 1994 1995 request 1996 or future

$17,200,000 17,200,000 154,700,000

Veteran Population Projections

<table>
<thead>
<tr>
<th>Year</th>
<th>Current Projected (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>282,620</td>
</tr>
<tr>
<td>2000</td>
<td>275,258</td>
</tr>
<tr>
<td>2005</td>
<td>257,952</td>
</tr>
</tbody>
</table>

X. Project cost summary—

1. Not applicable.
Costs:

- Site work, utilities, demolition and surface parking: $10,029,000
- Allowance for specialized equipment: $464,000
- Pre-design development allowance: 10 percent: $8,286,000

Total other costs: $18,779,000

Total estimated base construction cost: $91,145,000

Construction contingency (5 percent): $4,557,000

Technical services (10 percent): $9,570,000

Impact cost allowance: 1,600,000

Construction management firm costs: $2,752,000

Total estimated base construction cost: $109,624,000

Inflation allowance to construction contract award: $5,676,000

Total estimated project cost: $115,300,000

AN ACT To amend title 38, United States Code, to extend certain expiring veterans’ health care programs, and for other purposes.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE. This Act may be cited as the “Veterans Health Programs Extension Act of 1994”.

(b) TABLE OF CONTENTS. The table of contents of this Act is as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>I</td>
<td>GENERAL MEDICAL AUTHORITIES</td>
</tr>
<tr>
<td>2</td>
<td>II</td>
<td>CONSTRUCTION AUTHORIZATION</td>
</tr>
<tr>
<td>3</td>
<td>III</td>
<td>REFERENCES TO TITLE 38, UNITED STATES CODE</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>SEXUAL TRAUMA COUNSELING AND SERVICES</td>
</tr>
</tbody>
</table>
| 5       |       | AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF }

LIMITATION ON TIME TO SEEK SERVICES. The limitation on time to seek services of section 1720D is amended—

(1) by striking paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to veterans who—

(B) affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF }

LIMITATION ON TIME TO SEEK SERVICES. Subsection (a) of section 1720D is amended—

(1) by striking paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to veterans who—

(B) affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

SEC. 3. AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES.

SEC. 102. RESEARCH RELATING TO WOMEN VETERANS.

SEC. 103. EXTENSION OF EXPIRING AUTHORITIES.

(a) AUTHORITY TO PROVIDE PRIORITY HEALTH CARE FOR VETERANS EXPOSED TO TOXIC SUBSTANCES. Chapter 17 is amended—

(1) by striking out “June 30, 1994” and inserting in lieu thereof “December 31, 1994”; and

(2) by striking out “December 31, 1995” and inserting in lieu thereof “December 31, 1995”. 

(b) HEALTH RESEARCH. The Secretary, in carrying out the responsibilities under this section, shall foster and encourage the initiation and expansion of research relating to the health of veterans who are women.

(c) POPULATION STUDY. Section 103(1)(a) of the Veterans Health Care Act of 1992 (Public Law 102-585; 38 U.S.C. 7303 note) is repealed.

(d) PILOT PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE. Section 1720(1)(a) is amended by striking out “September 30, 1995” and inserting in lieu thereof “December 31, 1995”. 

(e) POLITICAL REALIGNMENT. Section 1720(a) is amended by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1995”. 

(f) PROGRAM FOR NONINSTITUTIONAL ALTERNATIVES TO NURSING HOME CARE. Section 1720(a) is amended by striking out “December 31, 1994” and inserting in lieu thereof “December 31, 1995”. 

(g) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF }

LIMITATION ON TIME TO SEEK SERVICES. Subsection (a) of section 1720D is amended—

(1) by striking paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to veterans who—

(B) affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(a) AUTHORITY TO PROVIDE TREATMENT SERVICES FOR SEXUAL TRAUMA; REPEAL OF }

LIMITATION ON TIME TO SEEK SERVICES. Subsection (a) of section 1720D is amended—

(1) by striking paragraph (2); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) During the period referred to in paragraph (1), the Secretary may provide appropriate care and services to veterans who—

(B) affect women or members of minority groups, as the case may be, differently than other persons who are subjects of the research.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

SEC. 101. SEXUAL TRAUMA COUNSELING AND SERVICES.

(i) Demonstration Program of Compressed Work Therapy.--Section 7(a) of Public Law 102-54 (105 Stat. 269, 38 U.S.C. 1718 note) is amended by striking out "1994" and inserting in lieu thereof "1995."

(g) Report Deadlines.---Section 201(b) of the Department of Veterans Affairs Nurse Pay Act of 1990 (Public Law 101-366; 38 U.S.C. 1720C) is amended by striking out "February 1, 1994," and inserting in lieu thereof "February 1, 1995."

SEC. 201. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS AND MAJOR MEDICAL FACILITY LEASES.

(a) Projects Authorized.--The Secretary of Veterans Affairs may carry out the major medical facility projects for the Department of Veterans Affairs, and may carry out the major medical facility leases for the Department, for which funds are requested in the budget of the President for fiscal year 1995. The authorization in the preceding sentence to such veterans at the Department of Veterans Affairs under section 1710(e) of title 38, United States Code, during the period beginning on July 1, 1994, and ending on the date of the enactment of this Act is hereby ratified.

SEC. 202. AUTHORIZATION OF CONSTRUCTION AUTHORIZATION.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to compliment both of my colleagues from Florida on their tireless efforts to see that the veterans of Florida, the many thousands that are moving to Florida each and every week, are properly cared for. These are no questions that there is a crying need for these facilities. I would, however, oppose this amendment very strongly, and particularly tonight, in that the funding would come out of FEMA. As far as are seated in this Chamber tonight, a hurricane is bearing down on south Florida. That hurricane, we do not know whether it will come somewhere in the Florida Keys, or whether it will come in somewhere south of Sebastian, but right now it is predicted it is going to hit somewhere in south Florida. This would make a drastic need for FEMA and the funds that it carries, and it also, I think, really amplifies the need not to raid FEMA.

Several amendments have been offered under this bill that would raid these funds that will be desperately needed one day. Hopefully, south Florida will have learned tomorrow from the rages of this hurricane, but, nonetheless, it should underline to us our dependence in time of disaster upon FEMA.

I would, therefore, reluctantly, but very strongly, oppose this amendment.

Ms. BROWN of Florida. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Florida.

Ms. BROWN of Florida. Mr. Chairman, the gentleman is from Florida, and he knows we already have a disaster in Florida as far as the veterans and our lack of health care facilities in Florida. In the FEMA funds there is over $700 million in discretionary funds.

Mr. SHAW. Mr. Chairman, if the gentleman has completed her remarks, I think it is just a question that the timing is entirely wrong. The funding for FEMA is too important. I would urge a "no" vote.

POINT OF ORDER

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

Mr. LEWIS of California. Yes, I do, Mr. Chairman. I make a point of order against the point of order. The limitation in no way restricts the amount authorized in fiscal year 1995, not 1996 and beyond. The authorization of the project. This limitation is clearly limited only to the amount authorized in fiscal year 1995, not 1996 and beyond. The authorization for fiscal year 1996 and beyond remains intact. Section 202 does not affect this.

On this basis, I ask the chair to rule on the point of order and allow for consideration of the amendment.

Mr. LEWIS of California. Mr. Chairman, it is a known fact that the President's fiscal year 1995 budget requires funds for the VA hospital in Brevard. Additionally, with regard to the chairman's statements that section 202 places a limitation on section 201, I strongly disagree with his interpretation.

The limitation may apply to the amounts that can be appropriated for these accounts in fiscal year 1995, however, the limitation in no way restricts the authorization of the project. This limitation is clearly limited only to the amount authorized in fiscal year 1995, not 1996 and beyond. The authorization for fiscal year 1996 and beyond remains intact. Section 202 does not affect this.

On this basis, I ask the chair to rule on the point of order and allow for consideration of the amendment.

Ms. BROWN of Florida. Mr. Chairman, I also want to go on record as saying this Brevard County project is more in order than other back-door projects that have been allowed by the chairman and that are not authorized. I submit these projects for the record. I know they are all worthwhile. However, they have not been authorized for this year. I am submitting those 5 projects.

Further, I quote from the joint statement of the Committee on Veterans' Affairs which appears in the Record on October 7, 1994, regarding Public Law 103-452, title II, construction authorization: "The committee notes that some major medical facility projects in the VA fiscal year 1995 budget submission were authorized in a prior year and therefore do not require authorization under section 8014(a)(2) of title 38."

Mr. Chairman, it is a known fact that the hospital at Brevard County was partially funded in prior years. Therefore, based upon these facts, there should be no further need for authorization.

I also submit a letter from General Earl Peck and a letter from Secretary Brown to Chairman Lewis stressing the need for this project.

The CHAIRMAN (Mr. COMBEST). The Chair is prepared to rule.
The gentleman from California makes a point of order that the amendment offered by the gentleman from Florida violates clause 2 of rule XXI by providing an unauthorized appropriation.

The amendment proposes to insert a new paragraph at the end of the bill that would reduce the amount provided for Federal Emergency Management Agency—Disaster Relief and provide appropriations to the Department of Veterans Affairs for the construction of a medical facility in Brevard County, FL.

The gentleman from Florida has not met his burden of proving that appropriations for fiscal year 1996 for a major medical facility project unless funds for that project have been specifically authorized by law. Section 201(a) of Public Law 103-452 authorizes any major medical facility project submitted by the President for fiscal year 1995. As mentioned by the gentleman from Florida, the Brevard County project is included in the President’s 1995 budget request, as well as in the 1996 budget request. However, the authorization carried in section 201(a) of Public Law 103-452 is constrained by an accompanying limitation in section 202(b), which states that such projects may “only be carried out using funds appropriated for fiscal year 1995,” thus limiting all authorizations for appropriations to fiscal year 1995 funds.

The amendment would change the works-in-progress exception provided for in clause 2(a) of rule XXI may not be invoked for this project because the project is governed by a lapsed authorization. The amendment specifies that such projects may be used as raiding jobs from one State to another, which is contrary to the intent of the amendment.

Mr. KLECZKA. Mr. Chairman, I move to strike the last point of order.

Mr. Chairman, I have an amendment at the desk that the gentleman from Wisconsin [Mr. KLECZKA] and I had planned to offer.

Last week I asked the Committee on Rules to craft the VA±HUD rule in a manner that would give the Members of this House the opportunity to vote up or down on our proposal. Unfortunately, it was not adopted. Because Members will not be permitted to vote on this issue, I would like to just take a moment to explain why it was proposed.

Last year thousands of workers in my community got a major slap in the face when their employer told them their jobs would be moved to another part of the country.

If that was not bad enough, these loyal employees had salt rubbed in their wounds a short time later when they learned that their own Federal tax dollars would be used to help move their jobs elsewhere. Nearly a quarter of a million dollars in Community Development Block Grant funds would not be used to help the company they worked for expand a plant and move the jobs to another State.

Earlier this year, we learned that another company would be relocating its production facilities to Wisconsin. At that time, it was announced that $500,000 in CDBG funds would be used as part of the incentive package which lured the company to move these jobs.

These actions are dead wrong. The CDBG Program is designed to Foster Community and Economic Development, not to help move jobs around the country. Although we cannot reverse what has already happened, our amendment would stop this from happening again.

Our amendment would add an antipiracy provision to the Community Development Block Grant Program administered by the Department of Housing and Urban Development. It would prevent the use of Federal funds from being used to move jobs from one part of the country to another.

Congress and the executive branch have recognized the importance of preventing this type of economic relocation in the past. Similar antipiracy provisions are currently in effect for Economic Development Administration grants, Small Business Administration programs, and grant programs for dislocated workers.

And, as you may recall, our amendment received solid bipartisan support and passed the House as part of a bill reauthorizing HUD programs last year.

More recently, the White House Conference on Opportunity and Small Business overwhelmingly passed a resolution in June calling on Congress to ban the direct or indirect use of Federal funds of any kind that would lure existing jobs and businesses from one area to another. This issue is now one of 60 national issues endorsed by the Conference.

Mr. Chairman, I believe the Members of the House should have been given the opportunity to vote on this important initiative. If adopted, Wisconsin taxpayers and other taxpayers across our country would no longer be forced to pick up the tab for transferring jobs from their State.

Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, it is too bad that the amendment before us is not in order on this bill. Let me just say a couple of words about the Community Development Block Grant Program.

We are not here to decry the benefits because in our State and many other States it has worked so well. But it is not and it has never been incepted to be used as raiding jobs from one State to another. Last year it happened in Wisconsin on a couple of occasions. Maybe if it happens to the State of California and New York and some other States, we will get more support on the House floor to change this. I would hope the chairman of the committee but also the authorizing committee, will look at this and deem it to be an essential part of any reform of the CDBG Program.

Again, it was never authorized and not meant to be a means of raiding jobs from one State to another. Maybe when it happens to Members from other States, you might be taking the floor and helping us out getting this amendment passed in a more appropriate way.

I thank my colleague from Wisconsin for yielding.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995 and today proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN]; amendment No. 38 offered by the gentleman from Michigan [Mr. DINGELL]; and an unnumbered amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The Chair will reduce to 5 minutes the time for any electronic voice vote after the first vote in this series.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995 and today proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 7 offered by the gentleman from Illinois [Mr. DURBIN]; amendment No. 38 offered by the gentleman from Michigan [Mr. DINGELL]; and an unnumbered amendment offered by the gentleman from Nevada [Mr. ENSIGN].

The Chair will reduce to 5 minutes the time for any electronic voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. DURBIN:

Page 59, line 3, insert before the period the following:

"Provided further, That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate and expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known human carcinogen.

Mr. VOLKMER. Mr. Chairman, I would like to take this opportunity to correct the numerous factual errors committed by the gentleman from Texas last Friday during last week’s debate on the Durbin-Wilson amendment to H.R. 2069.

First, I would like to tell the distinguished gentleman from Texas that the Continental Cement plant he referred to is not located in Hanover, MO. In fact, there is no Hanover, MO. It is located in my hometown of Hannibal. However, this error was only the first of many in his statement about the Continental Cement.

The gentleman from Texas stated the EPA standard for arsenic emission is .4 parts per million and in 1993 the actual emission of the
The CHAIRMAN. Pursuant to the order of the House of Thursday, July 27, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has noted prior proceedings.

The vote was taken by electronic device, and there were—ayes 188, noes 228, not voting 18, as follows:

**AYES—188**

The amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENSIGN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada [Mr. Ensign] on which further proceedings were postponed on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were ayes 121, noes 296, not voting 17, as follows:

AYES—121

[Vote roll not provided]
I hope we repeat that message this evening. If we do not, if we fail, the burden will be on those who switched their votes.

Exactly what did these Members learn over the weekend?

Did the environment suddenly become less fragile over the weekend? Did their constituents lose their fondness for clean air and water? Do their constituents no longer expect the Federal Government to ensure that the air they breathe and the water that they drink and the food that they eat will not injure them?

Mr. Chairman, I urge my colleagues to follow their principles and once again, to prove to the American people that this Congress, and particularly the Republicans in this Congress, are committed to open political processes and environmental safeguards. Vote yes, once again, on the Stokes-Boehlert amendment.

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

Mr. BOEHLERT. I yield to my colleague from Delaware [Mr. CASTLE], the former governor of Delaware and a trusted and loyal supporter of worthy causes, particularly those involving the environment.

Mr. CASTLE. I thank the gentleman for yielding, and I will be very brief. I urge those Members who stood up on Friday, and had I been present, I would have cast my vote in the affirmative.

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be providing the cheapest possible protection for the greatest number of tenants in this country as our Nation’s housing policy.

Mr. LEWIS of California. Mr. Chairman, this will not take very long. I do want to know that the delegation from Massachusetts brings up a very, very important point. It is an item that I have been concerned about in my own county in California. Literally, it is not our objective, as we try to streamline housing and the programs that impact the people in Section 8 housing. There is little doubt that our bill moves in the direction of providing the kind of flexibility the gentleman is calling for within the department to ensure that they select those options that will not be less expensive, but also serve people better.

So Mr. Chairman, I want to express my appreciation to my colleague and also say that we will evaluate this in depth and work with you as we go between here and conference.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the chairman’s comments and look forward to working with him and other members of the committee.

Mrs. ROUKEMA. Mr. Chairman, during debate on the VA/HUD appropriations bill, I have discussed several of its provisions with my colleague Mrs. WATERS, with whom I worked last year when I was the ranking member of the Subcommittee on Housing and Community Development. I would like to assure my colleague that the rent reform provisions contained in H.R. 2099 are very similar though not identical to those contained in H.R. 3838.

First, Federal preferences have been eliminated in favor of local preferences, enabling PHAs to establish a preference for working families. Second, ceiling rents have been included in the legislation so that families who live in public housing will never have to pay more of their income than the apartment is actually worth. These provisions will have several very important effects: working families will be encouraged to remain in public housing, providing role models for children as well as additional rental income for PHAs. Additionally, Federal micromanagement of public housing will be reduced in favor of local decision-making.

As the former ranking member of the Housing Subcommittee, I worked hard to include these provisions in last year’s housing bill, H.R. 3838. Unfortunately, H.R. 3838 did not become law because the legislation passed in the House but not the Senate. I was roundly criticized, therefore, to see that the appropriations bill started the process of reforming this part of the public and assisted housing programs. It is my understanding that additional reforms will come when a comprehensive housing bill is introduced by Mr. LAZIO, the new chairman of the subcommittee.

In my statements last week, I also mentioned that the rent increases in the section 8 program did not affect the Section 202 and Section 811 elderly and disabled housing programs. I want the record to be extremely clear. Though the vast majority of these projects have been built with grants, some buildings were financed with Section 8 assistance. Only those projects financed with Section 8 will receive rent increases estimated to be about $12/month. This appropriations bill does not recognize the distinctions between the new program and the old Section 8 financing system. I believe this was an oversight. Nevertheless, rent increases would be inappropriate, and I will work assertively to see that they are dropped in the final conference report.

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

Mr. Chairman, I will not take any time, but my colleagues, if you will, have indicated in the course of this bill. The only chair that I would prefer not to be sitting near besides my own would be that of the gentleman who had the chair through this arduous process. I hope the entire House gives appreciation to the gentleman from Texas, LARRY COMBEST, for truly a tremendous job, and we appreciate it.

Mr. Chairman, during the consideration of this bill by the full committee, an amendment offered by Mr. COLEMAN to the VA part of the report was adopted. This language was inadvertently omitted in the printing of the language. The VA is to treat the following language as if it had been printed in House Report 104-201:

EL PASO VA STAFFING FLEXIBILITY

The Committee is aware of the difficulty in staffing several Veterans Administration Medical Facilities in the southwest, particularly El Paso, Texas. This situation is compounded by the budgetary constraints the VA faces in allocating FTEEs among its facilities. The Committee urges the VA Regional Sectors, especially its Southern Regional Sector, engage in intra-region FTEE transfers during the fiscal year for purposes of staffing as warranted by changing circumstances in VA medical facilities. The Committee urges the VA to review the staffing situation in El Paso and to move personnel as necessary to meet the new service demands that will exist if veterans are not required to travel to other VA facilities for treatment.

The CHAIRMAN. The Chair is much appreciative.

If there are no further amendments, the Clerk will read the final three lines of the bill.

The Clerk read as follows:

This Act may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996”.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported the bill being considered, having had under consideration the bill (H.R. 2099), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 201, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. LEWIS of California. Mr. Speaker, I demand a separate vote on the Amendment No. 66, the so-called Stokes amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put the remaining amendments en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 53, line 18, strike ‘‘Provided’’ and all that follows through ‘‘appropriate’’ on page 55, line 9.

Page 55, line 19, strike ‘‘Provided’’ and all that follows through ‘‘concerns’’ on page 59, line 13.

The SPEAKER pro tempore. The question is on the amendment.

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayeas 210, noes 210, not voting 14, as follows:

[Roll No. 605]
So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I am opposed to the bill. I offer a motion to recommit.

The motion to recommit offered by Mr. STOKES was agreed to by the fellows, as above recorded.

The SPEAKER pro tempore. The Clerk reads as follows:

The bill was ordered to be engrossed and third read.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume. I urge my colleagues to recommit this bill now, with these riders in this respect before the people of the Nation.

Mr. Speaker, it is clear that lobbyists and special interests are playing fast and loose with cancer and lead contamination. In the name of ending regulation, we are leaving American families vulnerable. We are exposing them to the risk of cancer, and our children to the danger of lead poisoning.

For those who argue, Mr. Speaker, that this is part of the new revolution, let me tell them this is a no-course-correction when it comes to regulation. It is a full-scale retreat from environmental safeguards that have been accepted by responsible businesses, which have been implemented by health officials across the Nation, and have been counted on by American families to protect them from these dangers. These Republican-inspired proposals will reduce environmental standards on deadly chemicals like arsenic, benzene, dioxin, lead, and other cancer-causing substances.

This particularly endangers children in America and the elderly. They are the first to be vulnerable to contamination. We now have a chance to at least demonstrate some conscience when it comes to environmental safeguards.

For those who voted against my amendment earlier, the amendment offered by the gentleman from Texas [Mr. WILSON], and I, saying the 167 riders have been stricken, they are back in the bill; 17 exceptions, 17 exceptions for special interest groups that want to get off the hook. We cannot get off the hook. We have to face the music. What we are facing here is the kind of dangers which in fact will take human lives.

I beg the Members, at the very least, make it clear. The Environmental Protection Agency can establish these standards and protect our families. Say to the lobbyists and special interest groups, we are going to draw the line at contamination by lead poisoning. We are going to draw the line when it comes to the public health of America. That is the least we can do this evening. The question now for each of us is whether or not we can stand for that safeguard. I hope that we will.

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

Mr. Speaker, the motion to recommit we submit is essentially the Durbin amendment, which was offered in the Committee of the Whole earlier.

Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, the House has now acted and reversed the position taken by a majority of the Members last Friday. Those who took the position that we should have 17 individual riders in this bill, which virtually weaken the environmental protection for families across America, have prevailed. They have had a big weekend. They have reached Members to solidify their votes and other Members to win their votes, but unfortunately, the real losers here are the families which count on this Government to protect them from unseen hazards in air and water.

If we have made the decision this evening that this Environmental Protection Agency will not enforce the law, the question on this vote is whether or not this Environmental Protection Agency will still be able to protect American families from the dangers of cancer-causing substances: Arsenic, dioxin, benzene, lead, and known carcinogens.
Mr. DOYLE changed his vote from "yea" to "nay." So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the question is on the yeas and nays ordered.

The vote was taken by electronic device, and there were yeas 228, nays 193, not voting 13, as follows:

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POSTPONING VOTES DURING CONSIDERATION OF H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2126, the Defense Appropriations Act of 1996, pursuant to the provisions of House Resolution 205, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may require that a vote be taken not less than 5 minutes before the time for voting by electronic vote on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. Speaker, in explanation of that unanimous-consent request, I would like the Members to be advised that this evening we will conduct general debate on this bill and debate amendments in title I and title II. We will also consider the C-17 amendment in title III, and after conclusion of the C-17 amendment, the Committee will rise.

We have no expectation of any further recorded votes this evening.

The SPEAKER pro tempore (Mr. YOUNG of Florida). Mr. Speaker, in explanation of that unanimous-consent request, I would like the Members to be advised that this evening we will conduct general debate on this bill and debate amendments in title I and title II. We will also consider the C-17 amendment in title III, and after conclusion of the C-17 amendment, the Committee will rise.

We have no expectation of any further recorded votes this evening.

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

There was no objection.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, and that the bill be called up in an arena of hostility and to provide some quality of life for those men and women who serve in our uniformed services who are prepared to do just that.

Procurement has been reduced over the last 10 years by 70 percent.

This bill does a little bit to turn that around. While we do provide an increase for procurement, we also add funds for readiness and cost-of-living adjustments, pay raises, in uniforms, and things of this type.

We have reduced over 120 programs from the amounts requested by the President. We have fully funded the military pay raise, and have also added $90 million for housing allowances. We have added $1 billion for property maintenance, and much of that goes for the renovation and the repair of our barracks. Many of our soldiers are today living in World War II barracks that are pretty rundown, and we need to make a considerable change there.

This bill does that.

Mr. Chairman, there were several philosophies involved here. One was...
about the impact of this long range decline of 
also for unglamorous but equally critical sys-
helicopter and the F-15 E tactical fighter and 
for critical programs such as the Blackhawk 
tives are not being achieved for key systems 
the committee. The procurement account in 
appropriate, the extent of the builddown implicit in 

I would like to give you an example of some of the shortages we have identi-
ted that would be extremely important 
to our military should they be called 
into a hostile situation. If I can have 
the help of a page, I would like to 
roll out this scroll, and Members take 
a look at it; we will just twist it a lit-
tle bit to the side.
You will see there are hundreds and thousands of items that you will never 
hear about, but are important to the 
conduct of our military institutions. If 
you will notice, we have highlighted in 
blue a number of those areas that we 
have been able to take care of in this 
bill. Again, no one is ever going to 
agree with everything. They are 
not controversial. But they are 
things that need to be done to make 
sure that our national defense estab-
lishment continues to function as it 
always has in a very, very strong way. So 
there is the end of the line.

Mr. Chairman, I bring to the House of Rep-
resentatives the fiscal year 1996 Defense 
 appropriations bill. This has been a historic year in 
The House of Representatives.
In the first 100 days we passed the Contract 
With America as we promised the American 
people.
Ten appropriations bills and major tax legis-
lation have also passed and in those bills the 
majority party has stood by the commitment 
that anytime this is going to change made during the watershed election of 
1994.
While it is true that much work remains to 
be done in this session and many important 
bills are yet to be passed, no legislation is 
more important or vital than the bill we are 
about to act on—the fiscal year 1996 Defense 
appropriation bill. Over two centuries ago our 
Founding Fathers embodied in the Constitu-
tion the sacred obligation of the Congress to 
“provide for the common defense.” Mr. Chair-
man, this bill fulfills that constitutional obliga-
tion.
Before describing in some detail the specif-
ics of this bill, I want to extend my thanks to 
the ranking minority member of the sub-
committee, the gentleman from Pennsylvania 
[Mr. Murtha]. His advice and input was 
valuable in the development of this bipartisan 
bill. I also extend my thanks to the chairman 
of the full committee, Mr. Murtha, for his 
counsel and support in the development of this 
legislation. All members of the subcommit-
tee played a key role in the hearings and the 
markup and I congratulate each of them for a 
job well done.

The Appropriations Committee is recommen-
ding to the House a total of $244.1 
 billion new budget and a Department of 
Defense for fiscal year 1996. This 
funding level is: $2.5 billion above the current 
fiscal year; $2.2 billion below the House-
passed authorization levels; and $7.8 billion 
below the budget request.
These spending levels do not include funds for 
construction or the nuclear weap-
ons program of the Department of Energy. 
Those funds are included in other appropria-
tions bills. At this point in the RECORD I 
would like to include a table outlining the committee’s 
recommendations by account.

![Table of Budgetary Estimates and Appropriations](image)

The Defense budget submitted by the ad-
ministration continued the decade long decline in 
defense spending. While we all agree that a 
significant downsizing of the force structure 
that was in place during the cold war is appro-
priate, the extent of the builddown implicit in 
the budget submitted is a serious concern to 
the committee. The procurement account in 
the budget request was the lowest in 45 years when 
measures in constant dollars. Production 
lines are being shut down and inventory object-
ives are not being achieved for key systems 
for critical programs such as the Blackhawk 
helicopter and the F-15 E tactical fighter and 
also for unglamorous but equally critical sys-
tems such as trucks, ammunition and numer-
ous other low-profile but essential programs.
The committee has also serious concerns about the impact of this long range decline of 
resources for defense on morale and readi-
ness. Because of the constant deployments to 
a series of unbudgeted contingency oper-
ations, at one point in the fall of last year, over 
100,000 U.S. troops were deployed in such 
operations. The incremental cost of these op-
erations were often funded by transferring 
funds from ongoing programs. This had the 
impact of specific units standing down oper-
ations, canceling scheduled training and defer-
ring maintenance. As a result, earlier this 
fi-
cal year three Army divisions had their readiness 
ratings decline to a C-3 level. This rating 
level means that the divisions effected could 
not undertake all wartime missions, had de-
creased flexibility, increased vulnerability, and 
required significant resources to offset defi-
ciencies. In response to these realities, the 
items recommended by the committee in this 
bill begins to slow the decade long decline in 
defense spending, increases the production 
uses of many key programs and improves the 
quality of life and readiness levels of our 
troops.

WORLD REMAINS A DANGEROUS PLACE
As the daily news makes clear, the post-
cold-war era remains a volatile and dangerous 
time. Ethnic, cultural, and religious conflict 
continues in many areas of the world. Instabil-
ity in most states of the former Soviet 
Union continues. Significant military threats in the 
Persian Gulf region and the Korean Peninsula 
are continuing. At least 20 countries, many of 
them hostile to the United States, have now or 
are seeking to develop nuclear, biological, 
and/or chemical weapons to deliver them. 
As the world’s only superpower, it is vital that 
America remains the world’s finest 
est fighting force. In response to the global 
situation and the decade-long decline in defense 
resources the committee has taken a number of 
initiatives as described below.

HIGHLIGHTS OF COMMITTEE’S RECOMMENDATIONS
As detailed in the report accompanying this 
bill, the committee’s recommendations and 
objectives are in three broad categories.
1. Ensure that the greatly downsized force structure is of the highest caliber, has a high level of readiness and a reasonable quality of life.

2. Ensure that a modernization program is in place which addresses the shortfalls of equipment for our current forces and also provides for the security needs of the future.

3. Ensure that we are getting the best return on our expenditures for defense by eliminating those programs which from the committee’s perspective are of marginal military value, and reforming or refocusing other programs which have encountered technical problems or have a lower long range payoff.

Quality of life: The committee has taken a number of steps to improve the quality of life of the men and women of our Armed Forces and their dependents. We have added almost $670 million to the budget request for housing allowances and overseas station allowances. Because of the decline in the value of the dollar subsequent to the budget submission, service personnel and their dependents stationed overseas would face severe budgetary shortfalls without this increased funding. Funds were also increased for military recruiting. Because of the relatively high turnover rate of the active force, it is absolutely essential that high quality recruits enter the service.

Additional funds for real property maintenance, $256 million is included for the renovation and upgrades of barracks. On-site inspections by committee members and testimony before the committee detailed the rundown conditions of many of the living facilities for our Armed Forces.

Readiness: Various units have undergone a deterioration in readiness in recent times because of a shortfall of funds. For example, in addition to the 3 Army divisions mentioned earlier, last September 8 Marine Corps aviation squadrons were grounded for the entire month, and 28 Marine and Navy squadrons had to ground over one-half of their aircraft. There has also been a deferral of programmed ship and aircraft maintenance because of funding shortfalls. To remedy this serious situation the committee has taken numerous initiatives including an increase of $210 million for training in specific areas where shortfalls were identified in testimony.

The bill also provides an increase of $379 million to help alleviate the enormous backlog of equipment that needs maintenance-repair to meet operational standards. A total of $1 billion was added for real property maintenance. In addition to the aforementioned funds for barracks enhancement included in this increase, funds are also provided to upgrade and enhance the physical assets of numerous mission essential programs.

Importantly, the committee has added $647 million above the budget for the ongoing operations in and around Iraq—for example, Operations Provide Comfort and Southern Watch. Despite the fact that these operations are entering their fourth year, they have never been budgeted for by the administration. The addition of these funds ensure that other operating accounts will not be raided to fund these ongoing operations.

CONCLUSION

Mr. Chairman, I urge passage of H.R. 2126, the fiscal year 1996 Department of Defense appropriation bill.

This bill is a bipartisan effort which had widespread support from both parties in the subcommittee markup and in the full committee markup.

The bill is: $7.8 billion above the budget request; $2.2 billion below the authorized level; $2.5 billion, or 1 percent, above the current fiscal year; and is within the 602(b) allocation for defense.

Mr. Chairman, I reserve the balance of my time.
Some of those items are in this bill. In my view, for instance, it is simply not a rational division of priorities for us to decide that we are going to see reductions in programs that support senior citizens living near the edge of poverty, to the point in time, to see education in recognition that that is crucial to improving people’s lot in life, to see reductions in job training programs and economic development programs, and yet seeing this bill commit to spend some $70 billion for the F-22, a plane which we do not need at this time, to see the recommendation made in the bill to exceed the number of B-2’s that have been requested by the Joint Chiefs of Staff at a cost of well over $1 billion a plane. I just one of those would pay the entire tuition bill for every single student at the University of Wisconsin in Madison for the next 12 years, just one of those planes, to put that in context. It seems to me that that is a wasteful expenditure we should not be providing.

We are debating that tomorrow, but also other reductions that we ought to be having in DOD travel, in star wars.

Even in my own district, the gentleman from Pennsylvania tells me that two Members of the House who have been suggesting the elimination of a defense facility, military facility, in his own district. The committee has not seen fit to share my judgment on that, but it seems to me that that is an example of things which are not in the best interest, in my judgment, not necessary, given the squeeze on the budget. So we will be dealing with this more tomorrow. I wanted to get that off my chest.

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

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

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

An amendment striking sections 8021 and 8024 of the bill is adopted. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member who has caused an amendment to be printed in the Congressional Record in the Congressional Record. Those amendments will be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed day, a postponement that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes. The Clerk will read.

The Clerk reads as follows:

H.R. 2126

Be it enacted by the Senate and House of Representa-tives in Congress assembled. That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military functions administered by the Department of Defense, and for other purposes, namely:

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 420 note), to the Department of Defense Military Retirement Fund; $19,884,608,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 420 note), to the Department of Defense Military Retirement Fund; $17,006,363,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere), marine corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,122,566,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of the Reserve provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 420 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,294,620,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 10308 of title 10, United States Code; or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, or other duty, for members of the Army Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,122,566,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code; or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, or other duty, for members of the Marine Corps Reserve on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, or other duty, for members of the Air Force Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $366,101,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, or other duty, for members of the Air Force Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $366,101,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard while serving on active duty under sections 10211, 10302, and 10308 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, or other duty, for members of the Air National Guard while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, or other duty, for members of the Air National Guard personnel of the Air Reserve while undergoing reserve training, or while performing drills or equivalent duty, or other duty, and for members of the Air Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $366,101,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, and 12402 of title 10 or section 708 of title 32, United States Code, or while serving on active duty under section 12301(d) of title 10 or section 5021 of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty, or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,240,858,000.
NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under title 10, section 1231, 10305, or 12902 of title 10, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, $10,933,280,000; for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, as authorized by law, and not to exceed $25,000,000 may be available by this appropriation to the Armed Forces for transportation expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty for National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Secretary of Defense; and $50,000,000 shall not be obligated or expended until authorized by law.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,521,000, of which not to exceed $2,500,000 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,222,200,000, to remain available until transferred: Provided, That the Secretary of Defense, or the head of an agency to which funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States) of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $15,000,000. Provided, That funds appropriated under this heading shall not be available for obligation until September 30, 1997.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $50,000,000. Provided, That funds appropriated under this heading shall not be available for obligation until September 30, 1997.

FOMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons of mass destruction, and weapon-related technology and expertise; for programs relating to the training and support of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard Reserve; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from the Department of the Army, Department of the Navy, and Department of the Air Force, and services incident to the maintenance and use of military personal property, as authorized by law; and $1,119,191,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications: $1,119,191,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications: $104,783,000.

OPERATION AND MAINTENANCE, NAVY

For expenses of training, organizing, and administering the Navy, as authorized by law; and not to exceed $4,151,000 can be used for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes: $19,999,825,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, ARMY RESERVE

For operation and maintenance of the Army Reserve, as authorized by law, $6,521,000, of which not to exceed $2,500,000 can be used for official representation purposes.

PROVISIONS OF LAW CONCERNING THE TRANSMISSION OF FUNDS

For operation and maintenance, Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repair to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying of such as may be furnished from the National Guard Bureau; travel expenses (other than mileage) on the same basis as authorized by law for military personnel on active duty; and communications (including aircraft): $2,344,087,000.

H 8056

CONGRESSIONAL RECORD Ð HOUSE

July 31, 1995

T H E H A I R M A N. Are there amendments to title II? If not, the Clerk will designate title II.

The text of title II is as follows:

T I T L E II
OPERATION AND MAINTENANCE
Operation and Maintenance, Army (including transfer of funds)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,457,000 can be used for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes: $10,999,555,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, NAVY (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,151,000 can be used for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes: $19,999,825,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps Reserve, as authorized by law; $2,508,822,000.

OPERATION AND MAINTENANCE, AIR FORCE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,326,000 can be used for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes: $18,894,397,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) and the United States Court of Appeals for the Federal Circuit that are not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,588,000 can be used for travel, transportation, and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.
The DeFazio-Neumann amendment reduces by $50 million the operational support aircraft account. This account funds executive travel and administrative costs. I would like to read from a June 1995 GAO report, and I am just going to read very briefly a few words out of it to show why are bringing this amendment.

The report states that, “The existing number of aircraft dedicated to OSA missions has been and continues to be excessive. Our review shows that the current OSA inventory is 10 times greater than the number of OSA aircraft used in the theater during the Persian Gulf War.”

The bottom line is we have extra money in this account. It can be reduced. The DeFazio-Neumann amendment suggests we reduce by $50 million to a sum remaining of $196.31 million in this account.

So this amendment will reduce by $50 million available in this account.

Mr. Chairman, I would reiterate that this $50 million will not harm military readiness operations functions in any way, shape or form, but will cut down an unnecessary administrative cost in executive travel and force the operations support aircraft fleet to trim its budget.

Mr. Chairman, I would conclude by urging my colleagues to support the DeFazio-Neumann amendment.

Mr. DeFAZIO. Mr. Chairman, I move to strike the amendment.

Mr. Chairman, I want to thank the gentleman from Wisconsin [Mr. NEUMANN] for his leadership on this issue. This is an example that if Congress applies the proper scrutiny to the Pentagon, the same scrutiny that is being applied to many other budgets of the Federal Government, there are places to save funds.

The GAO report that the gentleman mentioned that Senator from Iowa and I have co-sponsored found that the OSA aircraft far exceed the wartime needs of the Pentagon, and they are routinely used for missions that have no urgency, missions where the generals or the assistant secretaries involved could make the same trip on commercial aircraft for a fraction of the cost. The helicopters which are used frequently between Andrews Air Force Base and the Pentagon at a cost of between $400 and $1,600 more per trip, saving 12 minutes, but boosting a lot of egos, are also a place where this amendment would apply.

Mr. Chairman, it is time the same strictures are applied to the Pentagon that we are applying to other parts of the Federal budget. This is definitely an area where funds could be saved.

Mr. Chairman, I was not here for the opening dialog, but my understanding is that perhaps the committee is going to accept the amendment. I would like at this point to engage the chairman in a brief colloquy.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?
could save around $800 million is accurate or not. They point out that the percentage difference between what this processing costs DOD and what it costs in the private sector is 30 percent versus 6 percent. I do not know how far down you can bring that number. But certainly, if the General Accounting Office thinks that you can bring it down to the tune of $800 million, we ought to be able to bring it down by at least $100 million.

Mr. Chairman, this amendment does not do that. It simply says that we will cut this account by $50 million to indicate our concern about the problem. The Defense Department is aware of the problem. They are in the process of instituting reforms to try to deal with it, but they have not yet been able to put those in place to any appreciable degree. It seems to me that we have a requirement as an institution to indicate that we expect this problem to be attacked and to be attacked quickly, which is why I offer the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last requisite number of words.

Mr. Chairman, again, I would say to the gentleman that the subcommittee, as he knows, reduced this account by $40 million. We do believe that the additional $50 million will not create any undue burdens, and we are prepared to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. SKAGGS

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

The CHAIRMAN. The amendment offered by Mr. SKAGGS: Page 9, line 11, strike "$9,956,810,000" and in lieu thereof insert "$80,683,000"; on page 35, line 11, strike "$75,683,000" and in lieu thereof insert "$80,683,000".

Mr. SKAGGS. Mr. Chairman, this amendment would move $5 million from the operation maintenance account dealing with, in particular, travel, and shift that $5 million into the account for intelligence community management.

Mr. Chairman, the purpose is to provide those funds for the continued operation of this Environmental Task Force, which has been a very important initiative within the intelligence community to make intelligence products declassified and available for use by the scientific community and by various agencies of Government.

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

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

Mr. MURTHA. Mr. Chairman, we have discussed this in some detail, and there are various consumers of intelligence product around the Government; and there is concern about who really should be paying for this, and it is a good project, but our concern was who should pay for it.

Mr. Chairman, the gentleman from Pennsylvania [Mr. MURTHA] has stated our position very well. In the conference with the other body, we believe we will be able to work this out. Mr. SKAGGS. I appreciate the comment of the gentleman.

As I am sure the gentleman is aware, there are various consumers of intelligence product around the Government; and they have not yet been able to put in place to any appreciable degree. It seems to me that we have a requirement as an institution to indicate that we expect this problem to be attacked and to be attacked quickly, which is why I offer the amendment.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title III PROCUREMENT.

The text of title III is as follows:

TITLE III

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $892,890,000, to remain available for obligation until September 30, 1998.

Procurement of Aircraft, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $892,890,000, to remain available for obligation until September 30, 1998.

Procurement of Aircraft, Army

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $892,890,000, to remain available for obligation until September 30, 1998.
equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment necessary for the foregoing purposes, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machinery tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,796,211,000, to remain available for obligation until September 30, 1998. Provided. That of the funds appropriated in this paragraph, $109,800,000 shall not be obligated or expended until authorized by law.

Procurement of Ammunition, Navy and Related Equipment

For construction, procurement, production, and modification of equipment, including spare parts, and accessories thereof; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,480,670,000, to remain available for obligation until September 30, 1998. Provided. That of the funds appropriated in this paragraph, $81,605,000 shall not be obligated or expended until authorized by law.

Air Craft Procurement, Air Force

For construction, procurement, production, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories thereof; special- ized equipment; expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $130,651,000 shall not be obligated or expended until authorized by law.

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories thereof, ground handling equipment, and training devices; expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machinery tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $87,140,703,000, to remain available for obligation until September 30, 1998. Other Procurement, Navy

For procurement, production, and modernization of support equipment and material for the Armed Forces; expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machinery tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $480,852,000, to remain available for obligation until September 30, 1998. Provided. That of the funds appropriated in this paragraph, $4,310,703,000, to remain available for obligation until September 30, 1998. Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles for replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machinery tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,928,425,000, to remain available for obligation until September 30, 1998.

Procurement, Defense-Wide

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles for replacement only; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machinery tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,187,085,000, to remain available for obligation until September 30, 1998. National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other equipment for the reserve components of the Armed Forces; $95,125,000, to remain available for obligation until September 30, 1998. Provided. That of the funds appropriated in this paragraph, $38,125,000 shall not be obligated or expended until authorized by law.

Amendment offered by Ms. Furse

Ms. FURSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. Furse: On page 23, strike "$7,162,603,000," and insert "$7,140,703,000." Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?
There was no objection.

Ms. FURSE. Mr. Chairman, this is a very simple amendment. This is to cut $21.9 million from an aircraft procurement account for spare parts. That $21.9 million is more than what is required, and the amendment would merely remove that $21.9 million from the $117 million.

Mr. YOUNG of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we appreciate the amendment being offered. We are very much aware of the amendment and agree with this amendment, and we are prepared to accept it.

Ms. FURSE. I thank the Chairman and I thank the ranking member.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon [Ms. FURSE].

The amendment was agreed to.

Mr. YOUNG of Florida. Mr. Chairman, I move the committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOLLING), having assumed the chair, Mr. SENSENBRENNER, 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. 2126), making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

WAIVING PROVISIONS OF LEGISLATIVE REORGANIZATION ACT OF 1970 REQUIRING ADJOURNMENT OF CONGRESS BY JULY 31

Mr. SENSENBRENNER. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 89) waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31.

Mr. SENSENBRENNER. Mr. Speaker, I rise under a previous order of the House, announced policy of May 12, 1995, and for other purposes.

The SPEAKER pro tempore. Under the Speaker’s announced policy of May 12, 1995, the concurrent resolution will be for consideration for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. WELLER] is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, this week marks the 30th birthday of Medicare, this week marks the 30th birthday of Medicare. I need to remind the Bureau of Land Management to this issue. It is imperative that we bring the separation of powers back under control as envisioned by our Founding Fathers.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOLLING), having assumed the chair, Mr. SENSENBRENNER, 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. 2126), making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Mr. BOLLING. Under the Speaker’s announced policy of May 12, 1995, and for other purposes, the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under the Speaker’s announced policy of May 12, 1995, the gentleman from Illinois [Mr. WELLER] is recognized for 5 minutes.

Mr. WELLER. Mr. Speaker, I rise tonight to speak with you about an issue that is touching me with regards to the activities of the Bureau of Land Management and the Rangeland Reform Act that is now pending before the committees here in the House and in the Senate. Shockingly the Bureau of Land Management, Mr. Babbitt, and the Clinton administration have ordered a communications plan designed to discredit the Livestock Grazing Act before committee hearings were even held on the act and before the legislation has been finalized. It is obvious, Mr. Speaker, that through this action the Clinton administration has no desire to work with Congress on grazing issues so important to our lifestyle, our culture, our economic base, and our way of life in the West.

Mr. Speaker, the job of the Bureau of Land Management is very plain and simply to carry out the laws passed by Congress, not to use taxpayer dollars to lobby the media or attempt to write the public is able to see and to say to the lawmakers and to the policy makers in this Nation it is time, it is time, Mr. Speaker, that through this action the Bureau of Land Management to this issue. It is imperative that we bring the separation of powers back under control as envisioned by our Founding Fathers.

Mr. Speaker, it is only when we are able to bring this out in the public and the public is able to see and to say to the lawmakers and to the policy makers in this Nation it is time, it is time, Mr. Speaker, that the members of the Bureau of Land Management and various other agencies abide by the same course of law and standard of law that nonpublic employees must live and abide by.

WILL MEDICARE SEE ITS 40TH BIRTHDAY?

The SPEAKER pro tempore. Under the Speaker’s announced policy of May 12, 1995, the concurrent resolution will be for consideration for 5 minutes each.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise under a previous order of the House, announced policy of May 12, 1995, and for other purposes, the House, the following Members will be recognized for 5 minutes each.

Mr. FOX of Pennsylvania. Mr. Speaker, this week marks the 30th birthday of Medicare, very important health care program for our senior citizens, and this week is very important, that we look to Medicare and see how we
can strengthen, preserve, and protect Medicare.

We have heard disturbing news, however, that Medicare, as strong as it has been, as much good as it has done, could be in trouble unless we make some fundamental changes. Currently, the Medicare board of trustees has reported in a bipartisan fashion to the Clinton administration that in fact, if Medicare is not preserved, protected, and improved within 7 years' time, the Medicare fund will be bankrupt. In fact, the current insurance trust fund, which pays beneficiaries' bills, begins to run a deficit in the near future. Only 2 years following the initial problems we will find there to be $326 billion in the hole.

Republicans and some reform-minded Democrats in the House of Representatives recognize the gravity of the situation, Mr. Speaker, we know that Medicare must be protected for the sake of current and future beneficiaries. To do this, we have determined that there are six basic principles which will guide our efforts to strengthen, preserve and protect the Medicare Program.

First, we must act immediately to preserve or current retirees and to protect the system for the next generation of beneficiaries. The President's trustees have reported that the Medicare Part A Trust Fund will be bankrupt in 7 years. Medicare must be preserved and prompt, decisive action— at once—is imperative.

Second, Medicare spending will increase at a controlled rate. Under the proposed new budget, spending per beneficiary will increase at least from $4,800 this year to $6,700 over the next 7 years, and that includes adjustment for new beneficiaries.

Third, senior citizens deserve the same choices available to other Americans. Medicare currently gives seniors only one choice—an outdated, bureaucratic fee-for-service program that is rife with waste, fraud, and abuse. Our seniors, like all Americans, deserve to choose a plan that best fits their personal needs.

Fourth, Government must not interfere in the relationship between patients and their doctors. Medicare currently dictates to doctors how to treat patients, limits patient options and worse, it has buried both the patient and the doctor under an avalanche of duplicative regulations. To succeed in reforming the system, we need to ease this burden by reducing regulation and needless paperwork.

Fifth, senior citizens should be rewarded for helping to root out waste, fraud and abuse in the system. Seniors have proven themselves to be fine stewards of public funds by frequently calling and reporting on fraud and abuse in the Medicare system. We need to reward their efforts to make the system more efficient. According to the Government Accounting Office (GAO), there already exists $44 billion in fraud, waste and abuse in the Medicare/Medicaid system.

Sixth, strengthening Medicare is too important to be left to "politics as usual." All Americans see how important it is for Medicare to be saved. They expect Republicans and Democrats to work together to get the job done and that is exactly what we will do, Mr. Speaker.

To help find the best solutions on a local level, many of us have formed local Medicare preservation task forces, as I have in the 13th District of Pennsylvania. Our task force has taken public testimony from doctors, health care professionals, insurance companies, and health care consumers to suggest a course of action that we should take to preserve and protect Medicare. The task force has had four hearings, heard from dozens of witnesses and has read volumes of materials regarding possible solutions. They are drafting a report which has been prepared for my inspection on September 5 when I will have a public meeting in the district at a town meetinging at Montgomery County Community College on Labor Day. I will present the task force report to the people of the 13th District, and thereafter, Mr. Speaker, I will transmit back to this House those suggestions so that we may make the kinds of legislative initiatives that will preserve, protect and preserve Medicare as the outstanding health care program for our seniors which it has been.

Saying Medicare will make the 30th birthday of Medicare a happy occasion after all. By working together, Republicans and Democrats, we can save Medicare for the beneficiary of today and tomorrow, and by doing so we will insure that Medicare will have a bright future and many happy returns.

THE FAILURE TO ENFORCE ENVIRONMENTAL LAWS

The SPEAKER pro tempore. Under a previous order, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to talk tonight briefly about what happened with regard to the VA, HUD, and EPA appropriations bill, and specifically the amendment sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] on a bipartisan basis which was in effect turned around tonight.

Mr. Speaker, I think many people do not realize in the House of Representatives you can vote once in what we call the Committee of the Whole, which is what happened with this bill last week, and have a vote one way, but again, when the bill comes to the full House, as it did tonight, you can have the same amendment or provision, and the bill can go another way, and what happened essentially, Mr. Speaker, is that over the weekend the Republican leadership spent its time trying to convince Members not to get Members back here so that in fact today, when this amendment came up again, the vote went the other way, and what I consider a very good amendment that was sponsored on a bipartisan basis by both Democrats and Republicans was defeated.

The appropriations bill that we took up today essentially does great damage to the environment by including something like 17 riders, as we call them, that would prohibit expenditures of funds for enforcement of environmental protection.

Mr. Speaker, when I was first elected to the House of Representatives back in 1986, I believe the main reason I was elected was because I said I would come here and try to protect the oceans and try and protect the environment. We had gone through a summer in New Jersey where we had medical waste wash up on the beaches. Our beaches were closed. People were very concerned about what the Federal Government was doing to protect the environment, particularly clean water, and we passed some major legislation over the last 7 or 8 years that increases protection of the environment not only with clean water, but in a lot of other areas, and the most important aspect of that is enforcement because, if you think about it, you can pass all the environmental bills you want, you can have every environmental agency that you can possibly have, but if you do not have the money to hire people to go out and enforce the law, you might as well not have the laws on the books, and that is what we were facing here today, a bill, an appropriations bill, that cut back by one-third the amount of money that was available to the Environmental Protection Agency to enforce the law and riders, if you can call them, or provisions that were put into this appropriations bill that made it difficult, if not impossible, for the EPA to enforce environmental laws.

The amendment sponsored by the gentleman from Ohio [Mr. STOKES] and the gentleman from New York [Mr. BOEHLERT] would have changed all that and taken out these riders, and, as I said, pass last week. And for the weekend a lot of pressure was put on this Congress, particularly the Republican Members, to try to make sure that that bill, that amendment failed today, and it did in fact fail today.

To give you an idea of some of the provisions that are in this bill now, without that amendment having passed, the spending package includes more than 17 substantive riders which will gut key environmental provisions by prohibiting spending for implementation and enforcement.

Mr. Speaker, let us talk about the Clean Water Act, which is so important to my district and to coastal states. Basically, the bill would bring enforcement of the existing law to a halt. It prohibits spending for any protection programs. It blocks the Great Lakes water quality initiative. It bars efficient guidelines and water quality...
standards. It freezes storm water permits and it also stops enforcement of sewer overflow permits. If you think of those things collectively, they add up to gutting the Clean Water Act.

With regard to the Clean Air Act, it makes the clean air operating permit program voluntary. It exempts refineries from air toxic standards. It allows full credit for ineffective auto emission inspection and maintenance programs. It exempts the oil and gas industry from accident prevention programs. It provides special treatment for cement kilns and exempts those trip reduction strategies in state clean air plans. Mr. Speaker, some of these things I am providing are from an analysis put together by the Natural Resources Defense Council.

On the Safe Drinking Water Act, which is so important to so many communities in this country, the bill prohibits, on EPA’s issuance of tap water standards for arsenic, a known human carcinogen, it prohibits the EPA’s issuance of a tap water standard for radon and other radionuclides. Other environmental protection programs are gutted. There is a threat, essentially, to the community right to know program. It is gutted. There are major cuts in the energy efficiency program. It also revokes the Delaney clause.

Mr. Speaker, the bill essentially repeals the Federal Food, Drug and Cosmetic Act’s prohibition on the use of cancer causing pesticides in foods when the pesticides concentrate in processed foods, such as in the making of apple sauce. All in all, this is a very bad piece of legislation. It is really a shame tonight that we saw the reversal on the Stokes-Boehlert amendment.

LEAVE OF ABSENCE
By unanimous consent, leave of absence was granted to:
Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.
Mrs. THURMAN (at the request of Mr. GEPHART) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED
By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:
(The following Members to revise and extend their remarks and include extraneous material:)
Mr. SCHROEDER, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. MILLER of California, for 5 minutes, today.
Mr. ROMERO-BARCELÓ, for 5 minutes, today.
Mr. MARTINEZ, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.
Mr. SKAGGS, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. HUNTER, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. McKee, for 5 minutes, today.
(The following Members (at the request of Mr. SENSENBRENNER) to revise and extend their remarks and include extraneous material:)
Mr. WELLER, for 5 minutes, today.
Mr. JONES, for 5 minutes, on August 1.
Mr. FOX of Pennsylvania, for 5 minutes, on August 1.
(The following Member to revise and extend his remarks and include extraneous material:)
Mr. PALLEONE, for 5 minutes, today.

EXTENSION OF REMARKS
By unanimous consent, permission to revise and extend remarks was granted to:
Mr. SENSENBRENNER. Mr. Speaker, I move that the House do now adjourn.
(The following Members (at the request of Ms. FURSE) to include extraneous matter:)
Mrs. SCHROEDER.
Mr. RASHALL.
Mr. STARK.
Mrs. COLLINS of Illinois.
Mr. DIXON.
Mr. HILLIARD.
Mrs. MALONEY.
Mrs. MINK of Hawaii.
Mr. BORSKI.
Mr. STOKES.
Mr. DINGELL and to include extraneous matter on H.R. 2099 in the Committee of the Whole today on the Dingell-Brown amendment.
(The following Members (at the request of Mr. SENSENBRENNER) to include extraneous matter:)
Mrs. JOHNSON of Connecticut.
Mr. BAKER of California.
Mr. SCHIFF.
Mr. ALLARD.
Mr. HORN.
Mr. WAXMAN, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $3,497.

ADJOURNMENT
Mr. PALLEONE. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 10 o’clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, August 1, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.
Under clause 2 of rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

1281. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(b)(a); to the Committee on International Relations.

1282. A letter from the Administrator, Agency for International Development, transmitting the quarterly update report on development assistant program allocations for the State of New Jersey, pursuant to Public Law 101-508, section 912(c) (104 Stat. 1388-369); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS
Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:
Mr. ROBERTS: Committee on Agriculture. H.R. 701. A bill to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO; with an amendment (Rept. 104-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROBERTS: Committee on Agriculture. H.R. 1874. A bill to modify the boundaries of the Talladega National Forest, Alabama; with an amendment (Rept. 104-216). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUHLER: Committee on Transportation and Infrastructure. H.R. 2017. A bill to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; with an amendment (Rept. 104-217 Pt. I). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1675. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; with an amendment (Rept. 104-219). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL
Under clause 5 of rule X, the following action was taken by the Speaker:
H.R. 197. The Committee on Government Reform and Oversight discharged. H.R. 197 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL
Pursuant to clause 5 of rule X the following action was taken by the Speaker:
H.R. 197. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than July 31, 1995.
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. SCHIFF (for himself, Mr. FAWELL, Mr. HASTERT, Mr. WAMP, Mr. BACH, Mr. CALIFORNIA, and Mrs. MORELLA):
H.R. 2142. A bill to promote the scientific, technological, and the national security interests of the United States through establishing missions for and streamlining Department of Energy laboratories, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mr. ABERCROMBIE, Mr. BORSKI, Mr. BROWN of California, Mr. DEFAZIO, Mr. DEUTSCH, Mr. ENGEL, Mr. FARR, Mr. FAWELL, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHY, Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. KLECKZA, Mr. LANTOS, Mr. LEONARD of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. McDERMOTT, Mr. MANTON, Mrs. MALONEY, Mr. MARKNEY, Mr. MARTINEZ, Mr. MINETA, Mrs. MOORHEAD, Mr. MORAN, Mr. NADLER, Mr. OWENS, Mr. PORTER, Ms. ROYBAL-ALLARD, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHAYS, Mr. STAHL, Mr. TORELLI, Mr. TOWNS, Mr. VENTO, Mr. WAXMAN, and Mr. YATES):
H.R. 2143. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory cattle, sheep, swine, horses, mules, or goats, and for other purposes; to the Committee on Agriculture.

By Mr. BARRETT of Nebraska (for himself, Mr. HAMILTON, Mr. JACOBS, Mr. SKELETON, Mr. EMERSON, Mr. VOLKMER, Mr. BEREUTER, Mr. FUNDERBURK, Mr. EHLERS, Mr. BROWNBACK, Mr. KINGSTON, Mr. BRYANT-FULTON, Mr. BURWELL, Mr. BUNNING of Kentucky, Mr. HEINEMAN, and Mr. CHAMBILISS):
H.R. 2144. A bill to amend title 49, United States Code, to establish a greater degree the ability of utility providers to establish, improve, operate, and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers by removing limitations on maximum driving and on-duty time in regard to utility vehicle operators and drivers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GILCHREST (for himself, Mr. SCHUSTER, Mr. MINETA, Mr. WISE, and Mr. OWENS):
H.R. 2145. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. J ONSON of Connecticut:
H.R. 2146. A bill to amend the Internal Revenue Code to extend the nonconventional fuel tax credit; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr. LUCAS, and Mrs. CHENOWETH):
H.R. 2147. A bill to amend the Federal Crop Insurance Act to permit producers greater discretion in selecting crop insurance plans for the prevention of catastrophic risk protection and to amend the Agricultural Act of 1949 to clarify the prevented planting rule for the calculation of crop acreage bases; to the Committee on Agriculture.

By Mr. SENSENIBRENNER:

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

H. Res. 4. Memorial of the House of Representatives of the State of Maine, relative to memorializing the Administrator of the Environmental Protection Agency to require development of a gasoline that reduces ozone without endangering health; to the Committee on Commerce.

H. Con. Res. 14. Memorial of the House of Representatives of the State of Texas, relative to requesting the Congress of the United States to continue its efforts to determine the location and status of all U.S. military personnel still missing in Southeast Asia; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. BONO and Mr. CANADY.
H.R. 580: Mr. PETERSON of Minnesota, Mr. SANDERS, and Mr. MINETA.
H.R. 543: Mr. LATHAN and Mr. HANSEN.
H.R. 789: Mr. GALLEGLY.
H.R. 863: Mr. SANDERS.
H.R. 942: Mr. DICKS, Mr. FLAKE, Mrs. MCKINNEY, Mr. TUCKER, Ms. WATERS, and Mr. PALLONE.
H.R. 1226: Mr. EMERSON, Mr. ANDREWS, and Mr. LINDER.
H.R. 1423: Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. WAXMAN, Mr. BORSKI, Mr. DELUMAS, Mr. KENNEDY of Massachusetts, and Mrs. DELAUR.}
H.R. 1549: Mr. CALVERT.
H.R. 1639: Mr. CALVERT, Mr. HUNTER, and Mr. LOBIONDO.
H.R. 1687: Mr. FOX, Mr. ANDREWS, Mr. PALLONE, and Mr. HINCHY.
H.R. 1871: Mr. HORN, Mr. BLIBRAY, Mr. WALSH, Mr. RIGGS, and Mr. DOOLITTLE.
H.R. 1833: Mr. DEAL of Georgia, Mr. DELAY, Mr. POMBO, Mr. SOUDER, and Mr. DICKEY.
H.R. 1846: Mr. ORTIZ, Mr. SCHUMER, Mr. GUTIERREZ, Mr. WAXMAN, Mr. LOBIONDO, Mr. BIBB, Mr. SANDERS, Mr. SCHUMER, Mr. BESCHLOSS, Mr. TEJEDA, Mr. ROMERO-BAJARO, Mr. ABERCROMBIE, and Mr. FLAKE.
H.R. 2045: Mr. McDERMOTT.
H. Res. 70: Mr. PAYNE of New Jersey.
H. Res. 174: Mr. MORMINO, Mr. CARROLL, Mr. LEWIS of Georgia, Mr. WATT of North Carolina, and Ms. FURSE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1555. Offered by Mr. MARKAY

AMENDMENT NO. 2: Page 126, after line 16, insert the following new subsection (and redesignate the succeeding subsections and accordingly):

"(f) STANDARD FOR UNREASONABLE RATES FOR CABLE PROGRAMMING SERVICES.—Section 623(c)(2) of the Act (U.S.C. 543(c)) is amended to read as follows:

"(2) STANDARD FOR UNREASONABLE RATES.—The Commission may only consider a rate for cable programming services to be unreasonable if such rate has increased since June 1, 1995, determined on a per-channel basis, by a percentage that exceeds the percentage increase in the Consumer Price Index for All Urban Consumers (as determined by the Department of Labor) since such date.""

Page 130, line 16, insert "and" after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

"(d) UNIFORM RATE STRUCTURE.—A cable operator shall have a uniform rate structure throughout its franchise area for the provision of cable services.

Page 130, line 16, insert "and" after the semicolon, and strike line 20 and all that follows through line 2 on page 131 and insert the following:

"(m) SMALL CABLE SYSTEMS.—A small cable system shall not be subject to subsections (a), (b), (c), or (d) in any franchise area with respect to the provision of cable programming services, or a basic service tier where such tier was the only tier offered in such area on December 31, 1994.

"(2) DEFINITION OF SMALL CABLE SYSTEM.—For purposes of this section, "small cable system" means a cable system that—'

"(A) directly or through an affiliate, serves in the aggregate fewer than 250,000 cable subscribers in the United States; and

"(B) directly serves fewer than 10,000 cable subscribers in its franchise area.

Offered by Mr. MARKAY

AMENDMENT NO. 3: Page 150, beginning on line 24, strike paragraph (1) through line 17 on page 151 and insert the following:

"(I) NATIONAL AUDIENCE REACH LIMITATIONS.—The Commission shall prohibit a person or entity from obtaining any license if such license would result in such person or entity directly or indirectly owning, operating, or controlling, or having a cognizable interest in, television stations which have an aggregate national audience reach exceeding 35 percent. Within 3 years after such date of enactment, the Commission shall conduct a study on the operation of this paragraph and submit a report to the Congress on the development of competition in the television marketplace and the need for any revisions to or elimination of this paragraph.

Page 150, line 4, strike "(a) Amendment.—" and insert "and consistent with section 613(a) of this Act.

Page 154, strike lines 9 and 10.

H.R. 1555.

Offered by Mr. MARKAY

AMENDMENT NO. 4: Page 157, after line 1, in the following text (and redesignate the succeeding sections and conform the table of contents accordingly): SEC. 304. PARENTAL CHOICE IN TELEVISION PROGRAMS.

(a) FINDINGS.—The Congress makes the following findings:
(1) Television influences children’s perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television operators, and video program producers should follow practices in connection with video programming that take into consideration that television broadcast and cable television programming has a pervasive presence in the lives of American children.

(3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.

(4) The best studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life that children exposed to that programming at an older age. Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.

(5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.

(6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding their ability to develop responsible attitudes and behavior in their children.

(7) Parents express grave concern over violent, sexual, or other programming that they consider harmful to children.

(8) There is a compelling governmental interest in empowering parents to limit the exposure of their children to violent and sex-oriented programming that is harmful to children.

(9) Providing parents with timely information about the nature of upcoming video programming and using the technological tools that allow them to easily block violent, sexual, or other programming that they believe harmful to their children is the least restrictive and most narrowly tailored means of achieving that compelling governmental interest.

(b) ESTABLISHMENT OF TELEVISION RATING CODE—Section 330 of the Act (47 U.S.C. 330) is amended by adding at the end the following:

``(v) Prescribe—

``(I) on the basis of recommendations from an advisory committee established by the Commission that is composed of parents, television broadcasters, television program producers, cable operators, appropriate public interest groups, and other interested individuals from the private sector and that is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and that programming in the home that they consider harmful.

``(II) a State or local government or instrumentality thereof acts on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services; and

``(iii) any decision by a State or local government or instrumentality thereof to authorize the placement, construction, modification, or operation of such facilities is in the public interest, convenience, and necessity; and

``(B) by adding after subsection (b) the following new subsection (c):

``(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in such section unless such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

(d) SHIPPING OR IMPORTING OF TELEVISIONS THAT BLOCK PROGRAMS—(1) REGULATIONS. Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

``(A) by redesignating subsection (c) as subsection (d); and

``(B) by adding after subsection (b) the following new subsection (c):

``(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in such section (whether or not in accordance with the guidelines and recommended procedures prescribed under paragraph (3)) that allows parents to block programming based on common ratings, and the Commission shall amend the rules prescribed pursuant to section 330(w) to require that the apparatus described in such section be equipped with both the blocking technology described in such section or the alternative blocking technology described in this paragraph.

``(2) CONFORMING AMENDMENT. Section 330(w) of such Act, as redesignated by subsection (a)(1), is amended by striking "section 330(s), and section 330(u)" and inserting in lieu thereof "sections 330(s), 330(u), and section 330(w)".

``(3) FACILITIES SITING. (A) Except as provided in subparagraph (B), the Commission may regulate the placement, construction, modification, or operation of such facilities on the basis of the environmental effects of radio frequency emissions, to the extent that such facilities comply with the Commission’s regulations concerning such emissions.

``(B) Any person adversely affected by any determination made by the Commission concerning such emissions may file a request for review with the appropriate court and the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

``(i) is reasonably, but does not discriminate among commercial mobile service providers, and is limited to the minimum necessary to accomplish the State or local government’s legitimate purposes; and

``(ii) does not prohibit or have the effect of excluding any commercial mobile service; and

``(iii) any decision by a State or local government or instrumentality thereof to authorize the placement, construction, modification, or operation of such facilities is in the public interest, convenience, and necessity; and

``(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

``(c) REQUIREMENT FOR MANUFACTURE OF TELEVISIONS THAT BLOCK PROGRAMS. Section 303 of the Act, as amended by subsection (a), is further amended by adding at the end the following:

``(w) Require, in the case of apparatus designed and manufactured in the United States or imported for use in the United States and that have a picture screen 13 inches or greater in size (measured diagonally), that such apparatus be equipped with circuitry designed to enable viewers to block display of all programs with a common rating, except as otherwise permitted by regulations pursuant to section 330(c)(4).''.

``(2) EFFECTIVE DATE OF MANUFACTURING PROVISION. In prescribing regulations to implement the amendment made by subsection (c), the Federal Communications Commission shall, after consultation with the television broadcasting industry, specify the effective date for the applicability of the requirements of the amendment, which date shall not be less than one year after the date of the enactment of this Act.

``(3) APPLICABILITY AND EFFECTIVE DATES. (A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and

``(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

``(C) Any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (i) the district court of the United States for the district in which the instrumentality is located; or (ii) any State court of general jurisdiction having jurisdiction over the parties.

``(D) Any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (i) the district court of the United States for the district in which the instrumentality is located; or (ii) any State court of general jurisdiction having jurisdiction over the parties.

``(H.R. 1555)

``OFFERED BY: MR. MORAN

``AMENDMENT NO. 5: Page 90, beginning on line 11, strike paragraph (7) through page 93, line 6, and insert the following:

``(7) FACILITIES SITING.—(A) Except as provided in subparagraph (B), the Commission shall be prohibited from engaging in any rulemaking that preempts or has the effect of preempts State or local regulation of the placement, construction, modification, or operation of facilities for the provision of commercial mobile services.

``(b) ESTABLISHMENT OF TELEVISION RATING CODE—Section 330 of the Communications Act of 1934 (47 U.S.C. 330) is amended—

``(A) by redesignating subsection (c) as subsection (d); and

``(B) by adding after subsection (b) the following new subsection (c):

``(c)(1) Except as provided in paragraph (2), no person shall ship in interstate commerce, manufacture, assemble, or import from any foreign country into the United States any apparatus described in such section (whether or not in accordance with the guidelines and recommended procedures prescribed by the Commission pursuant to the authority granted by that section.

``(2) This subsection shall not apply to carriers transpiring to be referred to in paragraph (1) without trading it.

``(3) The rules prescribed by the Commission under this subsection shall provide for the oversight by the Commission of the adoption of standards by industry for blocking technology. Such rules shall require that all such apparatus be able to receive the rating signal transmitted and identified by way of line 21 of the vertical blanking interval and which conform to the signal and blocking specifications established by industry under the jurisdiction of the Commission.

``(4) As new video technology is developed, the Commission shall take such action as the Commission determines appropriate to ensure that blocking service continues to be available to consumers. If the Commission determines that an alternative blocking technology exists that—

``(A) enables parents to block programming based on identifying programs without ratings.

``(B) is available to consumers at a cost which is comparable to the cost of technology that allows parents to block programming based on common ratings, and

``(C) with respect to any video programming that has been rated (whether or not in accordance with the guidelines and recommendations prescribed under paragraph (3)), enables the programming to be transmitted in such a manner as to permit parents to block the display of video programming that they have determined, for their children, is fairly balanced in terms of political affiliation, the points of view represented, and the functions to be performed by the committee, guidelines and recommended procedures prescribed under paragraph (3), is not suitable for their children.

``(D) any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (i) the district court of the United States for the district in which the instrumentality is located; or (ii) any State court of general jurisdiction having jurisdiction over the parties.

``(H.R. 2126)

``OFFERED BY: MR. BATEMAN

``AMENDMENT NO. 12: Page 28, line 11, insert "(increased by $8,000,000)" after the dollar amount.

``(ii) a State or local government or instrumentality thereof acts on any request for authorization to locate, construct, modify, or operate facilities for the provision of commercial mobile services; and

``(iii) any decision by a State or local government or instrumentality thereof to authorize the placement, construction, modification, or operation of such facilities is in the public interest, convenience, and necessity; and

``(B) agreed voluntarily to broadcast signals that contain ratings of such programming.

``(C) Any person adversely affected by any final determination made by a State or local government or any instrumentality thereof under this paragraph shall commence an action within 120 days after receiving such determination in (i) the district court of the United States for the district in which the instrumentality is located; or (ii) any State court of general jurisdiction having jurisdiction over the parties.

``(H.R. 2126)
II of this Act for ``AIRCRAFT PROCUREMENT, aircraft program. New production aircraft for the B±2 bomber this Act may be obligated or expended for mission, of the activity of the Army Operational Test and Evaluation Command, as a result of the report of the 1995 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126
Offered by: Mr. Farr
Amendment No. 16: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act or any other Act for any fiscal year may be obligated or expended in a total amount in excess of $5,700,000 for the relocation of Fort Bliss, Texas, as a result of the report of the 1996 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126
Offered by: Mr. Farr
Amendment No. 17: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds appropriated by this Act or any other Act for any fiscal year may be obligated or expended in a total amount in excess of $5,700,000 for the relocation of Fort Bliss, Texas, as a result of the report of the 1996 Defense Base Closure and Realignment Commission, of the activity of the Army Operational Test and Experimentation Command that is located at Fort Hunter Liggett, California, as of July 1, 1995.

H.R. 2126
Offered by: Mr. Farr
Amendment No. 20: Page 94, after line 2, strike out ``$18,999,825,000'' and insert in lieu thereof ``$18,809,825,000''.

H.R. 2126
Offered by: Mr. Neumann
Amendment No. 21: On page 9 of the bill, line 4, strike out ``$18,894,397,000'' and insert in lieu thereof ``$18,873,793,000''.

H.R. 2126
Offered by: Mr. Neumann
Amendment No. 22: On page 10 of the bill, line 10, strike out ``$2,248,008,000'' and insert in lieu thereof ``$2,334,487,000''.

H.R. 2126
Offered by: Mr. Neumann
Amendment No. 23: On page 10 of the bill, line 21, strike out ``$104,783,000'' and insert in lieu thereof ``$100,079,000''.

H.R. 2126
Offered by: Mr. Neumann
Amendment No. 24: On page 12 of the bill, line 3, strike out ``$2,344,008,000'' and insert in lieu thereof ``$2,344,487,000''.

H.R. 2126
Offered by: Mr. Neumann
Amendment No. 25: Page 88, after line 3, for the current fiscal year insert "or prior fiscal years."

Page 88, line 5, strike "serving in an operation or 60 days after the passage of this Act above the level of forces so deployed as of date of enactment."

H.R. 2126
Offered by: Mr. Obey
Amendment No. 29: Page 8, line 1, strike out "$18,999,825,000'' and insert "$18,809,825,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 30: Page 8, line 13, strike out "$20,846,710,000'' and insert "$20,756,710,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 31: Page 9, line 4, strike out "$18,894,397,000'' and insert "$18,804,397,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 32: Page 9, line 11, strike out "$9,958,810,000'' and insert "$9,818,810,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 33: Page 28, line 11, strike out "$13,110,335,000'' and insert "$12,910,335,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 34: Page 23, line 17, strike out "$7,162,603,000'' and insert "$6,669,603,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 35: Page 23, line 17, strike out "$7,162,603,000'' and insert "$7,122,603,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 36: Page 26, line 10, strike out "$908,125,000'' and insert "$969,125,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 37: Page 28, line 11, strike out "$13,110,335,000'' and insert "$12,910,335,000''.

H.R. 2126
Offered by: Mr. Obey
Amendment No. 38: Page 28, line 24, strike out "$9,029,666,000'' and insert "$8,579,666,000''.

H.R. 2126
Offered by: Mr. Sanders
Amendment No. 39: Page 94, after line 3, insert the following new section:
SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract that is prohibited by section 4(a) of the Buy American Act (41 U.S.C. 10b-1(a)).

H. R. 2126

Offered by: Mr. Sanders

Amendment No. 42. Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract when it is made known to the Federal official having authority to obligate or expend such funds that such contract is contrary to subsection (a) of section 4 of the Buy American Act (41 U.S.C. 10b-1), without regard to subsections (b) and (c) of such section.

H. R. 2126

Offered by: Mr. Sanders

Amendment No. 41. Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract for production or manufacture of an article outside of the United States unless the national unemployment rate for the United States during the first 6 months of fiscal year 1995 exceeded 4 percent.

H. R. 2126

Offered by: Mr. Sanders

Amendment No. 42. Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds made available in this Act may be used for salaries or expenses of any personnel of the Department of Defense who authorize, execute, or implement any procurement contract for production or manufacture of an article outside of the United States unless the national unemployment rate for the United States during the first 6 months of fiscal year 1995 exceeded 4 percent.

H. R. 2126

Offered by: Mrs. Schroeder

Amendment No. 43. Page 94, after line 3, insert the following new section:

SEC. 8107. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 3 percent.

H. R. 2126

Offered by: Mr. Skaggs

Amendment No. 44. Page 9, line 11, strike "$9,958,810,000" and in lieu thereof insert "$9,953,810,000"; on page 35, line 11, strike "$75,683,000" and in lieu thereof insert "$80,683,000".

H. R. 2126

Offered by: Mr. Spratt

Amendment No. 45. Page 94, after line 3, insert the following new section:

SEC. 8107. (a) Of the funds provided in title IV of this Act, not more than $100,442,000 may be obligated or expended for research, development, test, and evaluation for the Sea-Based Wide Area Defense (Navy Upper Tier) program, notwithstanding the proviso in the paragraph under the heading "Research, Development, Test, and Evaluation, Defense-Wide".

(b) The amount otherwise provided in title IV of this Act for "Research, Development, Test and Evaluation, Defense-Wide" is reduced by $100,000,000.

H. R. 2126

Offered by: Mr. Stockman

Amendment No. 47. On page 90, line 23, strike the word "should" and replace it with "must".

H. R. 2126

Offered by: Ms. Woolsey

Amendment No. 47. Page 94 after line 3, insert the following new section:

SEC. 8007. None of the funds appropriated in this Act may be used to modify any Trident I submarine to enable that submarine to be deployed with Trident II (D-5) missiles.

H. R. 2127

Offered by: Mr. Blute

Amendment No. 18. Page 75, after line 24, insert the following section:

SEC. 514. Of the total amount made available in title I of this Act, there is hereby made available for carrying out title XXVI of the Omnibus Budget Reconciliation Act of 1981 an amount that is equal to 2 percent of such total amount (exclusive of such funds) on a pro rata basis to provide such 2 percent.

H. R. 2127

Offered by: Mr. Ewing

Amendment No. 19. Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(1)(U)(iiiiii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

H. R. 2127

Offered by: Mr. Ewing

Amendment No. 20. Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to enforce the requirements of section 428(1)(U)(iiiiii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

H. R. 2127

Offered by: Mr. Goodling

Amendment No. 21. Page 45, line 7, strike "$1,057,919,000," and insert "$1,062,788,000, of which $4,869,000 shall be for the National Institute for Literacy; and".

H. R. 2127

Offered by: Mr. Goodling

Amendment No. 21. Page 45, line 7, strike "$1,057,919,000," and insert "$1,062,788,000, of which $4,869,000 shall be for the National Institute for Literacy; and"

H. R. 2127

Offered by: Mr. Goodling

Amendment No. 22. Page 45, line 7, strike "$255,107,000," and insert "$250,238,000.".

H. R. 2127

Offered by: Mr. Goodling

Amendment No. 22. Page 45, line 7, strike "$255,107,000," and insert "$250,238,000.".

H. R. 2127

Offered by: Mr. Goodling

Amendment No. 22. Page 45, line 7, strike "$255,107,000," and insert "$250,238,000.".

H. R. 2127

Offered by: Mr. Goodling

Amendment No. 22. Page 45, line 7, strike "$255,107,000," and insert "$250,238,000.".

H. R. 2127

Offered by: Mrs. Lowey

Amendment No. 30. On page 45 line 15, strike "and 3" and insert "3 and 4" and on page 45 line 17, strike "6,916,915,000" and insert "6,920,915,000".

H. R. 2127

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the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812). 

H.R. 2127

OFFERED BY: MR. STOCKMAN

AMENDMENT NO. 66: On page 41, strike lines 9 and 9 and add the following new section:

"Sec. 209. No funds appropriated under the provisions of this title may be used for funding to any jurisdiction that sanctions physician-assisted suicide.

This title may be cited as the 'Department of Health and Human Services Appropriations Act of 1996'.'"

H.R. 2127

OFFERED BY: MR. STOCKES

AMENDMENT NO. 67: On page 2 line 15, strike $3,180,441,000 and insert $3,185,441,000.

On page 2 line 16, strike $2,936,154,000 and insert $3,436,154,000.

On page 2 line 21 strike $95,000,000 and insert $120,000,000.

On page 2 line 23, after the ":" insert: "and of which $650,000,000 shall be available from January 1, 1995, through June 30, 1995 for the Summer Youth Employment and Training Program".

H.R. 2127

OFFERED BY: MR. STOCKES

AMENDMENT NO. 68: On page 2 line 15, strike $1,155,000,000 and insert $1,157,919,000.

On page 2 line 16, strike $2,936,154,000 and insert $3,436,154,000.

On page 2 line 21 strike $95,000,000 and insert $120,000,000.

On page 2 line 23, after the ":" insert: "and of which $650,000,000 shall be available from January 1, 1995, through June 30, 1995 for the Summer Youth Employment and Training Program".

H.R. 2127

OFFERED BY: MR. STOCKES

AMENDMENT NO. 69: On page 2 line 15, strike $3,180,441,000 and insert $4,355,441,000, on line 16 strike $2,936,154,000 and insert $3,436,154,000, on line 21 strike $95,000,000 and insert $120,000,000, on line 23, after the ":" insert: "and of which $650,000,000 shall be available from January 1, 1995, through June 30, 1995 for the Summer Youth Employment and Training Program".

H.R. 2127

OFFERED BY: MR. STOCKES

AMENDMENT NO. 70: On page 2 line 15, strike $3,180,441,000 and insert $3,185,441,000, on line 16, strike $2,936,154,000 and insert $3,436,154,000, on line 21 strike $95,000,000 and insert $120,000,000, on line 23 strike $95,000,000 and insert $100,000,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT NO. 71: On page 3 line 3, strike $120,000,000 and insert $276,672,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT NO. 72: On page 3 line 4 strike $1,155,000,000 and insert $1,157,919,000.

H.R. 2127

OFFERED BY: MR. STOKES

AMENDMENT NO. 73: On page 4 line 4, strike $830,000,000 and insert $930,000,000.

On page 4 line 4 strike $126,672,000 and insert $276,672,000.

On page 4 line 14, strike $95,000,000 and insert $120,000,000.

On page 4 line 8, strike $1,057,919,000 and insert $1,157,919,000.

On page 4 line 8 strike $1,057,919,000 and insert $1,157,919,000.

H.R. 2127

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 74: Page 8, after line 7, insert the following new title:

TITLE VII—GIFTED AND TALENTED PROGRAMS

JACOB K. JAVITS GIFTED AND TALENTED STUDENTS

(INCLUDING TRANSFER OF FUNDS)

For the gifted and talented programs as authorized under subtitle B of title X of the Elementary and Secondary Education Act of 1965 (29 U.S.C. 803 et seq.), to be derived from amounts provided in this Act for "RELATED AGENCIES—OCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION—SALARIES AND EXPENSES", $9,500,000.

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 75: Page 2, line 15, after the dollar amount, insert the following: "(increased by $55,000,000)".

Page 2, line 21, after the dollar amount, insert the following: "(increased by $55,000,000)".

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 76: Page 2, line 15, after the dollar amount, insert the following: "(increased by $378,500,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $378,500,000)".

Page 3, line 4, insert after "such Act," the following: "$1,228,500,000 shall be for carrying out title II, part B of such Act (summer youth employment and training programs),". H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 77: Page 2, line 15, after the dollar amount, insert the following: "(increased by $350,000,000)".

Page 2, line 16, after the dollar amount, insert the following: "(increased by $350,000,000)".

Page 3, line 4, insert after "such Act," the following: "$350,000,000 shall be for carrying out title II, part B of such Act (summer youth employment and training programs),". H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 78: Page 23, line 8, insert before the period the following: "Provided, further, That of the amount made available under this heading, $105,000,000 shall be available for the Healthy Start infant mortality initiative". H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 79: Page 36, beginning on line 16, strike "Head Start Act,". Page 37, line 7, strike "$4,343,343,000" and insert "$1,145,915,000". Page 37, after line 10, insert the following: "HEAD START ACT

For carrying out, except as otherwise provided, the Head Start Act, $3,534,429,000."

H.R. 2127

OFFERED BY: MS. WATERS

AMENDMENT NO. 80: Page 55, line 19, insert before the period the following: "Provided, That of the amount made available under this heading, $68,640,000 shall be available for the Foster Grandparent Program".
The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. Thurmond].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Let us pray:

As we begin this day we grieve the death of our fellow worker and friend, Gerald Hackett, who served as executive clerk for 29 of his 33 years with the Senate. We pray for a special measure of God's comfort for his wife, Mary Ellen, and his family.

Dear God, our Creator, sustainer, and strength, You have given us the gift of life, blessed us with this new week, and given us work to do for Your glory. May three words—admit, submit, and commit—the equation of excellence in our work today.

Father, we admit our need of Your insight and inspiration. You never intended that we should depend only on our own intellect and understanding. We humbly place our total dependence on Your power to maximize the use of the talents You have entrusted to us.

Sovereign of our lives, we submit to You the specific challenges and opportunities before us. We accept Your absolute reign and rule in our minds. Guide us Lord. Thank You for the peace of mind we have when we submit our needs to You.

Source of our courage, we unreservedly commit to You our lives and the decisions to be made today. We relinquish our control and intentionally ask You to take charge. Think and speak through us.

Thank You Lord, our eternal King; these bold petitions we bring. Your grace and mercy are such, we never can ask too much.

Amen.

RECOGNITION OF THE MAJORITY LEADER

Mr. DOLE. Mr. President, let me take a minute or two of leader time to say I have just returned from Burlington, VT, where I was privileged to attend the National Governors' Association meeting and talk about welfare reform.

I outlined what I felt could be an agreed-upon package on the Republican side, pointing out there were still some differences among some Republicans. We explained our program in detail to the Republican Governors. There are now 30 Republican Governors out of 50. The 30 Republican Governors represent about 70 percent of the American people in the United States; or 70 percent live in those 30 States.

I wanted to report that of the 30 Republican Governors, 26 were present. Governor Wilson of California was not present, Governor James of Alabama was not present, Governor Racicot of Montana and the Governor of South Dakota were not present, and one Governor had to depart the meeting early, Governor Weld of Massachusetts. The other 25 Governors, Governor Leavitt of Utah, Governor Engler of Michigan, Governor Whitman of New Jersey, Governor Allen of Virginia, Governor Rowland of Connecticut, Governor Forde of Mississippi, Governor Voinovich of Ohio, Governor Bush of Florida, Governor Geringer of Wyoming, Governor Keating of Oklahoma, Governor Almond of Rhode Island, Governor Schafer of North Dakota, Governor Graves of Kansas, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Symington of Arizona, Governor Pataki of New York, Governor Branstad of Iowa, Governor Merrill of New Hampshire, Governor Edgar of Illinois, Governor Beasley of South Carolina, Governor Carlson of Minnesota, Governor Johnson of New Mexico, Governor Riddle of Pennsylvania, Governor Batt of Idaho, all endorse the Republican alternative.

I just passed around a little sheet of paper. They all signed it after we had gone over it. I am certain the other 25 Republican Governors will also endorse what we think would be a strong Republican package. They like it. It returns power to the Governors, power to the States, and does not contain a lot...
What we finally did was say, "OK, we agree on this. We cannot agree on three things. We will agree on what we agree on and vote on what we cannot agree on." That is precisely what we did. So, to the editor, whoever wrote that in the editorial in the New York Times, do not normally read it, but Sunday was a slow day—I hope that they will try to at least stick with the facts, maybe once a year, twice a year. We do not want to overdo it for the New York Times, but every little bit would help. They are entitled to facts. They are entitled to opinions, but understand what the facts are. And it is supposed to be the paper of "all the news that is fit to print"—some say a 10th, but I say all the news fit to print. We hope for more responsibility from the editorial board of the New York Times.

The primary purpose was to thank my colleagues for all the work they did and the good-faith effort. I think we made a giant step forward, and, hopefully, we will ease the concerns of many of our constituents when it comes to Members of Congress and gift rules.

Also, lobbying reform was another bipartisan effort on the floor. I thank my colleagues who were engaged in that.

RESERVATION OF LEADER TIME

Mr. DOLE. Mr. President, I reserve the remainder of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BYRD). Under the previous order, there will now be a period of the morning business not to extend beyond the hour of 1:30 p.m., with Senators permitted to speak up to 5 minutes each.

Under the previous order, the Senator from Illinois [Mr. SIMON] is recognized to speak for up to 30 minutes.

The Senator from Illinois.

THE EXPLOSIVE GROWTH OF GAMBING IN THE UNITED STATES

Mr. SIMON. Mr. President, in November of last year, when I announced I would retire from the Senate after 1996, President Clinton suggested that with the freedom from political restraint I now have, I might use the enormity of the stakes that could be built up—enormous for enlisted men who gambled. After the watchman's signal, suddenly that portion of the ship's deck or hold could meet the highest puritanical standards. Within seconds of the disappearance of the dreaded officer, the games would begin again. Participation had no appeal to me, not primarily for moral reasons, but I have always been too conservative with my money to enjoy risking it that way. What I remember about those shipboard activities was the enormity of the stakes that could have been built up—enormous for enlisted men on meager salaries in 1951-1953—and the ability of some of my friends to continue their activity with almost no sleep.

Gambling's appeal, particularly for the idle—and a troop ship is loaded with them—is clear.

Early in our Nation's history, almost all States had some form of lottery, my State of Illinois being no exception. When Abraham Lincoln served in our State legislature from 1834 to 1842, lotteries were authorized, and there apparently was no moral question raised about having them. For example, the Illinois House of Representatives voted unanimously to authorize a lottery to raise funds "for the purpose of draining the ponds of the American bottom" in the vicinity of what is now East St. Louis, an area that to this day has a severe drainage problem, and a city that today has a significant gambling presence.

In Illinois and other States the loose money quickly led to corruption, and the side-bets and automatic devices for gambling. Illinois leaders felt so strongly about it, they put the ban into the State constitution. For many years, Louisiana had the only lottery, and...
then in 1983—after a major scandal there—the Federal Government prohibited all lottery sales. Even the results of tolerated but illegal lotteries could not be sent through the mail.

But the lottery crept back in, first in New Jersey and then in 23 states. From a small operation in one state, the whole of the State of Nevada—where gambling has matured. In 1974, $17 billion was legally wagered in the Nation. By 1992, it reached $329 billion, and it is now over $500 billion. Three-fourths of the Nation's citizens now live within 300 miles of a casino. One can at least expect barriers. “Airlines are exploring the installation of back-of-seat slot machines on some flights.” [“A Full House,” by Rob Day, Hemisphere, October, 1994.] Other nations—particularly the German city of Hamburg, where gambling operations flourish. Within our country, the magazine Gaming and Wagering Business reports, “Old attitudes have been shattered. Barriers are crumbling, and doors have been flung open.” [Dec. 15, 1991.] [Jan. 15, 1992.]

At this point, let me digress to express my gratitude to scholars who have studied legalized gambling in the United States, with little attention and little gratitude from the community. Particularly helpful to me, in that regard, prepared these remarks, was a book manuscript I had the opportunity to read by Robert Goodman, a professor at Hampshire College in Massachusetts. In October, the Free Press will publish his thoughtful and well-crafted manuscript under the title, “The Luck Business.” The subtitle is “The Devastating Consequences and False Promises of America’s Gambling Explosion.”

John Warren Kindt, a professor at the University of Illinois at Urbana, wrote an excellent article for the Drake Law Review last year, “The Economic Impacts of Legalized Gambling Activities,” and Henry Lesieur, who heads the criminal justice division at Illinois State University, edits a magazine in this field, Journal of Gambling Studies.

I am grateful to them and to others who have pioneered research.

What are the advantages of legalized gambling?

It brings in new revenue, at least temporarily and, in some cases, over a longer period of time.

One of the great weaknesses of American politics today—and one of the reasons for public cynicism toward those of us in politics—is our eagerness to tell people only what they want to hear. Polling is a huge business, and if a poll suggests some stand is unpopular, too many find a convenient way of changing course—spends as much of its taxation on defense and interest as does the United States. These bring no direct benefit to people. Citizens of Germany, France, Great Britain and other nations pay much higher taxes, but they see health care and other benefits that we do not have. In addition, their parliamentary systems make it easier to make tough decisions than our system does.

So when someone comes along and says, “I have a simple way to get more revenue for you, and you do not have to raise anyone’s taxes,” that has great appeal to policymakers who must seek reelection. Those same people say to the policy makers, “Not only will I provide revenue for you without taxation, but I have no alternative to you when campaign time comes.” And they are.

While the promises of what legalized gambling will do for a community or State are already exaggerated, it is also true that many communities who are desperate for revenue and feel they have no alternative are helped. I have already mentioned East St. Louis, IL. Bridgeport, CT, is another example. Small communities like Metropolis, IL, population 6,734, find that a riverboat casino brings in significant additional municipal revenue. And while other businesses in these communities often do not benefit—and some, like restaurants, are hurt—a poll in St. Louis shows, 83 percent positive, though this has changed; Metropolis, 76 percent positive; East St. Louis, 47 percent positive; and Peoria, 64 percent positive.

Some officials in Chicago, desperate for revenue, wish to bring in a large casino with a $2 billion price tag. They say it will bring 10,000 construction jobs. That alone is significant. The initial press release said 37,000 construction jobs. And officials in Chicago, aware there are long-term dangers to the city from such an operation, also know that unless they solve short-term problems—and that takes revenue—the long-term picture for the city is not good. The State government has shown itself largely insensitive to changing circumstances, dominated as it is by suburban and rural leaders. Faced with a choice of lectures from the State about long-term problems and what appears to be easy, significant, immediate revenue, it is not difficult to understand Chicago's choice. On top of that, they face editorial prodding. Under a heading, “Casino A Great Bet For City,” the Chicago Sun-Times called a casino “a cash cow” and noted: “The best protection for the city is a license that allows for the presence of the casinos.” They added this caution: “However, this figure is reduced substantially—to $166.25 million—when
even the lowest estimated social costs of compulsive gambling are included in the calculations. With mid-range estimated social costs, the overall impact becomes negligible, while with higher social-cost estimates, the impact becomes statistically negligible. [The Economic Impact of Native American Gaming in Wisconsin, by William Thompson, Ricardo Gazel and Dan Rickman, published by the Wisconsin Policy Research Institute.]

Industry professionals have misused as their constant companion. Unemployment rates, alcoholism rates, suicide rates, and poverty indexes all combine to paint a grim picture that should be a matter of shame for our Nation. Not only has the Federal Government been weak in its response to these needs, but the limits of recreation * * * gambling * * * * * gambling and resources. When pursued beyond * * * beyond * * * * * advantage, they are real. People can become addicted to gambling, as they can to drugs or alcohol or smoking.

My mother belonged to a church in Collinsville, IL, that had a fine substitute teacher at its Lutheran school. Unknown to the teacher’s family, she had been a resident of a gambling home. She came to be one of the 17 tribes in Wisconsin, eligible Tribes received nothing in 1993 from the more than $3 billion in Federal funds [Title XX and Title IV-E child welfare services] than the programs for the States received. In the other nine States, Indians received less than three percent. [George Grob, Deputy Inspector General, HHS, April 5, 1995, Senate Committee on Indian Affairs.]

It is important to note that tribal leaders who want to produce for their people seize what some view as a legal loophole our courts and laws have created to get revenue for their citizens; 115 tribes now have some form of casino gambling. The gross revenue for the 17 tribes in Wisconsin is $655 million. And about one-fifth of that revenue comes from people who live outside of Wisconsin, higher than in most States, much lower than Nevada or Atlantic City. Connecticut is the primary state for small tribes when gambling big money. A casino operated by the Mashantucket Pequot Tribe in Ledyard, CT, brings in approximately $800 million in gross revenue annually. Native American leaders who see long-term harm to their tribes from the gambling enterprises are hard-pressed by those who see immediate benefits, and not too much hope for sizable revenue outside of gambling.

What are the disadvantages of legalized gambling?

The distinguished Nobel Prize-winning economist, Paul Samuelson, has warned us: “There is a substantial economic case to be made against gambling. It involves simply sterile transfers of money or goods between individuals, creating no new money or goods. Although it creates no output, gambling does nevertheless absorb time and resources. When pursued beyond the limits of recreation * * * gambling subtracts from the national income.” [Economics, McGraw-Hill, 1970.]

A high official in Nevada told me, “If we could get rid of gambling in our State, it would be the best thing that could happen to us. I cannot say that publicly for political reasons. But major corporations that might locate their principle offices here or build plants here don’t do it. They know that gambling brings with it serious personnel problems.”

Personnel problems are but one disadvantage, but they are real. People can become addicted to gambling, as they can to drugs or alcohol or smoking.

In a relatively affluent Chicago suburb, a 41-year-old man committed suicide after using more than $11,000 in credit card advances for gambling. He shot himself after leaving a gambling boat. Police found $13 in his pocket.

More typical is the experience of a friend, a professional man, who attended a statewide meeting of an association with which he is affiliated. While he went to the meetings, his wife went to a riverboat casino and “got hooked.” She had all the money she had and used all the available money from her credit cards, close to $20,000. Her husband knew nothing about it until he checked out of the hotel and found his credit cards could not be used because they had already reached their maximum. In this family, the situation has worked out, but that is not true for many.

A retired Air Force colonel has written me about the problem of casino gambling near Keeneer Air Force Base. A military personnel office has seen an increase in the availability of gambling and has brought serious problems of addiction and the social and criminal problems that go with it for the men and women stationed there.

Gambling addiction is a serious problem. We know that men are more likely to become addicted than women, that the appeal of gambling is greater for low-income people than those of above average income, that there are approximately 9 million adults and 1.3 million teenagers with some form of gambling behavior problem and that the availability of gambling enterprises—their closeness to where a person lives—has a significant increase in the addiction problem. Nationally, less than 1 percent 0.77 percent of the population are compulsive gamblers, but when enterprises are located near a population, that number increases. Two to seven times.

The growing growth is among teenagers. University of Maryland football fans were stunned recently to read that their all-American quarterback had been suspended by the NCAA for four games because of gambling on college games. The spread of gambling among teenagers has spilled over onto college campuses, and Maryland’s football problem is evidencing itself on many campuses, a highly publicized tip of a much more serious iceberg.

Costs to society of the problem gambler vary from the most conservative estimate of $13,200 to $30,000 per year. I have no idea which figure may be correct, but we know that Arnold Wexler and his wife, Sheila Wexler, did a study for Rutgers University and noted:

Compulsive gamblers will bet until nothing is left: savings, family assets, personal belongings—anything of value that may be pawned, sold or borrowed against. They will borrow from co-workers, credit union, family and friends, but will rarely admit it is for gambling. They may take personal loans, write bad checks and ultimately reach and pass the point of bankruptcy. . . . In desperate compulsive gambling, the may panic and often will turn to illegal activities to support their addiction. (1992)

Prosecuting attorney Jeffrey Bloomer of Lawrence County, SD, testified before a U.S. House committee that his experience dealing with Deadwood, SD, a small community that became the first place outside of Atlantic City and Nevada to legalize casino gambling. He said they were promised “economic development, new jobs and lower taxes.” Instead, casinos flourished, but other businesses did not. Businesses that provide “the necessities of life such as clothing are no longer available * * * and customers of the town’s only remaining grocery store walk a gauntlet of slot-machines as they exit with their purchases. For the most part, the jobs which were created earn minimum wage or slightly better and are without benefits. As for the claim that gambling brings tax relief, this simply has not proven true. Recently, a large tribe in residential and commercial properties have risen each and every year since gambling was legalized. Crimes of theft, embezzlement, bad checks and other forms of larceny have increased. Our office has also seen an increase in the number of child abuse and neglect cases as a result of gambling. These run the spectrum from the children left in their cars all night while their parents gamble, to the children left at home alone while single mothers work the casino late shift, to the household without utilities or groceries because one or both parents have blown their pay-check gambling. Government is hooked on the money generated by gambling, and in the long term the ramifications of this governmental addiction will be just as dire as for the individual who becomes addicted to gambling.” (Sept. 21, 1991—House Committee on Small Business)

One study conducted for insurance companies suggests that 40 percent of white collar crime can be traced to
Pathological gamblers are much more likely to be violent with their spouses and abuse their children. Children of these gamblers generally do worse in school and have a suicide rate twice that of their classmates.

A survey of compulsive gamblers found 22 percent divorced because of gambling, 40 percent had lost or quit a job due to gambling, 49 percent stole from work to pay gambling debts, 23 percent alcoholic, 26 percent compulsive overeaters, 63 percent had contemplated suicide and 79 percent said they wanted to die. (Henry Lesieur and Christopher Anderson.)

Treatment for gambling compulsion is rarely covered by health insurance policies, though physicians often will simply list depression as the cause for needed therapy, and that may be covered. A national conference will be held in Puerto Rico in September to discuss the growing problem of gambling addiction.

State lotteries disproportionately receive money from—and target—the poor. While it is true that the purchases are voluntary and provide some entertainment, operators of lotteries are using methods that will be providing more substantial exits from poverty than the rare lottery victory. A bill before the Illinois legislature sponsored by Representative Jack Kubik to prohibit cashing welfare checks at race tracks, off-track betting parlors, and riverboat casinos died a quiet death.

Compounding all of this, State and local governments who receive revenue from legalized gambling often are its promoters, both to bring gambling in and to retain it. Governments get hooked. While States receive revenue from alcohol and tobacco sales, no governmental unit—to my knowledge—promotes alcohol and tobacco. Generally governments appeal to our weaknesses, not our strengths. But gambling is different. Billboards are erected in poor areas to promote the Illinois Lottery. "This could be your ticket out," one proclaimed. If the State of Illinois had billboards promoting the wrong society, the people would be a public outcry. The Pennsylvania lottery unashamedly advertised: "Don't forget to play every day." And of course the poor are the ones who succumb to that lure.

Industries that want to bring in casinos are generous with their promises. The poverty of Atlantic City would be virtually eliminated, the scenario read, but it did not happen. Poverty has not diminished, and problems with gambling are still there. Since the advent of the casinos, 40 percent of the restaurants not associated with the gambling enterprises have closed, and one-third of the city's retail business has closed. Unemployment in Atlantic City is now the State's highest. Crime is up significantly—almost tripled—and the population has dropped by one-fourth. Industrial consultant Nelson Rose told U.S. News and World Report: "Atlantic City is a slum by the sea. Now it's a slum by the sea with casinos."

But not only Atlantic City has been affected. A study of crime patterns along non-toll roads between Atlantic City and Philadelphia found a significant increase in crime rates (Simon Hakim and Joseph Friedman.)

The Better Government Association of Illinois survey of 324 businesses in towns with riverboat casinos found that 51 percent of the firms said riverboats had either no effect or a negative effect on their business. Of the 44 percent who gave a positive response, half said the lift their businesses got was minimal. Three percent said their business has been "helped a lot." (1994 survey.) A Chicago Tribune survey found a similar result. An Aurora, IL riverboat casino gets all but 1 to 2 percent of its business from within the State, and the Tribune reported: "The casinos are killing the small businesses in this area, and they claimed it would help us," said Mario Marrero, former owner of the Porto Coeli Cafe and Bakery, a block from the casino.

As soon as the casino opened a year ago, Marrero saw his business drop by half, from about $4,000 a month to $2,000 a month, he said.

In May, he was forced to close after nearly five years in business. (June 28, 1994.)

Gambling's effect on government is more than income from gamblers and expenditures for dealing with problem gamblers and increased crime. Gambling operators are major contributors to campaigns—in the millions—and employ expensive lobbyists at both the State and Federal level. A few gamblers have hired the American Gaming Association and employed a former chairman of the Republican National Committee as its chief executive. Gaming is an influence to be reckoned with in dozens of State capitals, and its influence will grow markedly in Washington. In Illinois, the lobbyists for gambling include a former Governor, a former attorney general, two former U.S. attorneys, a former director of the State police, a former Alderman, a former mayor of Chicago and at least seven former State legislators. All of this is legal.

But gambling in Illinois has also been associated with the illegal. Back in 1964, as a State legislator, I co-authored an article for Harper's magazine titled, "The Illinois Legislature: A Study in Corruption." It did not enhance my popularity in that body, but it did some good, and I am pleased to report that today the Illinois Legislatures—like almost every other body over that period—is a much improved body over that period. But whenever there is easy money floating around, the temptation for corruption is present. We have had two Governors in our State's history go to prison, one because of payoffs from legalized gambling. I recall particularly the deal worked out in which—on the same day—the sales tax in our State dropped from 4 cents to 3 cents, which then included food and medicine, and the tax on two politically well-connected racetracks was reduced by one-third. Every State legislator knew what was going on.

Organized crime has frequently been a problem with gambling, whether legal or illegal. Big money attracts them. And it is big money.

Last year, one riverboat casino in Illinois netted—not grossed—$203 million. The Chicago Tribune (March 28, 1995) reported that two politically well-connected Illinois men were offered $20 million if they landed a casino in our State for a Nevada firm. When contacted by the Tribune, they said they had other offers that were higher.

The gambling elite are not only generous employers of lobbyists, they are multimillion dollar donors to political campaigns, and the combination makes them politically potent. The unsavory and unhealthy influence of lobbyists is a threat to public health. They are, as President Clinton has said, "the protectors of this rapidly growing industry means sensible restraint will not be easily achieved.

But there is another side to that story. While I do not support gambling, it is the gambling envy. Even after well-financed campaigns, when there are referenda on whether legalized gambling should be expanded in a State or community, rarely do those initiatives win. Every referendum on a gambling casino held last year lost, and in the big one, Florida, it lost decisively. Donald Trump may have helped when he told the Miami Herald a few weeks before the referendum: "As someone who lives in Palm Beach, I'd prefer not to have casinos in Florida. As someone in the gambling business, I'm going to be the first one to open if Floridians vote for them." Florida Commerce Secretary Charles Dusseau did an economic analysis of gambling possibilities in Florida and came to the conclusion it would hurt the State.

Opposition to legalized gambling also brings together an unlikely coalition. For example, Ralph Reed, executive of the Christian Coalition, and the liberal Senator Bill Bradley of New Jersey, have agreed on this issue.

To those who wish to go back to an earlier era in our nation's history when legalized gambling was abolished, my political assessment is that is not possible. But restraint is possible.

I have introduced legislation, cosponsored by Senator Lugar, to have a commission, of limited duration and a small budget, look at this problem. Congressman Frank Wolf and John Linder have introduced somewhat similar legislation in the House. My reason for suggesting the limited time—18 months—and the small budget, $250,000, is that commissions like
that often are the most productive. One of the finest commissions the Na-
ton has had, the Commission on For-
eign Languages and International Studies, produced its report in a little
more than 1 year on a small budget and had significant

Let me order look at where we are and where we should go. My in-
stinct is that sensible limits can be est-

For example, what if any new gam-
bling enterprise is established after a spe-
cific date had to pay a tax of 5 percent
on its gross revenue. Those who are al-
ready in the field who are not too
greedy should support it because it pre-
vents the saturation of the market. Fi-
nancial wizard Bernard Baruch said of
those who invest in the stock market,
"The bears win and the bulls win, but
the hogs lose." Gambling enterprises
that are willing to limit their expan-
sion are more likely to be long-term
 winners. And those who know the
problems that gambling causes should sup-
port this idea because of the limita-
tions.

Or suppose we were to move to some
form of supplement to local and State
revenue again. States, Indian tribes,
and local governments that do note
have any form of legalized gambling
would be eligible for per capita reve-
upe-sharing assistance. It would re-
quire creating a source of revenue for
such funding, but would bring some re-
lief to non-Federal governments who
do not want gambling but are des-
perate for additional revenue. There is
no way—let me underscore this—of re-
ducing the gambling problem without
facing the local revenue problem.

Congressman Jim McCrery, a Repub-
lcan from Louisiana, has proposed
that lotteries—now exempt from Fed-
eral Trade Commission truth-in-adver-
tising standards—should be covered.
Why should the New York lottery be
able to advertise: ‘We won’t stop until
everybody plays.’

These are just three possible ideas.
The commission could explore others.
The commission can look at how we
deal with gambling opportunities that
will surface later this year on an exper-
imental basis on cable television and
the Internet. How significant could
this become? None of us knows.

We do know that two-thirds of prob-
lem gamblers come from a home where
at least one parent had a problem with
alcoholism. Should we be dealing more
seriously with alcoholism, in part to
deal with the gambling phenomenon?

These and other questions could be
studied by a commission.

What should not be ignored by Con-
grass and the American people is that
we have a problem on our hands. We
need to find sensible and sensitive an-
swers.

I yield the floor. Mr. President.

The PRESIDING OFFICER. The Sen-
arator has 15 minutes.

Mr. DORGAN. Mr. President, as al-
ways, the Senator from Illinois raises
for thoughtful questions and in a very sen-
sitive way. I have previ-
ously on this floor in discussing some
other items that one of the growth in-
dustries in America, regrettably now,
is gambling. There is more spent, at
least for the year, I have the year seen, there is more spent for gambling
in America than is spent on America’s
national defense. In a recent year, it
was $400 billion-plus just on legal gam-
bling. We spend less than $300 billion
on America’s defense. I think all of the
questions that relate to this issue of
how much gambling need to be asked and need to be
studied.

It was interesting to me one evening
when I had the television set on, I
was watching the local news and there
was an urgent news bulletin on the
lottery. They do that with these little
ping-pong balls with numbers on them.

I was on the screen. I never partici-
patated in those things. This was on the
screen, and then across the bottom of
the screen scrolled an urgent news bul-
letin. It was not so urgent that they
would take the lottery selection off,
because they were doing that live, they
did not want to interrupt that.

So they kept on picking the lottery
balls out and announcing the numbers.
The news scrolled across the bottom of
the television screen that Gorbachev
had just resigned in the Soviet Union.
I was thinking to myself, this is incred-
ibly bizarre. Here is something that
will affect the lives of virtually every-
one in the world. The leaders of one of
the major powers in the world resigns,
but instead of cutting in with a news
report, they interrupt the lottery draw-

That is what we have come to, with
respect to this issue of gambling in
America today.

Mr. SIMON. Mr. President if my col-
league will yield for an observation. I
thank him. As usual, Senator D ORGAN
is right on target on this issue.

Today, I regret to say, we have
topped $500 billion now in total gross
wagering in this country. I was a fast-growing industry in
the United States.

Mr. DORGAN. That is probably legal-
wagers. There is substantial illegal wa-
gering in America.

I find it is time and timeliness that an
approach makes a lot of sense. We ought
to be able to get revenue in a better
way for our Government.

Mr. DORGAN. I do not come to the
floor suggesting that gambling is al-
ways wrong or ought to be made ille-
gal. I think it is very useful to study,
think it is timely and important. I
have indicated that to Congressman
Wolf and others, as well.

Mr. SIMON. I thank my colleague.

LINE-ITEM VETO: WHERE ARE THE
HOUSE CONFEREES?

Mr. DORGAN. Mr. President, I came
to the floor to visit about two other
items. One is the line-item veto. As the
Presiding Officer knows, we passed a
line-item veto here in the Senate in
March. I voted for it, as I have on a
dozens of occasions previously,
because I think we ought to have a
line-item veto. I voted for the line-item
veto when President Reagan and Presi-
dent Bush were Presidents because I, as
Speaker, think that there are, whether
Republican or Democrat, ought to have a line-item veto.

The House passed a line-item veto
bill on February 6 of this year, and the
Senate passed a line-item veto bill in
March of this year. There has been no
progress since then because there has
been no conference between the House
and Senate. Why has there not been
a conference? Because the Speaker of
the House, who always told us he wants a line-item veto, decided he is not going to appoint
conferes. So there will be no line-item veto until the
Speaker decides he wants to ap-
point some conferes, and there is a
conference and agreement, and then it
comes back to both the House and the
Senate.

Now, some will probably say that
this is because the new majority and
the Speaker may want to put their own
spending projects in these bills and
not have a Democratic President veto
them.

This is a newspaper published on Cap-
itol Hill. It says, “Gingrich Gets $200
Million in New York,” describing
what was written, apparently, in appropria-
tions bills that will benefit the Speak-
er. He may not want the President to
target that $200 million that was writ-
ten into a bill that the Pentagon does
not ask to be spent. Maybe the Presi-
dent would use a line-item veto to say
this is $200 million that the taxpayers
should not have to spend on things
the Pentagon did not want.

I noticed this morning in the Wash-
ington Post, “Extra Pentagon Funds
Benefits Senators’ States.” It describes
in detail for the Speaker, put in for projects that the Pentagon has not
asked for. These are things that will be
built that the Pentagon says we do not
want built. But money is added to
those bills to benefit some. The question is, Why would the President not have the line-item veto if all of us agree that he should?

Congressman Bob Livingston, chairman of the House Appropriations Committee, may not want to give it to this President—speaking of the line-item veto—"right at the outset, but let's give it to him eventually." Those are his words. We may not want to give the line-item veto to this President at the outset.

Speaker Gingrich, on February 6, before the House passed the line-item veto, said this:

We have a bipartisan majority that is going to vote for the line-item veto. For those who think this city has to always break down into partisanship, you have a Republican majority giving this to a Democratic President this year without any gimmicks, an increased power over spending which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United States, without regard to party or ideology.

More recently, he said, "My sense is we won't get to it this year."

There was a fervent debate by those who wanted the line-item veto, somehow it has cooled. Somehow the line-item veto is less important now.

The Speaker has been on a book tour. There is plenty of time to do that all across America and, apparently, to write two books this year, and earn a bunch of money. But, apparently, there is not enough time to get to the line-item veto—appoint conference get to a line-item veto.

Well, Mr. President, there is an old saying, "You can put your boots in the oven, but that doesn't make them biscuits."

The Speaker can talk about the Contract With America and the line-item veto, but if he is not prepared to appoint conference so that we can pass a line-item veto, then he continues to stall. I suppose the reason for that is he wants his own spending to be written into these bills, or so you would think from this kind of report—"Gingrich gets $200 Million in New Pork."

I hope that we can come to a bipartisan consensus that the House ought to appoint conference, that the Senate and House should have a conference this week, and that the conference report is the vehicle by which we are able to pass a conference report at the end of this week. That way we can pass the line-item veto.

Tomorrow, I intend to offer a sense-of-the-Senate resolution on the line-item veto to the State Department authorization bill. My amendment would say: It is the sense of the Senate that the Speaker of the House should move to appoint conference on S. 4 immediately, so that the House and Senate may get together and cut those differences and we can pass a conference report.

I do not understand what this is all about if it is not dragging your feet to protect more Federal spending that you want for your district in this bill. I thought we had decided on a bipartisan basis that a line-item veto was good for this country. We voted for it, believed in it, and wanted to give it to this President. I voted for it with Republican Presidents in office and I voted for it with this President and I want this President to have it. So I intend to tomorrow to offer a sense-of-the-Senate resolution and ask Senators to vote to send a message to the Speaker that if you have plenty of time to run around the country, then you have plenty of time, in my judgment, to appoint conference.

How do you do it? Simple. Think of the names of a few of your friends and then pick some. That is not rocket science; that is just appointing conferences, which we do every day in the House and Senate.

There will be a bill coming to the floor in a few days that authorizes Defense spending. That bill includes a type of spending that is especially, in my judgment, appropriate for a line-item veto. That is something called star wars in this country. It has a better name now; it is not star wars, or ABM, antiballistic missile defenses; now it is BMD, ballistic missile defense system. That is a new acronym for the same old boondoggle. It is something that costs $30 or $40 billion, and it will protect against an adversary that no longer exists. But each one of these missile defense programs has a constitutionality that somehow seems unable to shut the program down. The Soviet Union is gone. That was the antagonist for which the ABM system was designed. The Soviet Union does not exist anymore. But the people who want to build a star wars program continue to plug away.

They added in the Senate Armed Services Committee $300 million extra for national missile defense, and then they said let us essentially change the ABM treaty, abrogate the treaty, No. 1 and No. 2, let us go for accelerated development in the year 1999 and final deployment by 2002. Well, this $300 million is a perfect example of what the President ought to use a line-item veto on.

I intend to offer an amendment on the floor of the Senate to strip this $300 million out of the Defense authorization bill. It does not make any sense to spend $300 million we do not have on a project we do not need. This is exactly why this President ought to have a line-item veto. The notion that we do not have enough money for an entitlement for a poor kid to have a hot lunch in school, but we have enough money to stick $300 million extra in a bill for star wars—I do not know what people are thinking about around here.

So I want to alert my colleagues that I am going to offer an amendment to cut this national missile defense funding. But more generally, this provision is exactly why we need a line-item veto.
all about. I do not know whether it is good or bad. I say when we see, day after day, week after week, more and more megamerger proposals in this country for large corporations to combine to become larger, inevitably it cuts away at the competition of the enterprise system, because this system works based on competition. Concentration means less competition. It is something we ought to be concerned about and ought to care about.

ACTION NEEDED ON LINE-ITEM VETO

Mr. DORGAN. Mr. President, finally, I hope this week we can get the Speaker of the House to appoint conferenceers, have a conference and get a conference report, and get a line-item veto in the hands of this President. Again, if we have time for book tours and writing books and doing a lot of other things, we ought to have time, it seems to me, to be able to pick a few friends to be on a conference committee and be serious about the things many Members of Congress campaigned on.

If the Senate, in a line-item veto, let us decide to give that to this President right now and see if we cannot cut some of the pork in the appropriations bills moving through the House and Senate, including all kinds of lard now stuck to these bills for the districts of folks who have been bellowing the loudest about the problems of Federal spending. The problems of Federal spending seem to stop when this is their district and their appropriations bill, and it also seems to stop when it comes to getting serious about sending to this President a line-item veto that would be put in the hands of this President. I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 105, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 105) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.

The Senate proceeded to consideration of the bill, with amendments; as follows:

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

H.R. 105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related subjects, including study of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $129,906,000; to remain available until expended, of which funds are provided for the following projects in the amounts specified:

[Norco Bluffs, California, $375,000;]

[Indianapolis Central Waterfront, Indiana, $2,000,000;]

[Ohio River Greenway, Indiana, $1,000,000; and]

[Mississippi Dam, Middle Creek, Snyder County, Pennsylvania, $300,000;]

[Norco Bluffs, California, $1,000,000;]

[Indianapolis Central Waterfront, Indiana, $1,000,000;]

[Kentucky Lock and Dam, Kentucky, $2,500,000; and]

[West Virginia Port Development, West Virginia, $300,000.]

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $807,846,000; to remain available until expended, of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and fund land-waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri, Lock and Dam 14, Missisumi River, Iowa, Lock and Dam 124, Mississippi River, Illinois and Missouri, and GIWW-Brazos River Floodgates, Texas, projects, and of which funds are provided for the following projects in the amounts specified:

[Red River Emergency Bank Protection, Arkansas and Louisiana, $6,600,000;]

[Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000;]

[San Timoteo Creek (Santa Ana River Mainstem), California, $5,000,000;]

[Indiana Shoreline Erosion, Indiana, $1,500,000;]

[Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,000,000;]

[Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,000,000;]

[Midlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000;]

[Salyersville, Kentucky, $500,000;]

[Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $11,848,000;]

[Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $3,800,000;]

[Broad Top Region, Pennsylvania, $4,100,000;]

[Glen Foyed, Pennsylvania, $200,000; and]

[Wallisville Lake, Texas, $5,000,000;]

[Homer Spirt, Alaska, repair and extend project, $1,800,000;]

[McClellan-Kerr Arkansas River Navigation System, Arkansas, $6,000,000; Provided, That $4,900,000 of such amount shall be used for activities relating to the Montgomery Lock and Dam, Arkansas; Red River Emergency Bank Protection, Arkansas and Louisiana, $6,000,000; Sacramento River Flood Control Project (Glenn-Colusa Irrigation District), California, $300,000; Winfield, Kansas, $670,000; Harlan (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $12,000,000; Williamsburg (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $4,100,000; Midlesboro (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), Kentucky, $1,600,000; Salyersville, Kentucky, $500,000; Lake Pontchartrain and Vicinity (Hurricane Protection), Louisiana, $1,000,000; Ouachita River Levees, Louisiana, $2,300,000; Red River below Denison Dam Levee and Bank Stabilization, Louisiana, Arkansas, and Texas, $2,000,000; Roughs Point, Massachusetts, $710,000; Ste. Genevieve, Missouri, $1,000,000; Broad Top Region, Pennsylvania, $2,000,000; Glen Foyed, Pennsylvania, $200,000; Wallisville Lake, Texas, $5,000,000; Hatfield Bottom (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $200,000; and Upper Mingo (Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River), West Virginia, $2,000,000; Provided, That the Secretary of the Army, acting through the Chief of Engineers, shall transfer $1,120,000 of the Construction, General funds appropriated in this Act to the Secretary of the Interior and the Secretary of the Interior shall accept and expend such funds for performing operation and maintenance activities at the Columbia River Fishing Access Sites to be constructed by the Department of the Army at Cascade Locks, Oregon; Lone Pine, Oregon; Underwood, Washington, and the Bonneville Treaty Fishing Access Site, Washington.]

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702, 702g-1), $307,885,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by law, navigation, public safety, protection of property, navigation and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,712,123,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund,
pursuant to Public Law 99-662, may be de-

erived from that fund, and of which such sums as become available from the special account established by the Land and Water Conserva-
tion Act of 1936 (36 U.S.C. 593), may be de-

erived from that fund for construction,

operation, and maintenance of outdoor recrea-
tion facilities: Provided, That not to exceed $5,000,000 shall be available for ex-
penditures for national emergency preparedness
programs: Provided further, That [5,926,000]
$3,426,000 of the funds appropriated herein

are provided for the general activities of the

Office of the Chief of Engineers, including
amounts contained in the Revolving Fund of the Army

Corps of Engineers, including amounts

provided March 3, 1905 (33 Stat. 1136), is modi-

fied to permit installation of a sand and stone
cap over sediments affected by poly-

cyclic aromatic hydrocarbons within

the administrative order of the Environmental

Protection Agency.

(c) Harbor of Refuge.—The project de-

scribed in subsection (a), including the

breakwalls, pier, and authorized depth of the

project (as modified by subsection (b)), shall
 continue to be maintained as a harbor of ref-

uge....

SEC. 103. None of the funds appropriated here-
in or otherwise available to the Army Corps

of Engineers, may be used to assist, guide, coor-
dinate, administer, prepare for occupancy of, or

otherwise contribute to the financing of or for a movement to the Southeast Federal Center.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out the functions of the Bureau of Reclamation as provided in the Federal

reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or

supplementary thereto) and other Acts applicable to that Bureau as follows:

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation

projects and studies of water conservation and development plans and activities pre-
liminary to the reconstruction, rehabilitation, and betterment, financial adjustment,
or extension of existing projects, to remain available until expended, [13,114,000]
$11,234,000; Provided, That, of the total appro-

priations for the purposes for which contributed

appropriation shall be available for expendi-
ture for the purposes for which contributed

appropriation shall be available for expenditure

as though specifically appropriated for said

purposes, and such amounts shall remain

avaiable until expended.

BUREAU OF RECLAMATION

For carrying out the functions of the Bu-

reau of Reclamation as provided in the Fed-

eral reclamation laws (Act of June 17, 1902, 32

Stat. 388, and Acts amendatory thereof or

supplementary thereto) and other Acts appli-
cable to that Bureau as follows:

CONSTRUCTION PROGRAM

(Including Transfer of Funds)

For construction and rehabilitation of projects and parts thereof (including power transmission facilities of Reclama-
tion use) and for other related activities as authorized by law, to remain available until expended, [417,301,000]
$390,461,000, of which not more than $71,900,000 shall be available for transfer to the Lower Colorado River Basin Development

Fund authorized by section 403 of the Act of September 30, 1964 (43 U.S.C. 1544), and

$94,225,000, to remain available until expended.

CONSTRUCTION PROGRAM

(Including Transfer of Funds)

For the purpose of carrying out provisions of the Central Utah Project Act, Public Law 102-575 (106 Stat. 4605), and for
feasibility studies of alternatives to the Uintah and Upalco Units, $42,693,000, to re-

main available until expended, of which not

less than $23,503,000 shall be deposited into the Utah Reclamation Mitigation and Conservation

Account: Provided, That the amounts de-

posited into the Account, $5,000,000 shall be

considered the Federal Contribution author-
dized by paragraph 402(b)(2) of the Act and

$18,503,000 shall be available to the Utah Re-

clamation and Mitigation Account to be con-

trolled by the Commission to carry out activities authorized under the Act.

In addition, for necessary expenses in-
curred in carrying out responsibilities of the

Secretary of the Interior under the Act, $1,246,000, to remain available until exp-
ended.
the reclamation fund shall be derived from that fund: Provided further, That transfers to the Upper Colorado River Basin Fund and Lower Colorado River Basin Development Fund created or decreased by transfers within the overall appropriation under this heading: Provided further, That funds contributed by non-Federal entities for purposes of the reclamation fund shall be available for expenditure for the purposes for which contributed as though specifically appropriated for said purposes, and such funds shall be available until expended: Provided further, That all costs of the safety of dams modification work at Coolidge Dam, San Carlos Irrigation Project, Arizona, performed under the authority of the Reclamation Safety of Dams Act of 1978 (43 U.S.C. 500), as amended, are in addition to the amount authorized in section 5 of said Act.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, to remain available until expended, $278,759,000; $287,393,000: Provided, That of the total appropriated for program activities which can be financed by the reclamation fund shall be derived from that fund, and the amount for program activities which can be derived from such fund accounts established pursuant to the Act of December 22, 1987 (16 U.S.C. 460I-6a, as amended), may be derived from that fund: Provided further, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for such purposes and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: Provided further, That revenues from the Upper Colorado River Basin Fund shall be available for performing examination of existing structures on participating projects of the Colorado River Storage Project.

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $11,243,000, to remain available until expended, $340,000,000; $340,150,000: Provided, That of the total amount available until expended, $1,400,000 shall remain available until expended, the total amount to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): Provided, That no part of any other appropriation in this Act shall be available for activities or functions for the current fiscal year as general administrative expenses.

SPECIAL FUNDS

(TRANSFER OF FUNDS)

Sums herein referred to as being derived from the reclamation fund or special fee accounts are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391) or the Act of December 22, 1987 (16 U.S.C. 460I-6a, as amended), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the head herein specified; and the unexpended balances of such appropriation at the end of the current fiscal year shall revert and be credited to the reclamation fund.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 9 passenger motor vehicles for replacement only.

TITLED III

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction, or expansion of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 25, of which 19 are for replacement only), $412,590,000; $425,840,000: Provided, That the amount herein appropriated for the Energy Supply, Research and Development Fund shall be available to implement the provisions of section 217 of the Energy Policy Act of 1992 (42 U.S.C. 13336).

URANIUM SUPPLY AND ENRICHMENT ACTIVITIES

For expenses of the Department of Energy in connection with operating expenses; the purchase, construction, and acquisition of plant and capital equipment and other expenses incidental thereto necessary for uranium supply and enrichment activities, including those incurred in carrying out the Uranium Enrichment Organization Act (42 U.S.C. 7101, et seq.) and the Energy Policy Act (Public Law 102-486, section 902), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles; and electricity as necessary; $64,179,000: Provided, That revenues received by the Department for uranium programs and estimated to total $34,903,000 in fiscal year 1996 shall be retained and used to recover the costs incurred: Provided further, That the amounts herein appropriated shall be reduced as revenues are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than $29,294,000.

URANIUM ENRICHMENT DECOMMISSIONING AND DECONSTRUCTION FUND


GENERAL SCIENCE AND RESEARCH ACTIVITIES

For expenses of the Department of Energy activities including the purchase, construction, or expansion of plant and capital equipment and other expenses incidental thereto necessary for energy supply, research and development activities, and other activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion; purchase of passenger motor vehicles (not to exceed 12 for replacement only), $969,100,000: Provided, That none of the funds herein appropriated may be used directly or indirectly to influence legislative action on nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund.

For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund:

NUCLEAR WASTE DISPOSAL FUND

For necessary expenses in carrying out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund:

For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund:

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For the nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, $226,600,000, to remain available until expended, to be derived from the Nuclear Waste Fund:
any matter pending before Congress or a State legislature or for any lobbying activity as provided in section 1913 of title 18, United States Code: Provided, That the amount herein appropriated, $5,283,000, is for deposit into the Utah Reclamation Mitigation and Conservation Account established in section 423 of the Reclamation Projects Authorization and Adjustment Act of 1992: Provided further, That the Secretary of the Treasury may transfer from the Colorado River Dam Fund to the Western Area Power Administration $4,556,000 to carry out the power marketing and transmission activities of the Upper Colorado River Project as authorized in section 104(a)(4) of the Hoover Power Plant Act of 1934, to remain available until expended.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at Falcon Dam, $122,306,000, to remain available until expended.

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hiring of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); official reception and representation expenses (not to exceed $131,290,000), to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense activities, including the purchase of any property or any facility or for plant or facility construction, expansion, and operation; and the purchase of passenger motor vehicles (not to exceed 76 of which are replacement only, including one police-type vehicle), [§273,014,000] $3,751,719,000, to remain available until expended.

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense activities, including the purchase of any property or any facility or for plant or facility construction, expansion, or operation; and the purchase of passenger motor vehicles (not to exceed 7 for replacement only), [§265,478,000] $5,989,750,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, [§196,400,000] $248,400,000, to remain available until expended, all of which shall be used in accordance with the terms and conditions of the Nuclear Waste Fund appropriation, notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Defense Nuclear Facilities Safety Board in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), [§362,250,000] $377,126,000, to remain available until expended; and for additional amounts necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511, et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous expenses estimated to total [§122,306,000] $131,290,000, to remain available and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 97-425, as amended, including the provisions of section 3302 of title 31, United States Code: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at not more than [§259,944,000] $239,820,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, [§265,000,000] $25,000,000, to remain available until expended.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101, et seq.), including the hire of passenger motor vehicles; official reception and representation expenses (not to exceed $3,000); official reception and representation expenses (not to exceed $131,290,000), to remain available until expended.

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, and those pursuant to Public Law 93-454, are approved for official reception and representation expenses in an amount not to exceed $3,000.

Operation and Maintenance, Southwestern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $19,843,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Delaware River Basin Commission, as authorized by the Atomic Energy Act of 1954, as amended by Public Law 93-300, section 1441, [§17,000,000] $17,000,000, to remain available until expended.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), [§343,000] $343,000.
Commission, as authorized by law (75 Stat. 706, 707), $478,000.

INTERSTATE COMMISSION ON THE POMAT MAC RIVER BASIN
CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during that part of the fiscal year in which the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970, Public Law 91-307, $511,000.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the Services Acquisition and Working Capital Account for security guard services; hire of passenger motor vehicles and aircraft, $468,300,000; to remain available until expended: Provided, That the sum herein appropriated shall be retained and used for necessary salaries and expenses in this account, so as to result from licensing fees, inspection services, and other services and collections, to remain available until expended: Provided further, That the sum herein appropriated shall be retained and used with necessary salaries and expenses for operations of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), and the Tennessee Valley Authority Act of 1938, as amended, to the extent of their direct benefit to the Tennessee Valley Authority: Provided further, That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, so as to result from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $(2,531,000) $2,664,000, to be transferred from the Nuclear Waste Fund and to remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

SUSQUEHANNA RIVER BASIN COMMISSION
SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission as authorized by law (84 Stat. 1541), $318,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $318,000.

TENNESSEE VALLEY AUTHORITY
TENNESSEE VALLEY AUTHORITY FUND
TENNESSEE VALLEY AUTHORITY
SALARIES AND EXPENSES

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $(103,339,000) $110,339,000, to remain available until expended.

TITLE V GENERAL PROVISIONS

SEC. 501. SEC. 505 of Public Law 102-377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99-396, the Urgent Supplemental Appropriations Act, 1986, are repealed.

SEC. 502. SEC. 510 of Public Law 101-514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.

SEC. 503. Without fiscal year limitation and notwithstanding section 202(b)(5) of the Nuclear Waste Policy Act, as amended, or any other provision of law, a member of the Nuclear Waste Technical Review Board whose term has not expired may continue to serve as a member of the Board until such member’s successor has taken office.

SEC. 504. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 506. SEC. 502 of Public Law 102-377 (38 U.S.C. 7906(b)), to the extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance for any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide in any notice describing the statement made in subsection (a) by the Congress.

SEC. 506. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision includes an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

SEC. 507. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount: (1) “Nuclear Waste Disposal Fund”, aggregate amount, $1,000.

SEC. 508. None of the funds made available in this Act may be used for the Army Corps of Engineers Upper Mississippi River-Illinois Waterway System Navigation Study may be used to study any portion of the Upper Mississippi River located above Lock and Dam 14 at Moline, Illinois, and Bettendorf, Iowa, except that the limitation in this section shall not apply to the conducting of any system-wide environmental baseline study pursuant to the National Environmental Policy Act.

SEC. 509. Without fiscal year limitation, the amount of fish and wildlife costs that the Bonneville Power Administration may incur during a fiscal year shall not exceed its ability to pay as a percent of the preceding years annual power revenues exclusive of gross residential export returns that the Bonneville Administrator accrues in that fiscal year. No branch or agency of the Federal Government shall take any action pursuant to any law which shall cause the Bonneville Power Administration to exceed this expenditure limitation.

“Fish and wildlife costs” includes—
(1) purchase power costs and lost revenues, as determined by the Bonneville Administrator (subject to independent audit), based on the forecast value of such costs or revenues under applicable conditions;
(2) power revenues exclusive of gross residential export returns that the Bonneville Administrator accrues in that fiscal year.
(3) reimbursable costs.

This provision shall be implemented on October 1, 1995 unless there is a valid agreement which limits Bonneville’s exposure to increases in fish and wildlife costs consistent with its ability to pay; and the need for fish and wildlife resources in the Columbia River Basin.

This Act may be cited as the “Energy and Water Development Appropriations Act, 1996”.

HOMOSEXUAL RIGHTS NEED CLEAR AND DIRECT DEBATE

Mr. HELMS. Mr. President, an effort is underway to demand that Congress enact legislation to grant rights to homosexuals that other Americans do not have and cannot believe in. Such legislation will be approved by either the Senate or the House, but there’s no way to be certain that either or both
bodies won’t cave in to political pressures being exerted.

One thing appears certain: The liberal media will likely get behind such an effort.

In any event, Mr. President, I want Dr. McDonald’s observations to be made available to Senators and others who may have concerns about the obviou...
According to a February news release from the Star Tribune's partner, AT&T, the Star Tribune's parent company, Cowles Media, has formed Cowles Business Media for the sole purpose of running an online news and information service for business professionals. Furthermore, in a March 3 letter to West, the Star Tribune admitted that if there was a decision we obviously report it on the online service, and we might publish the decision if we had access to it. WESTLAW, West Publishing's flagship online service, is already the nation's leading source of legal and nonlegal business and professional information. Make no mistake. The Star Tribune and Cowles Business Media will compete directly with WESTLAW. West welcomes competition. In fact, since 1992, the number of competing providers of caselaw has increased from 65 to more than 190. West's two largest competitors are multibillion dollar, multinational conglomerates headquartered in foreign countries. The Star Tribune lamely states it has no intention of entering the legal publishing business, hoping its readers don't know and will not find out that West isn't as alone, but one of America's leading online business and professional information providers.

The Star Tribune must not forget that aside from its competitive business ventures, it remains a newspaper. It could have added a dose of journalistic integrity to the story by merely mentioning the AT&T venture somewhere in that enormous story. Just as it did whenever notions of accuracy forced it to admit, however cryptically, that neither West nor the judges had done anything wrong at all.

The Star Tribune also has a duty to pursue its tasks in good faith. In correspondence with Star Tribune editors and feature writers, we learned that the newspaper was undertaking a broad examination of the entire legal publishing industry. West was asked to cooperate with work on an article that involved "major contractors such as Mead Data Central, West Publishing Co. and Lawyers' Cooperative Publishing." West cooperated initially because any story entitled "Who Owns the Law" ought to say—and we did—that among major legal publishing companies, only West is American-owned. It was the Star Tribune's judgment that, in the wake of Dutch-owned Reed Elsevier's $1.5 billion purchase of West's primary American competitor, Mead Data Central, the Star Tribune would now show a relative and West's opposition to support the Star Tribune's position. The article also quoted out of context West's editorial director, a former judge who asks an attorney challenging West, "Did West do something to make you mad?" Placed in the proper context, the judge was asking precisely the right question, since the issue before the court was whether there was an actual controversy in the first place. The quoted judge was frustrated over the other party's failure to identify a dispute that the court could resolve. It's all there in the transcripts and pleadings, but the Star Tribune chose to ignore it.

In short, the Star Tribune expended enormous resources to concoct a self-serving, long-winded and repetitive story that trashed a fine, old Minnesota company, reaching no conclusion, found no improper behavior and left readers asking, "So what?" But most importantly, the story took several poorly aimed and ill-advised shots at the pinnacle of the American judiciary. It was all unnecessary and unfortunate. The people of Minnesota and the readers of the Star Tribune deserve better.

UNITED STATES-UNITED KINGDOM AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss a matter of great importance to U.S. passenger and cargo carriers. I refer to aviation relations between the United States and the United Kingdom. The strategic location of the United Kingdom makes it a key crossroad for international traffic. It is a gateway to Europe and an important link in the global aviation market. A liberalized, balanced air service agreement between the United States and the United Kingdom is in the best interest of both countries. Of equal importance, the increased competition resulting from such an agreement would benefit consumers on both sides of the Atlantic. Unfortunately, our current bilateral aviation agreement—the Bermuda II Agreement—is anticompetitive, nowhere near balanced, and harms consumers.

First, the agreement is terribly restrictive. For example, presently only two U.S. carriers—American Airlines and United Airlines—can serve London Heathrow Airport from specific cities. This is particularly significant since Heathrow is the most important international gateway airport in the world. Also, the number of passengers carried to the United Kingdom by United States airlines is severely constrained by the Bermuda II Agreement. Without question, Bermuda II is our most restrictive bilateral aviation agreement.

Second, the air service agreement is grossly imbalanced in favor of the British. Currently, United Kingdom airlines have the exclusive right to serve a significant portion of the transatlantic passengers between the United States and the United Kingdom. In 1976, U.S. air carriers had around 60 percent of the transatlantic passenger market share. The British found that state of affairs intolerable. In fact, the United Kingdom relied on this inequitable balance as the basis for reneging the Bermuda I Agreement.

The British were right. A 60 percent-40 percent imbalance is intolerable. It must be corrected. U.S. carriers are highly competitive and, but for Bermuda II, the market would not be skewed in this manner. I am willing to put our highly efficient carriers up against any foreign carriers. Given the choice, I am confident they will successfully compete in any market worldwide.

Finally, Bermuda II is undesirable for consumers because it limits competition. Consumers on both sides of the Atlantic would benefit greatly from increased competition in the United States-United Kingdom transatlantic market. Bermuda II does not discriminate, it harms British consumers as well as United States travelers.

Mr. President, earlier this year the United States became pressing for a liberalized, market oriented aviation agreement with the United Kingdom. This is not the first time we have tried to secure an air service agreement on this basis. In fact, for more than 50 years the United States has repeatedly tried to get the United Kingdom to embrace an air service agreement based on free-market principles. Our current position is not new, nor is it novel. Unfortunately, for more than 50 years, these attempts have consistently been rebuffed by the British, who are very concerned about the prospect of unrestrained head-to-head competition with United States carriers. Many aspects of our trade relationship with
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the United Kingdom are open and unre-
stricted. Aviation certainly is not one of
them. The current round of negotiations that began earlier this year did, how-
ever, start a process which hopefully will (1) lead to additional capacity in a li-
mited way.

The phase 1 deal agreed to by the United States and the United Kingdom last month is a step in the right direction, but we have a long, long way to go.

Hopefully the momentum of the phase 1 deal will carry over into phase 2 negotiations which began recently in London. I hope we can secure a phase 2 deal this fall that increases access to Heathrow and Gatwick Airports, and liberalizes cargo services, pricing, and charter flights. Such an agreement would be another significant step. It would be a welcome development. How-
ever, even if we reach consensus on a phase 2 agreement, we must not stop there. The United States and the United Kingdom must continue working together to fully liberalize our aviation relations.

Mr. President, I wish to briefly dis-
cuss two important related issues. First, is the United States' request for additional transatlantic access fair and re-
alistic in light of current capacity lim-
itations at that airport? Second, does
the United States have enough lever-
age in negotiations to obtain a liberal-
ized air service agreement?

Several weeks ago I met in London
with key United Kingdom transport of-
ficials and aviation executives to bet-
ter evaluate each of these questions. I
believe the answer to both questions is "yes." Let me explain my conclusions.

Heathrow Airport, like four airports
in the United States, is a slot-con-
trolled facility. By this I mean it has a
limited number of takeoff and landing
slots. I was aware Heathrow handles a
substantial amount of passenger and
cargo traffic. However, I was surprised
to discover Heathrow also is an airport
with significant unused capacity.

In the short term, operational
changes at Heathrow could imme-
diately create much-needed additional
runway capacity. For instance, pres-
tently Heathrow's two runways function
on what is called segregated mode op-
erations. What this means is one run-
way is used exclusively for takeoffs
while the other is used exclusively for
landings. Operating runways in this
manner is quite inefficient.

In the United States, most of our
major airports use mixed-mode runway
operations. This means landing and de-
parting traffic is sequenced and mixed
on the same runway. Mixed-mode oper-
ations are very efficient and very safe.
They enable an airport to maximize
runway capacity.

What would result if Heathrow
switched its runways to mixed-mode op-
erations? Even an estimate indicates
significantly more additional capacity
would be needed to fully meet current
demand. What this means is Heathrow
would need to add another runway,
which is not possible.

The conclusion is Heathrow has
about 18 percent. This would mean po-
tentially an additional 7 arrivals and 7
departures per hour, and more than 100
new arrivals and 100 new departures
daily. For an airport which purportedly
has no additional capacity, this is very
significant indeed.

Some adjustments in airspace oper-
ations and ground movement manage-
ment would be needed to capture the
full traffic growth which is expected in
runway operations. Let me add that I
understand the noise climate around
Heathrow has been improving for many
years and, due to newer and quieter jets,
increased operations should not pose an
environmental threat.

I wish I could take credit for this ex-
cellent idea. The credit, however, goes to
British Government and industry
projects which have studied the
Heathrow capacity problem. It was a
conclusion of the British Civil Aviation
Authority study on runway capacity
that was released in 1993. The source of
the statistics to which I refer is the
August 1994 report of the Heathrow
Airport Runway Capacity Enhance-
ment Study. On June 22, 1995, the
House of Commons Transport Commit-
tee commenced an inquiry into airport
capacity issues in the United Kingdom.
Among the issues it will consider is un-
derutilization of airport capacity and,
in that regard, methods of runway op-
erations.

In the longer term, there is a pro-
posal to add a new terminal at Heathrow
that will significantly in-
crease airport capacity. According to a
report by BAA plc, the dynamic private
company that owns and operates
Heathrow, the proposed new terminal 5
would allow Heathrow to handle 30 mil-
lion more passengers a year.

Time and time again United States
negotiators are told by their very
skilled British counterparts there is no
additional capacity at Heathrow. I un-
derstand this during the same
song in negotiations in London earlier
this month. We should confront the
British negotiators with these facts
and supporting studies.

Let me turn to the important ques-
tion of whether we have enough lever-
age to get the British to agree to a
fully liberalized aviation agreement.
The Aviation Subcommittee of the
Commerce, Science, and Transpor-
tation Committee considered that issue
during a hearing several months ago.
Understanding that a number of Senators
were concerned the United States has
squandered its leverage by giving the
British too many aviation rights in the
past without obtaining equal benefits.
That criticism of negotiations prior to
1995, particularly those which led to
the Bermuda II Agreement in 1977, is
warranted. We have given, so to speak,
with both hands.

I disagree, however, that the United
States has nothing of value left which
will enable us to obtain a liberalized
aviation agreement with the British.
We still hold the ultimate leverage, the
most important bargaining chip of all.
We control the substantial economic
benefit the United Kingdom presently
enjoys as a result of United States car-
rier business.

There was a time when geographic
factors and technological limitations
made the United Kingdom the inter-
national gateway of necessity for Unit-
ed States carriers who were interested
in European markets. Not any more.
The British skillfully played this bargain-
ing chip for all that it was worth. In
fact, they continue to oper-
ate on this outdated premise.

Times have changed. New generation,
long range aircraft represent the op-
portunity of overflying the United King-
dom gateway airports on the European
Continent an option that is viable from
both an operational and economic
standpoint. Moreover, open skies agree-
ments with European countries have
made clear to the United States and
to U.S. carriers that these nations
want our business. If the United King-
dom does not promptly revise its
thinking, it may well see United States
carriers look beyond the United King-
dom to other European destinations for
international gateway opportunities.

Recent developments in our aviation
relations with countries on the Euro-
pean Continent have quite understand-
ably caused our carriers to seriously
consider opportunities beyond the
United Kingdom. Since the United States
and The Netherlands signed an
open skies accord in 1992, the result-
ing growth of international traffic to Am-
sterdam's Schiphol International Air-
port has been quite significant. Our
very recent open skies agreements with
Austria, Denmark, Finland, Iceland,
Luxembourg, Norway, Sweden, and
Switzerland should also create new
continental opportunities. An open
skies agreement with Belgium that is
expected soon will have the same ef-
fect.

The greatest catalyst for this move-
ment of United States air service busi-
ness to the European Continent, how-
ever, would be an open skies agreement
with Germany. I welcome reports that
aviation negotiations between the
United States and Germany earlier this
month went very well. Also, I am
pleased German Transport Minister
Matthias Wissmann came to Washing-
ton last week to meet with Secretary
Peña. United States-German aviation
relations are moving in the right direc-
tion.

An open skies agreement with Ger-
many would make the airports in Mu-
inch and Frankfurt very attractive to
United States carriers who are frus-
trated they cannot obtain sufficient ac-
cess to Heathrow and Gatwick. I under-
stand a new airport also is planned in
Berlin. In addition, there has been quite
significant growth in international
airports in European countries with
which we have open skies agree-
ments—particularly Amsterdam's
Schiphol International Airport. German
airports represent significant competition to United Kingdom air-
ports.

BAA plc, which owns and operates
Heathrow, makes my point very suc-
cinctly. In a recent publication, BAA
perceptively observed: “Airlines and passengers are free agents. If extra capacity is not developed at Heathrow, the airport will not be able to satisfy demand and airlines will expand their business at continental airports.” BAA added that closures are denied the opportunity to grow if Heathrow, many will choose Paris, Frankfurt or Amsterdam.” BAA is absolutely right.

Before it is too late, I hope the United Kingdom Department of Transport recognizes the United Kingdom no longer only as an international air travel gateway for United States carriers. The economic stakes for the United Kingdom are very high.

Mr. President, I remain hopeful the British will liberalize their air service agreement with our country. It is in the best interest of both countries to do so. As British negotiators again pursue over Heathrow access and other important elements of the phase 2 deal such as liberalization of cargo services, I hope they fully understand the implications of new opportunities for United States carriers in continental Europe.

An open skies agreement with Germany would really drive home this point.

I ask unanimous consent that a recent article appearing in the Financial Times describing my view of the impact an open skies agreement between the United States and Germany would have on United States-United Kingdom aviation relations be printed in the RECORD.

I further ask unanimous consent that a letter I recently sent to Sir George Young, the new United Kingdom Secretary of State for Transport, which describes my concern about the current state of United States-United Kingdom aviation relations also be printed in the RECORD.

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

[From the Financial Times, July 6, 1995]

S 10926

CONGRESSIONAL RECORD – SENATE
J July 31, 1995

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

Mr. PRESSLER, Chairman.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. DOMENICI. What is the pending business?

The PRESIDING OFFICER. The pending business is H.R. 1905.

Mr. DOMENICI. Mr. President, parliamentary inquiry; in the event that State Department, foreign assistance bill is removed from the calendar, will there be an opportunity to take up this bill?

Mr. DOMENICI. Has a time been set for a vote on that?
and gone to conference and reported them out of conference and through the floors of both bodies, I do not know.

Mr. President, the Energy and Water Development Subcommittee funds programs in two categories—defense and nondefense areas. Our total 602(b) allocation is divided between these two categories, and is consistent with the budget resolution’s firewalls separating defense and nondefense spending.

Although we are below our total 602(b) allocation for both budget authority and outlays, we are constrained by our budget authority allocation for defense programs, and our outlay allocation for nondefense. There is no room left in our allocation to fund programs in either the defense or nondefense areas.

If we were to fund them, or fund them differently, we will have to take away from funding in the bill. I remind Senators, if they choose to take money from the defense portion—and obviously you can ask which portion it is, but I think it is clearly understandable within the budget—if they choose to move defense money to a nondefense program, it is subject to a point of order under the Budget Act and clearly would violate the spirit of the budget resolution of this year. So it is not going to be easy for Senators to have amendments on the nondefense side because they are going to only look to that portion of this bill that is nondefense to try to move money around. That is just the way it is, and especially when you put a firewall up, which we have now imposed for the next 3 years.

Let me give the Senate and those interested in appropriations a little bit of an overall picture.

Fifty-seven percent of the funds in the bill are dedicated to programs in the atomic energy defense activities areas, including nuclear waste cleanup activities. A total of $31,445,981,000 in budget authority and $10,906,895,000 in outlays is recommended. This is consistent with the budget resolution crosswalk of $11,447,000,000 in budget authority, and $10,944,000,000 in outlays, and the crosswalk is identical to our 602(b) allocation.

The areas where we are recommending the largest reductions in spending are the nondefense programs—the Army Engineer’s, the Bureau of Reclamation, nondefense programs in the Department of Energy, and the independent agencies—which comprise only 43 percent of the bill.

The total amount recommended for nondefense domestic discretionary spending is $8,716,112,000 in budget authority and $9,271,155,000 in outlays. This is right up against our nondefense outlay ceiling, as I have heretofore described. The nondefense total for budget authority is $1,458,107,000 below the current year, $819,108,000 below the President’s budget request, and $481,888,000 below the budget resolution crosswalk.

Due to this dramatic reduction in nondefense spending, the Subcommittee’s ability to fund new initiatives is extremely limited, and many existing programs are cut significantly below both the current year and the President’s request. For example, we are proposing major reductions to both major civilian programs and national laboratories, and these reductions will move us toward our 602(b) allocation.

Although we are recommending significant program reductions, we believe we have drafted a more balanced bill than the House. We have restored funds above the House levels for the following programs: environmental restoration and waste management—$724.3 million; Solar and renewable energy—$17.2 million; Soviet designed reactor safety—$40 million; Biological and environmental research—$48.9 million; Nondefense laboratory technology transfer—$25 million; and University science and education—$30 million.

One other topic deserving mention is the subject of authorizing bill language. We have received numerous requests to include authorizing language for the Corps of Engineers and the Bureau of Reclamation. Unfortunately, due to conflicts with the authorizing committees, we have not been able to accommodate these requests. We are hopeful the authorizing committee will pass a bill this year, and relieve us of these pressures.

At this point, Mr. President, I would like to briefly summarize the bill as reported by the committee.

Title I of the bill funds the water resources development activities of the U.S. Army Corps of Engineers, Civil Works Program. The total new budget authority recommended is $3,174,512,000, a reduction of $234.4 million from the currently enacted level, and $132.9 million below the budget request. The Corps’ water resources program provides lasting benefits to the Nation in the areas of flood control, municipal and industrial water supply, irrigation, commercial navigation, hydroelectric power, recreation, and fish and wildlife enhancement.

The committee has rejected the administration’s proposal to radically change the civil works mission for the Corps of Engineers. Were these proposals to go into effect in fiscal year 1996, the corps would be involved in only those projects and proposals deemed to be of national scope and significance. While it may at first seem reasonable that the Federal Government only be involved in programs of national significance, a closer look makes it apparent that they were ill-conceived and not consistent with the well-being of the Nation.

And the committee has rejected them by not affirming them and acting on some projects in disregard of that new definition.

The post-far-reaching of these proposals involves the Corps of Engineers’ role in protecting our citizens from the devastating effects of floods. Under the administration’s proposal, the corps would only participate in projects that meet the following three criteria: First, more than one-half of the damaging flood water must come from outside the boundaries of the State where the damage is occurring; second, the project must have a benefit-to-cost...
ratio of 2 or greater; and third, the non-Federal sponsor must be willing and able to pay 75 percent of the first cost of the project. The practical effect of applying those criteria against all proposed projects would be to terminate the Federal Government’s role in flood control activities.

The first criterion alone would eliminate the corps’ role in flood control throughout much of the country, including three of our largest States: California, Texas, and Florida. Terminating the Federal Government’s role in flood control activities as a way to save money clearly is not one that this committee has decided is right nor is it necessary under moneys we have available. We can continue with a lesser program without tying its hands that much.

The committee also has rejected the administration’s proposals to terminate the Federal role in shore protection projects and smaller navigation projects.

Title II of the bill funds activities associated with the Department of the Interior’s Bureau of Reclamation and the central Utah completion project. Total funding recommended for these activities is $286,624,000. This is a reduction of $64.8 million from the current year’s level, and $16.4 million below the budget request.

Programs and activities of the Department of Energy comprise title III of the bill, and a total of $16,225,359,000 in new budget authority is recommended. Programs funded under this title relate to: energy supply, research and development activities, uranium supply and enrichment activities, the uranium enrichment decontamination and decommissioning fund, general science and research activities, the nuclear waste disposal fund, atomic energy defense activities, departmental administration, the Office of the Inspector General, the Power Marketing Administrations, and the Federal Energy Regulatory Commission.

For atomic energy defense activities, the committee recommends a total of $11,429 billion in new budget authority. The programs funded in this area include stockpile stewardship, stockpile management, defense environmental restoration and waste management, verification and control technology, and others. Well over half of the total atomic energy defense activities funds, almost $5 billion, is for the Environmental Restoration and Waste Management Program. The committee’s recommendation is $724 million above the House for this critical program focused on cleaning up and managing existing waste at various atomic weapons production sites.

Under the energy supply, research and development account, the committee proposes an appropriation of $2,797,328,000 for such programs as solar and renewable energy, nuclear energy, biological and environmental research, fusion energy, basic energy sciences, and other activities.

One of the most difficult decisions made by the committee concerns the Civilian High Level Radioactive Waste Management Program in the Department of Energy. Because the administration requested no discretionary appropriations for the program, the committee recommends a course of action designed to put the Nation’s civilian nuclear waste program back on track.

Accordingly, the committee recommends a total funding level of $400 million from the nuclear waste fund and $248.4 million from the defense nuclear waste disposal account—for nuclear waste activities. Furthermore, due to the delay in site characterization activities at Yucca Mountain, and the need for the Federal Government to begin accepting commercial spent nuclear fuel from the Nation’s nuclear utilities in 1998, the committee recommends a provision in the bill to establish an interim storage facility at Yucca Mountain if necessary. Finally, Mr. President, the committee proposes a total of $330,941,000 in new budget authority for a number of independent agencies funded under title IV of the bill. This includes such agencies as the Power Marketing Administrations, the Appalachian Regional Commission, the Appalachian Regional Commission, and the Tennessee Valley Authority.

Mr. President, I yield to my friend, the ranking member, Senator BENNETT JOHNSTON of Louisiana. Mr. J. JOHNSTON addressed the Chair.

Mr. J. JOHNSTON. Mr. President, I thank my colleague for his kind remarks about me. And I want to say, Mr. President, that this is Senator DOMENICI’S first appropriations bill but he is a veteran of great leadership in many areas in the Senate, and he has taken to the appropriations process like a duck in water and has put together an excellent bill.

The relationship that I have had over a period of, I think, 18 years with Senator HATFIELD, the Senator from Oregon, who is now the chairman of the full committee—but for those 18 years he and I have switched off as chairman and as ranking minority member of this committee—that relationship is being continued, I am pleased to say, with the Senator from New Mexico (Mr. DOMENICI), a long-time leader in the Senate and long-time friend, and it is a pleasure to work with him on this bill.

This bill is a very, very difficult one, the 620(b) allocation in domestic programs having been cut substantially from what it was last year. And that means that the needs and certainly the requests of our colleagues could simply not be met, Mr. President, because the resources were so minimal in this bill. But Senator HATFIELD, as a former Senator from New Mexico, as a former Governor of New Mexico, has done an excellent job in at least dealing with the most important priorities in the bill, and I think putting together an excellent bill.

Mr. President, I am pleased to join with the senior Senator from New Mexico [Mr. DOMENICI] in presenting to the Senate the energy and water development appropriation bill for the fiscal year 1996 beginning October 1, 1995.

The committee is the House of Representatives on July 12, 1995, by a vote of 400 yeas to 27 nays. The Subcommittee on Energy and Water Development marked up this bill on July 25, 1995, and the full committee marked it up on July 27, 1995.

At the outset, I want to commend the chairman of the subcommittee, Senator DOMENICI, This is the first time he has handled an appropriation bill as chairman, and he has done an excellent job in putting this bill together, under very difficult budgetary constraints and circumstances. He is an outstanding Member of the Senate and I am pleased to work with him in connection with this bill and on energy.

I also want to thank the distinguished Senator from Oregon, Senator HATFIELD, the chairman of the full Committee on Appropriations. Senator HATFIELD and I had probably one of the longest-running Appropriations Committees in the history of the Appropriations Committee on the Energy and Water Development Subcommittee, I having chaired on and off for a number of years, and Senator HATFIELD having chaired on and off for a number of years, and having ranking minority member. Beginning this year, of course, Senator HATFIELD is chairing a different subcommittee. We always shared a productive, pleasant, bipartisan, and always, I think, the kind of relationship that Senators seek and glory in when it is present. I treasure his friendship and appreciate the cooperation and assistance given to me.

Mr. President, the Senator from New Mexico has presented the committee recommendations on the major appropriation items, as well as the amounts recommended, so I will not undertake to repeat and elaborate on the numerous recommendations. Instead I will just have a few brief remarks summarizing bill.

PURPOSE OF THE BILL

The bill supplies funds for water resources development programs and related activities, of the Department of the Army, civil functions—U.S. Army Corps of Engineers’ civil works programs under title I; for the Department of the Interior’s Bureau of Reclamation in title II; for the Department of Energy’s energy research activities—for fossil fuel programs and certain conservation and regulatory functions—including atomic energy defense activities in title III; and for related independent agencies and commissions, including the Appalachian Regional Commission and Appalachian regional development programs, the Nuclear Regulatory Commission, and the Tennessee Valley Authority in title V.

SECTION 620(B) ALLOCATION FOR THE BILL

The Energy and Water Development Subcommittee allocation under section
Mr. President, the fiscal year 1996 budget estimates for the bill total $20,681,648,000 in new budget obligations authority. The recommendation of the committee provides $20,162,093,000. This amount is $520 million under the President's budget estimate and $1,464,636,000 more than the House-passed bill.

Mr. President, I will briefly summarize the major recommendations provided in the bill. All the details and figures are, of course, included in the committee report number 104-102, accompanying the bill, which has been available since last Friday.

**SUMMARY OF RECOMMENDATIONS**

Mr. President, the fiscal year 1996 budget estimates for the bill total $20,681,648,000 in new budget obligations authority. The recommendation of the committee provides $20,162,093,000. This amount is $520 million under the President's budget estimate and $1,464,636,000 more than the House-passed bill.

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**TITLE I, ARMY CORPS OF ENGINEERS**

First, under title I of the bill which provides appropriations for the Department of the Army civil works program, U.S. Army Corps of Engineers, the recommendation is for a total of new budget authority of $3,174,512,000, which is $49 million less than the House amount and $133 million less than the budget estimate. It is $234 million less than the fiscal year 1995 appropriation.

The committee received a large number of requests for various water development projects including many requested by new construction starts. However, as the chairman has stated, due to the limited budgetary resources, the committee could not provide funding for each and every project requested. The committee recommendation does include a small number of new construction starts and has deferred without prejudice several of the largest of the projects eligible for initiation of construction. Because of the importance of some of these projects to the economic well-being of the Nation, the committee will continue to monitor each project's progress to ensure that it is ready to proceed to construction when resources become available. As the committee reports points out, the committee's recommendation does not agree with the policies proposed by the administration in its budget.

**TITLE II, DEPARTMENT OF THE INTERIOR**

For title II, Department of the Interior Bureau of Reclamation, the recommendation provides new budget authority of $816,624,000, which is $16 million less than the budget estimate and $40 million under the House bill.

**TITLE III, DEPARTMENT OF ENERGY**

Under title II, Department of Energy, the recommendation is for a total of $16.2 billion. This amount includes $2.8 billion for energy supply, research and development activities, a net appropriation of $29 million for uranium supply and enrichment activities; $279 million for the advanced light water reactor program, decontamination and decommissioning fund, $971 million for general science and research activities, $151.6 million from the nuclear waste disposal fund, and $6.6 billion for environmental restoration and waste management—defense and nondefense.

For the atomic energy defense activities, there is a total of $11,429 billion comprised of $3,752 billion for weapons activities; almost $6.0 billion for defense environmental restoration and waste management; $1.440 billion for other defense programs and $248 million for defense nuclear waste disposal. For departmental administration $377 million is recommended offset with anticipated miscellaneous revenues of $137 million for a net appropriation of $240 million. A total of $312.5 million is recommended in the bill for the power marketing administrations and $131 million is for the Federal Energy Regulatory Commission (FERC) offset 100 percent.

A net appropriation of $197 million is provided for solar programs, including photovoltaics, wind, and biomass and for all solar and renewable energy, $283.5 million, an increase of over $17 million over the House bill.

For nuclear energy programs, $280 million is recommended, which is about $13 million less than the current level. The major programs provided for included funds to continue the advanced light water reactor program at $40 million and about $73 million in termination costs. The sum of $12.5 million is included for the gas turbine-modular helium reactor [GT-MHR], also known as the gas reactor which I strongly support.

For the magnetic fusion program, the committee is recommending $225 million, which is $141 million less than the budget. An amount of $428.6 million is included for environmental research and $792 million for basic energy sciences.

**TITLE IV, REGULATORY AND OTHER INDEPENDENT AGENCIES**

A total of $331 million for various regulatory and independent agencies of the Federal Government is included in the bill. Major programs include the Appalachian Regional Commission, $182 million; Nuclear Regulatory Commission, $474.3 million offset by revenues of $457.3 million; and for the Tennessee Valley Authority, $10.4 million.

Mr. President, this is a good bill. I wish there were additional amounts for domestic discretionary programs in our allocation but that is not the case. A large number of good programs, projects, and activities have been either eliminated or reduced severely, because of the allocation, but such action is required under the budget constraints we are facing. I hope the Senate will act fairly and expeditiously in passing this bill so we can get to conference with the House and thereafter send the bill to the White House as soon as possible.

Mr. President, I yield the floor with just the parting comment that it is a pleasure to work with the Senator from New Mexico and with the chairman of the full committee, Mr. Hatfield.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

**FOREIGN RELATIONS REVITALIZATION ACT**

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 908, which the clerk will report.

The legislative clerk read as follows:

A bill, S. 908, to provide appropriations for the Department of State, for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HELMS. Mr. President, I am pleased that the Senate has finally passed the Foreign Relations Committee's Foreign Relations Revitalization Act of 1995.

This is hallmark legislation, and it represents the first proposal to revamp U.S. foreign affairs agencies since the end of the cold war. It is forward looking legislation that puts our Nation's interests first and instructs the United States to organize and streamline its operations for the 21st century, which is just around the corner. I wish I had the ability of Abraham Lincoln, who so ringingly affirmed the essence of what we are as a nation. And he did it on the back of an envelope. There are not many individuals who have Lincoln's wisdom, and certainly I do not, but I can say that in drafting this bill, the Senate Foreign Relations Committee relied heavily on the wisdom of many individuals and on numerous studies made by several administrations of both parties. Those studies focused on how the United States could better organize its foreign affairs institutions. We have received the counsel of five former U.S. Secretaries of State whose services spanned the
the Vice President has yet to submit a formal authorization request for fiscal year 1996.
So you see the pattern, Mr. President. They promise a lot, they talk a lot, they brag on themselves a lot down on Pennsylvania Avenue and in Foggy Bottom, but when it comes to producing, nothing happens. It is all politics.

But in the absence of leadership from the executive branch, it was left to those of us in Congress to take the lead. On March 15, Senator Snowe, the distinguished lady from Maine, and Chairman Ben Gilman of the House committee, and I announced publicly a plan to restructure U.S. foreign affairs agencies. S. 908—now get that number, S. 908, because we are going to be talking about S. 908 a great deal in the coming days and weeks. It is the pending business in the Senate and it is the legislative realities of the plan that we worked so long and hard on with not one bit of cooperation from the administration. Not one iota of cooperation. They want to keep the bureaucratic turf intact. They are going to promise to cut spending, but they are not going to eliminate any bureaucrats.

The administration has rejected any attempt to join in helping us shape this initiative. Silent in seven languages. "Don't bother me," they said. The administration's response has been a confrontational one, and here I quote from some internal notes from one of the meetings on this legislation conducted in the administration and by the administration. Their plan to greet this legislation, and we will watch and see what happens, their plan is to "delay this legislation, to derail this legislation, and we will watch and see what happens on the other side remains to be seen. It is going to be interesting to watch what happens on the other side."

So if we are even going to have an opportunity to vote on this bill, we are going to have to have a cloture vote, meaning that we will have to get a constitutionally required three-fifths of the U.S. Senate to vote to let us have a vote. Now whether we are going to get any help from the other side remains to be seen. It is going to be interesting to watch what happens on the other side.

So what I am saying, Mr. President, is that the administration obviously, flagrantly has not wanted the Senate Foreign Relations Committee to produce any legislation that would reduce the bureaucracy which would cut down on foreign aid and all of the other things that the American people have been demanding for so long.

The administration has refused cooperation at every juncture—every
H.R. 1561, several weeks ago, and the cause they have different rules from ever.

This consolidation plan provides greater flexibility to the executive branch than exists in current law. The only hitch is to abolish three outdated agencies. That is where the protests have come from.

This bill does not legislate every position and office in the Department of State, and anybody who says to the contrary has not even read the bill.

Now, the committee provides guidance for the organizational structure of consolidation. S. 908, the pending bill, mandates 5 Under Secretary positions—the exact number mandated under current law—and provides authority for 20 Assistant Secretary positions, two of which are mandated. What current law mandates three. The bill before you allows the President and Secretary of State unparalleled flexibility to organize under the five senior positions at State. The committee provides $225 million for 20 years for transforming funds with extraordinary authorities. This is designed to ease and facilitate transition to a reduced Federal bureaucracy.

Now, for the purpose of emphasis, Mr. President, let me remind the Senate that the pending bill, S. 908, is the very first authorization bill this Senate has considered since the House and Senate budget agreed to achieve a balanced Federal budget by the year 2002. I am pleased and grateful that the Foreign Relations Committee has fulfilled its duty. We have done the best we can. If ever, raw politics takes over and prevents the approval of this bill, or even a vote on it by this Senate, that will not be our fault.

This bill, S. 908, meets the Budget Committee targets, and it puts our international affairs budget on a trajectory to balance the Federal budget.

The Congressional Budget Office, who is pretty good at this thing, estimates that S. 908 will save more than $3.5 billion over 4 years—$3.66 billion to be exact. It will save almost $5 billion over the next 5 years, and these savings do not result from dramatic cuts in international programs. They result in dramatic cuts in the bloated Federal bureaucracy.

Now then, Mr. President, consolidation is the only available option to maintain our overseas presence at the budget levels that have been agreed to for the next 7-year period. They have been voted on by this Senate. If the administration succeeds in its efforts to shoot down this bill, the foreign affairs agencies will be in far worse shape than ever.

The House of Representatives, because they have different rules from the Senate, passed the companion bill, H.R. 1561, several weeks ago, and the House is ready to go to conference with the Senate if, and when we pass this bill.

The able Senator from Massachusetts, Mr. Kerry, who has so faithfully supported his President, offered an amendment to the Senate Foreign Relations Committee to consolidate these agencies. But the Senate's amendment provided only half the cost savings of the committee bill and, of course, that does not qualify. We have to meet the budget that was voted to approve in the Senate. Senator Kerry knows, notwithstanding the administration, that consolidation is the right thing to do. I have known John Kerry for a long time, and I know that he understands the situation.

Well, I guess we are in sort of the position that Mark Twain once remarked about. He said, Mr. President, "Always do right. This will gratify some people and astonish all the rest."

Maybe the administration does not want to do right. I tell you one thing, the American people expect both the President and the U.S. Senate to do the right thing.

Mr. President, consolidation is the only way to go, and it is the right way to go for the American people. No more of the disputes on both sides of the aisle to lay politics aside and let us proceed with this bill.

Thank you, Mr. President.

I now yield to the distinguished ranking member of the committee, Senator Pell.

Mr. PELL. I thank my colleague, Mr. President, the Senate now turns to S. 908, the Foreign Relations Revitalization Act of 1995. In prior years this legislation has been called the Foreign Relations Authorization Act and has authorized funding for the Department of State, the U.S. Information Agency (USIA), and international broadcasting activities.

I want to acknowledge at the outset, Mr. President, the strength and the wisdom of the late Chairman Helms—under the leadership of Chairman Helms—have tackled this legislative effort. In this bill, Senator Helms has made a serious—if controversial—effort to examine and adapt the U.S. foreign policy structure to the exigencies of the post-cold-war world. I think it is important to note the contributions that the senior Senator from North Carolina has made in this regard. I also wish to underscore that in this era of budget stringency, I well understand the imperative of consolidation and the elimination of duplication in the foreign affairs bureaucracy. I therefore can appreciate Senator Helms' intent in moving this legislation.

During my tenure on the Foreign Relations Committee, I always have tried to work cooperatively and in good faith with Senator Helms. I have appreciated his counsel in the rarefied atmosphere in which I was chairman. When we have disagreed, we both have attempted to do so in an agreeable manner. One of my main reasons for doing so, above and beyond the regard I have for Senator Helms, is the importance that I attach to bipartisanship in foreign policy. I regret to note that, for the first time in my memory, this bill was reported by the committee on a straight, party-line vote.

I also must point out the administration's strenuous opposition to this bill. Secretary of State Warren Christopher outlined the administration's views in a July 25, 1995 letter to me. He asked unanimous consent that it be printed in the Record at the conclusion of my remarks, and from which I now will quote.

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

(See exhibit 1.)

Mr. PELL. Christopher writes:

At a time when our nation's security and prosperity demand sustained American engagement in the world, this bill mandates drastic resource reductions for international affairs and undermines the President's constitutional authority to conduct our foreign policy. If S.908 is presented to the President in its current form, I will have no choice but to recommend a veto.

In a July 26 statement, the President said that S. 908 would attack his critical foreign policy initiatives and undermine America's foreign policy, and that, "if this legislation comes to my desk in its present form, I will veto it."

I ask unanimous consent that the President's veto statement be printed in the Record at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. PELL. Why, Mr. President, has this bill has become so controversial that the Secretary would recommend and the President would threaten a veto? The answer lies in the number of proposals that collectively would restrict the President's ability to conduct foreign policy. If S. 908 is presented to the President, some of these is the plan, outlined in title I of the bill, to reorganize entirely our country's foreign policy agencies. Specifically, the proposal mandates the elimination of the U.S. Agency for International Development (USAID), the Arms Control and Disarmament Agency (ACDA), and USIA, and transfers some of their responsibilities to the State Department. I believe the plan is fraught with problems, and I will address these in my remarks.

In addition to the reorganization plan, there are a number of other disturbing provisions of this bill—particularly with regard to the United Nations. Having just returned from the 50th anniversary celebration of the founding of the United Nations, I am freshly reminded that U.S. interests are well served by our active participation in the United Nations. I continue to support a vigorous and active U.S. involvement in the U.N. system.

The TITLES II and III of the bill, however, contain what might best be described as an assault on the U.N. system. Not only does the bill authorize drastic
cuts in funding levels for U.S. assessed contributions to the United Nations in section 201, it also places extreme new restrictions on U.S. participation in and involvement with the United Nations. As Secretary Christopher noted in his testimony, if the funding cuts in this bill proceed in U.N. accounts and the onerous restrictions it would place on our ability to support U.N. peacekeeping would reduce our ability to achieve meaningful reform."

The President added further that, "the legislation would handcuff our ability to take part in and lead United Nations operations, limiting our choice each time a crisis arose to acting alone—or not at all."

Section 205, for instance, would hold large percentages of the U.S. contributions to the United Nations until an annual certification is made regarding the Office of the U.N. Inspector General. The section lays out criteria that are arbitrary and impossible to certify, which will mean substantial and unnecessary cuts in our contributions to the United Nations. This section will, as a result, do little to advance U.N. reform and will only undercut U.S. leadership at the United Nations. I hope very much it can be modified.

Other sections pertaining to the United Nations in title II are equally problematic. In particular, I am concerned about various provisions in sections 203, 217, and 220, as well as other sections, and I intend to address these during the course of debate on this bill.

Moving beyond the U.N. provisions, Mr. President, I want to focus for a moment on the reorganization plan and its impact. As many of my colleagues know, the plan is largely the result of the efforts of the chairman of the Foreign Relations Committee, Senator HELMS. As I said earlier, Chairman HELMS has taken a serious initiative, and already he has made an important contribution to the debate over the conduct of foreign affairs in the post-cold-war era.

That being said, I am opposed to Congress deciding—on its own—how to structure the way in which the President conducts American foreign policy. Moreover, it is far from clear that this plan represents the best way to adapt our foreign policy structure to our times. That being the case, I do not think it would be prudent for Congress to insist that this President—or any President, for that matter—implement the plan.

The proponents of this reorganization plan have emphasized cuts, consolidation, and elimination, but in my opinion have not paid sufficient attention to the consequences. Nearly everything in this plan suggests that the United States should retrace from its global leadership responsibilities. If taken to its logical conclusion, the plan could well lead the United States on the path toward isolationism and withdrawal.

As we proceed, I intend to support a Democratic alternative to the restructuring plan. The alternative proposal mandates a reduction in the number of foreign affairs agencies—USAID, ACDA, and USIA, and in fact would allow this reduction of all three of them. Where it differs from the Republican plan is in giving the President—in whom the Constitution vests primary responsibility for the conduct of foreign relations—some flexibility to determine how best to organize for foreign affairs agencies. Our proposal leaves it to the President to decide which agencies should be eliminated, and how their responsibilities should be restructured.

I hope the Senate will give careful consideration to our proposal, as it embraces the goals Chairman HELMS has set forth during the committee's consideration of the bill, but goes about achieving them in what I believe is a more reasonable and practical manner.

During the Foreign Relations Committee markup of S. 908, a number of Democratic amendments were offered to try to improve the reorganization plan and other portions of the bill. I offered an amendment to preserve an independent ACDA, which regrettably was defeated as were similar amendments on USIA and USAID. That being the case, I expect there will be a great many amendments offered in order to improve the amendments to save each of the independent foreign affairs agencies. Senator HATFIELD and I, for example, intend to offer an amendment on ACDA similar to that offered in committee. In an era where threats to U.S. security are becoming more diverse and challenging, it defies reason that the Congress would want to dismantle the sole independent voice for nonproliferation within the U.S. Government. I hope very much that the rest of the Senate will concur.

Mr. President, as we approach the onset of the 21st century, it is evident that the United States must redefine its place in global affairs. To do so, our Presidents must have at their disposal the proper tools to develop and implement foreign policies that reflect the changing nature of American interests. If we adopt this bill in its present form, I fear the Congress will—unnecessarily and unwisely—do grave damage to our country's position as a world power. To quote once again the Secretary of State, this bill "deliberately gouges our resources and micromanages the funds that remain."

Mr. President, unless there are dramatic and wholesale changes to this bill, I intend to vote against it. If I happen to be the vote that takes the Congress over the top, I am confident that the President will veto it. It distresses me very much that our foreign policy is being cast in such partisan terms. I do not believe such an approach serves the interests of our Nation or its people.

EXHIBIT 1

THE SECRETARY OF STATE,

Hon. CLAIBORNE PELL,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR PELL: The Senate will soon consider S. 908, the "Foreign Relations Reorganization Act of 1995." This bill mandates drastic resource reductions in international operations that undermines the President's constitutional authority to conduct our foreign policy. If S. 908 is presented to the President in its current form, I will have no choice but to recommend a veto.

This bill's attack on Presidential authority is unprecedented in scope and severity. It interferes with the President's responsibility to structure America's foreign policy apparatus by abolishing three agencies of government and merging their functions into the Department of State. It slashes the numbers of foreign affairs professionals who are so essential to meet the threats and seize the opportunities of the turbulent post-Cold War world.

This bill takes no account of the serious and successful efforts this Administration is taking to streamline the foreign affairs agencies and to consolidate functions among them. The State Department, ACDA, AID, and USIA are all vigorously cutting costs and employment, realigning resources to better match policy priorities, and enhancing communications and information systems. Eliminating these latter three agencies, as the bill proposes, would undermine our effectiveness—not enhance it.

While S. 908 contains a number of management authorities sought by the Department of State, the cumulative weight of its restrictions, requirements and prohibitions would obstruct the President's ability to conduct America's foreign policy and cripple America's ability to lead. The bill purports to enhance America's security in North Korea, thus impeding our ability to implement the North Korea Framework Accord that is helping to put an end to a nuclear proliferation on the Korean Peninsula. It also interferes with our delicate relations with China, and forces a change in our migration policy that could pose a serious threat to our borders. The bill also mandates a provision requiring the Treasury Department to issue licenses permitting letter of credit payments from blocked Iraqi funds where no U.S. bank has a payment obligation, thus favoring certain corporate claimants in a manner not compelled by the law of letters of credit, to the detriment of other U.S. claimants against Iraq, including injured U.S. military personnel.

With respect to the United Nations, we share the Congress' concern about the need for reform. In Halifax and in San Francisco, the President directed the world's attention to that important issue. There is growing support for our reform agenda and a commitment to follow-up on the progress made in Halifax. However, the funding cuts this bill proposes in UN accounts and the onerous restrictions it would place on our ability to support UN peacekeeping would undermine our ability to achieve meaningful reform. We are especially concerned about restrictions on intelligence sharing, and certification requirements related to Kosovo and the oversight function in the UN that will be impossible to meet. As the President...
noted in his speech on the UN's 50th Anniversary, turning our back on the UN would increase the economic, political and military burden on the American people. We recognize in this bill the desire of the Congress for a better foreign affairs consultation process, particularly on peacekeeping issues. We believe this can better be achieved through closer cooperation than through legislation that would unduly restrict the ability of this and future Presidents to provide for the nation's security.

I find no overall cuts in the International Affairs (150) function compromised the safety and wellbeing of our nation. The tiny fraction of federal spending we devote to international affairs—a mere 1.3 percent of the budget, of which only a third is included in this bill—helps us strengthen American security by fighting the spread of nuclear weapons and technology. It helps us protect American lives by combating terrorists, drug traffickers, and international criminals. It helps us create American jobs by opening foreign markets and promoting U.S. exports. And, it gives force to American principles by bolstering peace, human rights and democracy around the world.

Moreover, the preventive diplomacy that the International Affairs budget funds is our first and least costly line of defense. Compare the billions or dollars of military action to stem proliferation to the price we would pay if rogue states obtained nuclear weapons. Compare the cost of promoting development of coping with famines and refugees. Compare the cost of successful government-to-government and public diplomacy to the cost of military involvement. If we gut our diplomatic activities today, we will face much greater crises with concomitant costs and crises in the future.

The Administration cannot support a bill that undermines our resources and micromanages the funds that remain. We oppose this bill and will also oppose any amendments to this bill that further restrict or restrain the President's ability to safeguard America's interests. We will firmly resist efforts that would have America abdicate its leadership role in global affairs. I firmly believe that S. 908, as currently drafted, will have a destructive effect on the conduct and character of American foreign policy for years to come.

Sincerely,

WARREN CHRISTOPHER.

The White House,
Office of the Press Secretary,
July 26, 1995.

STATEMENT BY THE PRESIDENT—THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995 (S. 908)

Congress is now considering legislation—S. 908, "The Foreign Relations Revitalization Act of 1995"—that would undermine the President's authority to conduct our nation's foreign policy and deny our diplomacy the resources we need to lead in the world. If this legislation comes to my desk in its present form, I will veto it.

S. 908 attacks the President's constitutional authority to conduct America's foreign policy. No President—Democrat or Republican—could accept these restrictions because they threaten the President's ability to protect and promote American interests around the world.

The legislation would ban or severely restrict American participation in key international organizations. Indeed, had it been in effect a few months ago, it would have prevented us from concluding the agreement with North Korea to dismantle its nuclear program. The legislation would handcuff our ability to take part in and lead United Nations operations, limiting our choice each time a crisis arose to acting alone—or not at all. The legislation would abolish three important agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency. Each is already making serious and successful efforts to streamline its operations, as we support to reform the Arms Control and Disarmament program. Eliminating them entirely would undermine our effectiveness, not enhance it.

In short, the legislation would put Congress in the business of micro-managing our nation's foreign policy—a business it should not be in.

This legislation combined with S. 961, "The Foreign Aid Reduction Act of 1995," would also slash our international affairs budget—which already is only a little over 1.3 percent of our total federal budget. We use these funds to fight the spread of nuclear weapons and technology, to combat terrorists, drug traffickers and international criminals, to create American jobs by opening new markets for our exports; and to support the forces of peace, democracy and human rights around the world who look to America for leadership.

The proposed cuts in the international affairs budget are dangerous and shortsighted. We know from experience that it is a lot less costly—both in terms of human lives lost—to rely on development aid and diplomacy now than it is to send in our troops later. There is a price to be paid for American leadership. But the return on our investment—in terms of increased security and greater prosperity for the American people—more than makes up for the cost.

What America cannot afford is foreign affairs budget cuts proposed in these bills.

As I have made clear before, I want to work with Congress to get an international affairs bill we can sign—a bill that protects the President's authority to conduct foreign policy, maintains vital resources and reflects a bipartisan spirit that serves America's interests. The legislation Congress is considering fails each of those tests. If it is sent to me as it now stands, I will veto it.

MS. SNOWE. Mr. President, I am very pleased today that we are able to bring before this Committee authorizations. It is revolutionary, refreshing. It is restructuring. It is an historic bill that, for the first time in decades, looks upon an entire component of our Government in a very different fashion.

As chair of the International Operations Subcommittee, which has jurisdiction over these issues, I am very pleased to play a role in the creation and bringing of this legislation before the floor.

Before I describe some of the issues and the features of this legislation, I certainly want to express my commendations and appreciation for the cooperation and the leadership provided to me and to others on the committee, from the leadership, who has brought this legislation to the floor. It is because of his hard work and initiative we are considering it here today.

I also want to say I am very pleased to have worked with Senator Pell, because of the contribution of the Committee in the foreign policy arena over the years, and with Senator Kerry, who is the ranking member of the subcommittee.

I am not new to these issues. I have worked on these issues in the House as ranking member of the counterpart subcommittee for more than 10 years. So many of these issues are very familiar to me. But we have now reached a point where we have to decide how we want to transform our foreign policy apparatus and policymaking bureaucracy.

This bill has two main themes: Agency consolidation and deficit reduction. It terminates three independent agencies—the Arms Control and Disarmament Agency, the Agency for International Development, and the U.S. Information Agency. It consolidates arms control, development, and public diplomacy within the hierarchy of the State Department. But it is far more than just moving bureaucratic boxes around. It integrates important aspects of American foreign policy into our basic policy formulation process. The purpose of this is to improve our overall foreign policy, not to diminish the importance of any of our foreign policy-making institutions.

For example, currently the independent Arms Control and Disarmament Agency is primarily responsible for the nonproliferation policy. But concerns about nuclear proliferation frame our relations with a range of countries around the world, from North Korea to India to Iran. This bill will integrate these issues into the policy formulation process at the Department of State. They are too important to be considered as an afterthought in the interagency process. And by better coordinating public diplomacy with policy, we will also directly benefit from the conduct of our Nation's foreign policy and foreign relations.

Public relations plays an increasingly important role in a world that is increasingly dependent on our public diplomacy expertise rests in the independent U.S. Information Agency. This bill integrates these fields into our basic foreign policy-making institutions.

The world has changed dramatically in the last decade and, with it, the demands on our foreign policy structure. Gone is the cold war and the certainty of a single opposing force in our foreign relations. Gone, too, is the highly focused foreign policy we once waged against an expansionist and authoritarian Soviet Union and its satellites.

In the 1990s we face a new imperative: To maintain a strong, aggressive foreign policy, but to streamline our operations, achieve cost savings, and meet the new criteria of a changing world. State Department consolidation is an idea whose time has come.

In the aftermath of the collapse of the Soviet Union and the reuniting of ethnic strife that has been kept bottled up by the cold war, we live in a new world. But it is not necessarily a safer world, in a multipolar crisis across the world have proven in the last few years. Our legislation offers a fast, flexible foreign affairs structure that
we require and it also offers the promise of significant long-term cost savings.

This leads me to the second characteristic of this legislation and that is, of course, deficit reduction. Not only does this bill restructure Government in a more efficient fashion, it also does so at a lesser cost. These two themes are very closely related and I believe will improve our Nation's ability to conduct a truly coordinated and consistent foreign policy.

But, without agency consolidation, we simply cannot meet our deficit reduction requirements without much deeper program cuts in the international affairs account. The Congressional Budget Office has indicated that the consolidation plan would save $3 billion over the next 4 years. And, frankly, Secretary of State Christopher had originally proposed this consolidation plan last fall, even though the interagency process did not permit the proposal to go forward with the administration, and that is regrettable, because I think it did prevent a bipartisan discussion of this restructuring proposal.

Even Vice President Gore had recommended, and said, in fact, the administration would come forward with a reorganization proposal from the State Department and its foreign affairs related agencies, with a planned savings of $5 billion over the next 5 years. We have yet to see that plan, let alone the administration's legislative proposal for the reauthorization of the State Department.

In all my years having managed this bill for the Republicans in the House of Representatives, we have always had an authorization proposal from the administration—whether or not they agreed with subsequently what the committee might or might not do. So I regret this bill is coming forward without bipartisan support. We have tried to be receptive to ideas, to incorporate those into the restructuring. But we have yet to hear those ideas.

The fact is, I think this is the kind of legislation that demands bipartisan support. We received the unanimous support of the Republicans on the committee. It certainly is not too late to be engaged in a bipartisan process, but it is important that we understand that consolidation is necessary, and it is not because we are saying we are going to dehumanize these areas within the State Department. In fact, I say we are reemphasizing them in a different fashion as we move forward to integrate these functions more efficiently.

I am also disappointed by the administration's apparent unwillingness and its specific policy of not engaging with the field of ideas with respect to this major restructuring of the State Department. Rather, their strategy seems to be embodied in the explicit words of an internal AID memorandum that was leaked to the press recently.

The strategy is to delay, postpone, obfuscate, derail—if we derail, we can kill the merger.

So I think that is an unfortunate approach to a problem which is a significant consolidation issue in recent years. But I would like to describe the features of this legislation because I do think it is important for the Members of this body to fully understand and comprehend what we are attempting to do through this proposal.

As I said, we are abolishing three agencies and transferring their functions within the State Department. I believe the State Department itself will be enhanced as well as reorganized in a way that will significantly improve the way in which we can develop our foreign policy agenda.

The operations of the Arms Control and Disarmament Agency and the USIA, although streamlined, will be directly folded into the State Department's policymaking structure. If you have any doubt as to whether or not we should have a restructuring consolidation of these three agencies within the State Department, only look at this graph, and you will see a restructuring of our foreign affairs agency. You can see it is rather complicated, convoluted. There is duplication. It is much more complex, in terms of trying to make decisions; certainly less efficient. In today's world, whether it is the public or private sector, everyone is looking toward more efficiency for less money and making it more effective.

What we are trying to do through this reorganization is streamlining the process so the Secretary of State is better equipped to make those decisions more efficiently. It is not to say that arms control is not important, or public diplomacy is not important, or development assistance is not important. What is saying is, it is necessary to efficiently incorporate it into the structure that gets the Secretary's attention.

As many have said in the past, and before the committee, you do not have to have a separate independent agency to make it a priority. I think that is important.

As you can see here, something has to be done. Just looking at this chart, it is clear that we have to revise and consider how to make it more efficient in today's post-cold-war world. I want to compare it to what we are proposing in this legislation. And you can see that we have far fewer boxes, far fewer areas. We are making it far more efficient to make those decisions.

I think that these charts certainly illustrate what we are attempting to accomplish through this legislation. It is an idea whose time has come. Even Secretary Christopher indicated in a recent AID internal memo that current employees back in March when they were doing the strategic management initiative that this was the 90th report since 1946 aimed at a restructuring and improving the State Department. And I am quoting now. He said, "It is there gathering dust in the file cabinets."

So a lot of these ideas have been around. But I think that what has happened in the post-cold-war period has given us the impetus to take the appropriate approach to consolidate. And that is why I think it is also essential to have bipartisan input. That is why I regret today that has not occurred.

As the Agency for International Development, this bill will more closely tie our foreign assistance programs to policy goals intended to directly advance our national interests. This will be accomplished by integrating foreign aid decisions into the State Department's regional policy bureaus.

Former Under Secretary Bill Schneider—who was responsible for coordinating the entire international affairs budget for the Reagan administration—testified before my subcommittee that AID's structure, autonomy, and management precludes a sharp focus on using our aid resources to support foreign policy functions. By its very nature, he argued, AID programs have little behavioral impact on the recipient in terms of advancing U.S. foreign policy interests.

Former Secretary of State Larry Eagleburger confirmed this argument, by arguing for consolidating AID into State in order that bilateral foreign assistance be more closely related to specific, identifiable U.S. foreign policy interests.

Today's AID will be transformed into a leaner State Department mechanism for delivering foreign assistance. Today, vast amounts of our humanitarian and development aid is consumed by AID's huge administrative cost structure and field apparatus. For instance, there are 690 AID employees stationed at our Embassy in Cambodia.

Out of a $2.3 billion developmental aid account, AID spends $600 million on its formal operating expenses account. This is 25 cents for every development dollar.

But in reality, AID's administrative costs are much higher because AID's formal operating expenses only count 5,000 out of its 9,000 employees worldwide. The remaining 4,000 are AID contract employees who are paid out of project funds, not operating expenses. In looking at the Arms Control Development Agency, we certainly should take very seriously the concerns that have been expressed by arms control advocates in the administration.

We should also, however, consider the observations of former ACDA Director Fred Ikle who testified before my subcommittee that moving forward with a proposal as innovative and necessary as this is opposed because it: "hurts the present, this process will move expected and officials, jeopardizes job security and mobilizes throns of contractors, captive professional organizations, and other beneficiaries."
Director Ikle also noted that people who want to preserve an institution long after they have served their purpose believe they do so for the noblest of reasons, but at the core of their argument is inevitably: "the tendency of bureaucracies to become more moribund and grow in size as their initial purpose is overtaken by events."

Director Ikle noted that ACDA was formed 34 years ago out of the need to maintain a relatively focused agency dedicated to continuity and competence in negotiations with a single adversary, the Soviet Union. Now, he noted, there is no more need for an independent agency working only on arms control issues than there would be for a separate U.S. agency for counterterrorism, global communications, or international crime.

I guess I could argue that there should be separate agencies even for those categories.

Former NSC Adviser Brent Scowcroft noted at the same hearing, that this changed focus of arms control argues against an independent ACDA. He observed that proliferation of weapons of mass destruction is the single most important arms control issue today. The full range of policy tools needed to address proliferation issues simply cannot be accomplished out of an isolated, insular ACDA. This, he argued, can only be pursued through the broader institutions of State and DOD.

The most logical fit of all is the consolidation of the U.S. Information Agency into the State Department. At our overseas posts, State Department and USIA operations work together in an almost seamless fashion.

The top USIA officer at post is the public affairs officer, who operates as the Ambassador's close media adviser and the Embassy's press officer. The USIA operation at post conducts outreach with this organization and maintains contacts with all those who help shape public opinion in the country.

The purpose of this consolidation would be to bring this same level of coordination to Washington. A better understanding of and appreciation for the impact of international public opinion can only help us to formulate better overall foreign policy.

Former NSC Adviser Scowcroft and former Under Secretary of State, said that proliferation of weapons of mass destruction is the single most important arms control issue today.

I know there is a great deal of anxiety about this legislation among the dedicated and hard-working employees who have made ACDA what it is today. And I want to understand that concern. I have worked with them over the years, and they have done an admirable, commendable job in implementing their responsibilities. But I think we are dealing with a different world today. We have to come to recognize that we have to do things somewhat differently.

That is why I certainly would prefer the administration working in conjunction with the chairman and myself and other members of committee to develop a plan that has a bipartisan consensus because the scope of this legislation calls for a more proactive role on the part of this administration. In fact, they have an obligation as well as a responsibility to maintain a silence on this issue is unacceptable, let alone understandable, given the magnitude of this consolidation and given the fact that it is affecting our foreign policymaking apparatus.

I hope that during this process we will hear from them, not simply to stonewall, as the chairman said, this process, but to help expedite this process of consolidation and integration of our foreign affairs agencies.

There is nothing Republican or Democratic about this approach. This should be an approach that everybody can endorse, and, in fact, Secretary Christopher had even recommended this approach last fall only to be rejected by others within the administration.

As the chairman has indicated, five former Secretaries of State have supported this initiative. I think that is significant. The time has come for this kind of international cooperation and it is not getting better because this issue restructures, as even Secretary Christopher indicated, has been done over the years, but the changes as a result of the end of the cold war has compelled us to look at these issues very realistically. We are not saying that this is a perfect plan. But it is very difficult to work with the other side when they are unwilling to work to make the revisions that they think are necessary to do the legislation.

During one of our subcommittee hearings on this plan, former Bush administration official Bob Kimmit, who was Under Secretary of State, said that when he was asked to testify, he gave his personal and professional review. The standard he used in deciding his position on this was whether he would be as enthusiastic in support if it had been proposed by the Clinton administration rather than by the Republican Congress, or if it had been advanced by a Democratic Congress during a second Bush administration.

Mr. Kimmit, together with a great number of our witnesses, made a common observation: To place a priority on arms control, public diplomacy or international development. Imagine if the principle of maintaining a separate agency for every important issue was not considered on this basis, I believe we will receive overwhelming support on both sides of the aisle.

The bill before us is breathtaking, not just in its scope but in the quality of the recommendations and gives credit to our chairman, to our committee, and to all the Senators who have been involved in its creation.

In the final analysis, whether you are Republican or Democrat, what we are proposing today is seeking for fundamental, positive change in our Government. This is a chance to cast a vote for exactly the kind of change that the American people want. This is a vote for cost savings and efficiencies we will need to advance and if we are certainly going to meet our deficit reduction goals required by the budget resolution that passed the Congress. But also more importantly it is to advance our foreign policy goals. I think in the final analysis this is exactly what this legislation would do.

On a final note, I should say that not only do I commend the employees within these various agencies but also
the directors and the administrators because without a doubt they have been hard-working, dedicated individuals who are committed to their goals. And although we may disagree on this consolidation, I want to make sure I give individual agencies that currently head these agencies because clearly they have worked very hard to try to do what they can with the kind of mandates received within current law and with the structures that they have had to live with. And I understand their commitment to maintain the current structure. But I think they also hopefully understand we have to meet the goals that are required of us through not only the budget resolution but also because the climate and the circumstances have now changed.

So, Mr. President, I hope that as we go through this process in the final analysis we will be able to get a reorganization of State Department agencies necessary to meet the future commitments of this country.

I yield the floor.

Mr. HELMS addressed the Chair. The PRESIDING OFFICER (Mr. Frist). The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senate has just heard a remarkably dis- course by the able Senator from Maine, whom I have long admired. She is cer- tainly an addition to the wisdom of the Senate on many matters, especially foreign affairs. I wish to thank her for her diligent work on this bill, and I thank her for the great statement she just delivered.

Mr. President, another distinguished member of the Foreign Relations Com- mittee who has done so well in assist- ing in the drafting of this bill is Sen- ator CRAIG THOMAS of Wyoming. He is chair- man of the East Asian Sub- committee of the Foreign Relations Committee, and I hope the Chair will recognize him.

Mr. THOMAS addressed the Chair. The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. I thank the chairman of the commit- tee for the opportunity to comment on this bill. I rise to place my full support behind Chairman HELMS and the efforts to overhaul and streamline the Department of State.

These bills are very complicated, of course, and throughout the duration of this debate and discussion it will be hard to track. Let me read just a couple of paragraphs from a letter the chairman sent to me that I think is fairly succinct.

Six weeks ago, with the support of every Republican Member, the Foreign Relations Committee passed S. 908, the Foreign Rela- tions Revitalization Act. This legislation is the first authorization measure to reach the Senate floor within budget targets, fulfilling the mandate the American people gave us last November. This bill is a promise kept: Money is saved, bureaucracy eliminated, and the ability of our Nation to conduct foreign policy enhanced.

This reorganization of the U.S. foreign pol- icy apparatus saves $3.66 billion over four years. A similar measure has already passed the House. Three agencies, the Arms Control and Disarmament Agency, the Agency for International Development, and the United Nations Information Organization, and their functions are rolled into the Depart- ment of State.

The core functions of these agencies are not lost. Despite propagandizing to the contrary, independent broadcasting is protected; arms control and non-proliferation will be strengthened; and the assistance programs with which we are able to work those governments that will be liberated from a convoluted AID bureaucracy. This consolidation plan has been endorsed by five former U.S. Secretaries of State. And as Hemmingsen said, if given a truth serum, Secretary Christopher would endorse it too.

That summarizes, it seems to me, what it is we are seeking to do here. The chairman has spoken at length, and the Senator from Maine in her ex- cellent commentary spoke about the need for important legislation, so I will not cover that same territory.

The changes proposed in S. 908 are long overdue. However, however, is the way in which AID and this administration has handled itself in the face of the chairman's efforts. From the beginning, instead of cooper- ating in a constructive effort to work with the States, the Administration has wasted overlapping responsibilities, and out- moded and outdated programs, the admin- istration has chosen to ignore and stonewall. The word has gone out to the bureaucrats and to the Democratic Members of the party line. A memo that was quoted earlier indicated that the strategy is to "delay, postpone, obsfuscate, derail. If we derail, we can kill the merger," it says. "Official word is we don't care if there is a State authorization bill this year."

As a result, it has been strongly ru- mored that we will face a flurry of amendments to this bill as we have seen in other bills in a veiled attempt to filibuster to much of the administra- tion's dedication to reinventing Government.

Requests for meetings have gone un- answered, as have requests for informa- tion. Instead of working with Congress, AID has gone out of its way to preserve itself by spreading confusion and panic among organizations with which it does business, by distorting the pur- pose and the probable impact of S. 908. Many of these practices I believe come close to pressing the breaking of the law. For instance, AID staffers who have contacted several private groups and urged them to lobby for the defeat of S. 908. My office has received almost weekly information packets from AID including xeroxed copies of articles and editorials in op- position to the merger—omitting, of course, those that are in favor.

I find it highly improper that AID is spending taxpayer dollars in supplies and employee time lobbying us for their own defeat.

Mr. President, S. 908 is supported by five former Secretaries of State and, until overruled by the White House, Secretary Christopher. It is an idea whose time has come. Its time is here. At a time when we do not have enough money to take care of our own citizens' fundamental needs and are con- sequently forced to rethink the funding of our domestic programs, it is impossible that we cannot make similar difficult cuts in the structure of foreign policy is both disingenuous and unrealistic.

So again, Mr. President, I rise in sup- port of this proposal. I think it is one of the things that the American people gave us in 1994. They said we need to make some changes in the way the Federal Government operates; that the Govern- ment is too big, it spends too much, and that we should find better ways to deliver services; that we should find more efficient ways to use tax dollars.

Mr. President, this is one of those ways, and I urge support for this legis- lation.

I yield the floor.

Mr. GRAMS addressed the Chair. The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise in strong, enthusiastic support of S. 908, the Foreign Relations Revitalization Act. As a member of the Foreign Rela- tions Committee, I am proud to have voted for this groundbreaking legisla- tion to fundamentally reform Ameri- can foreign affairs agencies.

For much of this year, Congress has responded to the voters' demand to shrink the Federal Government and re- duce its intrusion in their lives. But it is not just our domestic agencies that also need an overhaul. S. 908 fulfills two important goals: First, it will help to reshape the State Department so that we can better meet the new challenges of a rapidly chang- ing world. And second, it will apply our limited financial resources in a more realistic and effective way.

Unfortunately, the President's pro- posed budget for 1996 would actually in- crease international affairs spending by $1 billion, and that is hardly evi- dence of a strong commitment to bal- ancing the budget.

Moreover, some administration officials—as well as some Members of this body—have thrown around reckless accusations about this bill's efforts to re- organize the State Department. They charge that it somehow represents a move to withdraw the United States from international affairs.

But make no mistake: this is our de- sign, and America's responsibility, to remain actively and productively en- gaged around the world that make this legislation so necessary.

While the administration has been busy crying "isolationism" and doing everything in its power to block con- sideration of S. 908, five former Secre- taries of State have come forward to ardently endorse it.

Former Secretary of State Lawrence Eagleburger and former National Secu- rity Adviser Brent Scowcroft testified on the clear connection between the cold war and the expansion of the Fed- eral bureaucracy:
[This] proliferation of agencies occurred in response to security-related concerns which have since diminished or disappeared. Therefore, we are now encumbered by a plethora of programs which no longer are closely tied to, or clearly serve, U.S. national interests. . . . The origins of the agencies being considered for abolition are all rooted in a world which no longer exists.

And former Secretary of State Henry Kissinger—not known for “isolationist” tendencies—wrote,

*What is needed is steadiness, coherence and precision in the articulation and implementation of policies . . . . He went on to say:*

Your proposal to abolish the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency is a bold step in this direction by centralizing authority and responsibility for the conduct of foreign affairs where it properly belongs—in the President’s senior foreign affairs advisor, the Secretary of State.

Even current Secretary of State Warren Christopher reportedly made a similar proposal to Vice President Gore’s “Reinventing Government” team. But, unfortunately, the Vice President chose to reject the Secretary’s recommendation, instead, catering to the cold war reactionary’s in the administration who are intent on preserving their pet agencies at all costs.

Therefore, Mr. President, Congress must act responsibly with the taxpayers who do for the State Department what it could not do for itself. Rather than “micromanage” State Department reform, S. 908 preserves substantial flexibility for the President and the Secretary of State to determine its new organizational structure.

Given the complete lack of cooperation Congress has received on this issue from the administration, allowing such flexibility may be considered a “leap of faith.” However, I firmly believe Congress should insist that the agencies be expected to perform.

Above all, Mr. President, the heart of S. 908 must be kept intact. The consolidation of AID, ACDA and USIA under the State Department will end the current duplication of many functions and personnel.

As a result, S. 908 will save the taxpayers $4.8 billion over 5 years according to the Congressional Budget Office. The international affairs budget must take its fair share of reductions to keep us on track to balancing the budget in 2002.

But I want to remind my colleagues that without the efficient and prudent savings in the State Department reorganization plan, cuts in foreign aid programs will have to be that much deeper.

Finally, I hope that this bill—combined with S. 961, the Foreign Aid Reduction Act—will encourage a comprehensive review of U.S. foreign aid programs will have to be that much deeper.

We all know that foreign aid is held in low esteem by many Americans. Given the track record of AID and the minimal performance of some foreign aid programs, this is hardly surprising. We must not abdicate our oversight responsibilities. By enacting the legislation before us today, we can begin reactivating foreign aid in the eyes of the American people.

Mr. President, what must we ask ourselves: Do we really need a bureaucracy of 9,300 employees and contractors to manage foreign aid programs? There are 405 employees at AID’s Egypt mission in Cairo alone. And it costs the taxpayers $150,000 to $300,000 a year in personnel costs, and in a situation just one AID employee overseas.

We must focus our efforts on making sure that foreign aid actually reaches people in need rather than getting swallowed up by oversized U.S. and foreign bureaucracies.

I support an approach that conducts more of our foreign aid programs through non-governmental organizations and private voluntary organizations. These are groups that generally have much lower overhead costs than AID.

As we reevaluate foreign aid and demand that it become more accountable, more efficient and more effective, we must also examine the actions of those countries which receive taxpayer dollars.

Foreign aid cannot provide real, sustainable development unless recipient countries are dedicated to economic freedom and free-market reforms. To renew Americans’ faith in foreign aid, we must show them proven results.

We cannot afford to run an international welfare program which subsidizes countries that show no progress toward economic self-sufficiency. Just as we broke welfare dependency and continue to burden the taxpayers for years to come.

In closing, Mr. President, S. 908 offers all Senators this opportunity: We have an opportunity to reduce government agencies that are outmoded or inefficient. Now the question is can we actually do it.

I urge all Members to vote for S. 908, not just for the sake of eliminating these agencies, but because doing so will help ensure that America has the foreign policy tools necessary to take us into the 21st century.

Thank you, Mr. President.

Mr. HELMS. Mr. President, I want to pay my respects to the distinguished Senator from North Carolina.

Mr. ASHCROFT. Mr. President, I want to pay my respects to the distinguished Senator from Minnesota. He is one of the newer members on the Foreign Relations Committee. He is always there, and he has always done his homework. I congratulate him on his statement, and I thank him for his participation in the work of the committee.

Mr. ASHCROFT addressed the Chair.

Mr. ASHCROFT. Mr. President, I intend to speak on the foreign relations proposal at a later time, but I ask unanimous consent to speak as in morning business for 10 minutes in regard to the welfare situation.

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

WELFARE REFORM

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to speak this afternoon. The President of the United States is speaking about the welfare situation. He has promised to end welfare as we know it, and it is important, as we approach the debate on welfare in the U.S. Senate, that we thoroughly understand the condition in which we find ourselves as a result of 30 years during which Washington has dictated a radical theory of welfare on America’s poor.

The theory is that bureaucrats in Washington are best equipped to solve the welfare problem. In the mid-sixties, we have spent nearly $5 trillion on welfare, and the theory that Washington knows best is as dead and as hopeless as many of the people it was intended to help.

Most of America realizes this. Many Members of the Senate realize this. But, unfortunately, it does not appear that the President realizes this. Today in Vermont, veiled in glorious rhetoric, President Clinton announced his intention, again, to end welfare as we know it. But, unfortunately, he revealed his intention to expand welfare beyond what we have ever known.

Like so much with this administration’s public policy, what sounds great frequently is different from what is reality. The old adage, “signal right and turn left,” has found new meaning in this administration. When you are riding down the highway and someone signals right and then turns left, it can be a very difficult and dangerous situation, and I am afraid that is what has happened here.

The reality of the Clinton plan is that it will result in more misery, more hopelessness, and more despair in America’s poor. It will provide a boost to Washington’s welfare establishment. The bureaucracy will burgeon. We need another way of helping the poor. It is a way which recognizes that the States have an opportunity, and should have an opportunity, to tailor welfare solutions to the needs of our citizens.

Last week, I spoke about Ariel Hill, a 5-month-old child, victim of the welfare system. I am sure she would have appreciated this opportunity to speak this morning to convey her message. This is what has happened here.

In the picture next to me is Ernesto Ventura, a 4-year-old child who was brutally abused and neglected by his mother. Though the crime was committed only a year ago, its roots began about 30 years ago at the beginning of
a cycle of dependency, a cycle of hopelessness and Government sanction, Government approval.

The story begins in the fall of 1968 when Eulalia Rivera left Puerto Rico and came to the Columbia Housing Project in Dorchester, an inner-city, low-income Boston neighborhood. Within weeks after arriving in Massachusetts, Eulalia went on welfare to support herself and her family. Her first check, instead of providing a solid foundation on which to build, became a milestone in her life, marking the first leg of a journey which has not ended to this day. “I remember the first check,” Eulalia told a reporter for the Boston Globe. “It was for $75 a month back then.” The checks have never stopped and the hope has never grown.

Eulalia never left the housing project where she first lived, and in this place she raised 17 children, 14 of whom were still living as adults. Her daughter, Clarabel, raised her own daughter. Of these 17 children, almost none graduated from high school, and they have produced 74 grandchildren, many of whom entered the welfare system themselves. As shown in this chart, these are the children of Eulalia, and virtually all of them receive at least one form of welfare benefit: SSI, due to suffering from a nervous condition, also collects $220 a month in food stamps; another child receives Medicaid, subsidized housing, AFDC; SSI, food stamps, SSDI, AFDC. It just goes on in each generation.

The story of the intergenerational web, the lack of hope. Fifteen great-grandchildren now comprise the fourth generation of this welfare setting. The type of benefits received by the extended family are the alphabet soup of acronyms—all perfectly legal, and just as perfectly destructive of human spirit. Most of Eulalia’s descendents are considered disabled due to a medical condition diagnosed as anxiety attacks. SSI pays these individuals a monthly check in lieu of the jobs they are unable to perform. The cycle continues, noting several school-aged children at home watching MTV at 1:30 in the afternoon.

There is a family that has given up hope of finding jobs or receiving an education, a family caught in a system which rewards illegitimacy and discourages what might be called the evolution of a monthly check, a dangerous public housing project, and empty dreams.

In the words of Robert Coard, director of the antipoverty agency Action for Boston Community Development:

This is a classic example of poverty-stricken class. They are the ones who have given up. The tragedy of this story is perhaps most evident in Clarabel Rivera Ventura’s life. At the time she abused Ernesto, she was 26 years old and pregnant, a mother of six, by five different fathers. Even her family is not sure why she did it. “Oh, wow,” her brother Juan said to the Globe. “I have no idea.” Eulalia gave the same answer. “I don’t even know who they are.”

A young woman caught up in the overwhelming system, Clarabel Ventura had no hope, no education, no prospects, and her will to improve her lot in life sapped by every check she received. Perhaps she looked to drugs as a way out.

Neighbors said that Clarabel sold food stamps and even the family’s washing machine to get money to purchase crack—shouting at and striking her children in frustration, neglecting the needs of the children in order to serve her own addiction. Reportedly, Clarabel would take her children out alone after midnight to beg for money, cigarettes, and food from other residents in their housing project. Finally, something snapped. In a rage, Clarabel plunged 4-year-old Ernesto’s arm into boiling water, leaving him for dead. It was nearly 3 weeks before she sought medical treatment for the wounds. When paramedics finally arrived on the scene, they found Ernesto in a back room on a bare mattress, smeared with his own blood andcrement. His mother, he said, had abused him because she was mad.

Government-sponsored poverty has a face, it has a soul, it has feelings and a body that can be hurt. Every day, children just like Ernesto suffer in an environment which Washington has created. They have no say. They cannot vote, they cannot read, they often are barely old enough to talk. But they pay the price of Washington’s arrogant Government-sponsored poverty has a face, it has a soul, it has feelings and a body that can be hurt. Every day, children just like Ernesto suffer in an environment which Washington has created. They have no say. They cannot vote, they cannot read, they often are barely old enough to talk. But they pay the price of Washington’s arrogant

FOREIGN RELATIONS
REVITALIZATION ACT

The Senate continued with the consideration of the bill. Mr. DOLE. Mr. President, the pending business is the State Department Revitalization Act.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2025

(Purpose: To withhold $3,500,000 from the “International Conferences and Continuations” Account if the State Department expended funds for the World Conference on Women while Harry Wu was being detained in China)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Ms. SNOWE, Mr. LOTT, and Mr. HELMS, proposes an amendment numbered 2025.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is as follows:

On page 81, line 3, add the following:
(c) FURTHER CONDITIONAL AUTHORITY.—
(1) Of the funds authorized to be appropriated for fiscal year 1996, in (a), $3,500,000 shall be withheld from allocation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People’s Republic of China.
expressed by Senator Kassebaum and Congressman Hamilton on U.N. conferences:

The United Nations is in peril of becoming little more than a road show traveling from conference to conference. If an issue is serious, it is a conference; if it is not serious, a conference is a waste of time.

In my view, the United States should stay away from any U.N. conference with goals and agendas which do nothing to promote American interests—whether they be held in Beijing, Brussels, or Boston.

There are many reasons to stay away from the U.N. Women’s Conference— from the systematic exclusion of certain nongovernment organizations to the irony of holding a human rights conference in a country with a poor human rights record. The tilt toward anti-Americanism and radicalism—always present in lowest common denominator U.N. conferences—was particularly evident at the UN Women’s Conference. There was even a controversy over the definition of gender in the preparatory meetings of the conference.

There should be no doubt that China will use the Women’s Conference to enhance its international image. It is our view that the United States should not be a party to what will surely be a propaganda exercise as long as Harry Wu is detained. It would be wrong to attend a human rights conference when an American citizen is unjustly detained.

We should be realistic. The administration can use already appropriated funds to go to Beijing. We cannot stop the administration to do what it already intends to do.

The amendment is as follows:

SEC. 2. UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $20,000,000 shall be withheld from obligation until the Secretary of State reports to the Congress:

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owed by diplomats and missions accredited to the United Nations.

Mr. HELMS. Mr. President, as I indicated, I am a cosponsor of Senator Dole’s amendment, which is an excellent amendment. It encourages the administration to do what it already should have done: make a strong protest to the Chinese over the arrest and
detention of the American citizen and friend of many of us in the Congress, Harry Wu.

Just 2 weeks ago, Mr. President, I met with Harry Wu’s wife in my office. Jing Lee is a lovely person. She said privately that, in order to keep her family together, the United States should refrain from sending a delegation to the United Nations Fourth Conference on Women in Beijing until Harry Wu is released safely. She asked, ever so insightfully, “Why would the United States wish to confer international recognition and legitimacy on the Chinese Government at a time when it is holding an American citizen in captivity?”

Over the weekend, the newspaper ran articles showing that the President is considering meeting with the Chinese premier in this area of détente, as Secretary of State Christopher is now referring to it. After the President goes through with that meeting, and Harry Wu is released, then for the first time, I think we should have no business sending any Americans to that conference in Beijing.

If the truth be known, the Beijing women’s conference is fraught with problems from top to bottom, starting with the $1 billion bill. It is being held next year. Taking a paltry $3.5 million away from one account in the State Department is, in the short-term, the best way the Senate has to send a signal in support for Harry Wu’s release.

I might inquire of the majority leader, does the Senator seek the yeas and nays on his amendment?

Mr. DOLE. I will seek the yeas and nays, and I think the Senator will seek the yeas and nays on the second-degree amendment.

Mr. HELMS. I will seek the yeas and nays after the Senator.

Mr. DOLE. If I could speak to the second-degree amendment. I thank the Senator from North Carolina. I see on his desk a story that appeared in the Washington Times, and that is the purpose of the amendment offered by the Senator from North Carolina.

Mr. President, there are many problems in the U.N. system but today’s front page story in the Washington Times is another outrageous example of the lack of accountability in the United Nations. More than $9 million in overdue debts have been accumulated by foreign diplomats and foreign missions in New York. Bills for landlords, hospitals, banks, stores, and restaurants all go unpaid while the diplomats hide behind the U.N. blue flag.

The U.N. Secretary General issued a report recognizing the problem was serious. For example, some missions have not paid rent for 2 years; property owners were in danger of losing properties but diplomatic tenants cannot be evicted. The Secretary General, however, refused to name names. Instead, he suggested the U.N. group to study the problem. I think we all know how to solve the problem. Don’t form yet another layer of bloated bureaucracy—just get the bills paid.

This second-degree amendment offered by Senator HELMS is very simple. It withholds $20 million—roughly double the amount owed by deadbeat diplomats—until the Secretary of State certifies two things: First, the identification of the defaulters by name; and second, that the U.N. Secretary General is addressing the problem and getting debts paid.

The money we appropriate for the United Nations is not an entitlement. And, yes, the administration may have told us they have more than enough money that we are willing to appropriate. But Congress does not have to sit by while the United Nations provides cover for deadbeat diplomats getting special treatment.

I certainly urge my colleagues to support the second-degree amendment of the Senator from North Carolina.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me begin by saying to the distinguished majority leader that I hope it might be possible to set this aside temporarily, simply because we have a couple of foreign policy matters, or at least desire consideration, with respect to Harry Wu. It may not bear directly on this, but it think it would bear on the debate.

Mr. DOLE. We could set them aside with the understanding somewhere around 6 or 6:30 we would have a vote. We would not want to set them aside and have someone say we will never vote on them.

Mr. KERRY. We will be glad to.

The majority leader is about to leave, I suppose, but let me say that I think there is not any issue in the U.S. Senate about how we feel about Harry Wu’s detainment. I think there are probably 5 or 6, or I do not know, probably 100 different ideas here about how we might properly signal our disaffection, anger, frustration over it. I am genuinely not convinced that the way to do it is deny us participation in a conference that highlights human rights. It seems to me, when you measure the U.S. record against every other country in the world, we are the leader on human rights. It has been the United States, among all of the industrial countries, that has tried to assert human rights as a part of our foreign policy and also as a part of our efforts to do business in other parts of the world.

I think it is fair to say that many of our allies—many of our closest allies, our best friends in the international arena—have been very slow to come to the level of international concern for human rights that we have tried to exhibit in public policy.

For the United States to take an action that is likely to put America in the international arena, seems to me to be a very shortsighted, shoot-yourself-in-the-foot, try-to-conduct-diplomacy-with-one-foot-nailed-to-the-floor approach. It just does not make sense.

In many ways, I suspect that China is apprehensive about the holding of this conference in Beijing. This cannot be a very positive experience for the hundreds of women from around the world descending on their capital, with all of the media from the world attendant, all listening to comparative analyses of the rights that are afforded to citizens in each of those countries. We just step up and take ourselves out of the picture, what we are doing is denying ourselves our own role of leadership. We are denying ourselves a voice at the conference. I suspect we are playing right into the hands of those who would love to have a low-key, noncontroversial, nonconfrontational, nonsubstantive conference. If you want to have that, then let us come to the floor of the Senate and deny American women, who have been fighting for their right to vote, the right to go to Beijing and hold up the record of the Chinese on human rights for all the world to see.

It just does not make sense. I would be in favor of coming to the floor and discussing those matters. The Clinton administration has exhibited a willingness to do, to try to do something that puts teeth in the policy, and that literally matters more. To pick the women’s conference and suggest that somehow that matters more than the rights of the Chinese leadership is to misread China and, I think, to misread opportunity.

President Clinton, I read today, has already said he is not willing to sit down and meet with the President of China unless Harry Wu is free. There are many other ways for us to come to the floor and leverage Harry Wu’s freedom, and we ought to. We ought to do that. But it seems to me this is one of the weakest and most tangential of the ways of doing it.

For those who want to read mischief into this amendment, it is not hard to do that. There are a lot of people who have never approved of U.S. participation in the women’s conference. There are people who tried to stop participation at the Nairobi conference, if I recall correctly. There are people who have objected to the notion that we would get together and talk about family planning and other such issues important to women and human rights.

So I rather suspect there is more to this amendment than Harry Wu’s freedom. If Harry Wu’s freedom is really what this amendment is about, then we can find a much more forceful and intelligent way of putting that issue before the U.S. Senate. But to deny ourselves, as I say, our own participation as a leader in human rights and an opportunity to go to Beijing and hold up for all the world to see the degree to which the Chinese Government is falling short, to me is like an inexcusable and negligible, unimportant way to approach this particular issue. I hope colleagues will recognize that there are
other amendments which will afford them the opportunity to vote on some legitimate and important way of signaling our displeasure with the detention of Harry Wu. I do not think this is the method. I hope there will be more said about this when the floor is yielded further time to speak on that as we progress. I see other colleagues are here on the floor, so I will yield the floor for now.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise as an original cosponsor of the amendment that has been offered by the Senate majority leader. I speak today as one of, I think, the Senate's strongest advocates of the U.N. Conference on Women. But it is precisely because of the conference's importance that I support the distinguished majority leader's amendment to call on the President, really, in essence, not to send an official delegation to that conference until Harry Wu is released.

Frankly, this is what it is all about. It is about Harry Wu. And it is also about principle and at what point do we stand up and support principle.

As I said, we are basically speaking about one of our most courageous citizens, who continues to be unjustly incarcerated in China. Today, Chinese authorities are violating his most fundamental human rights and are threatening his very life with a trumped-up charge of espionage, which, in China, is a capital crime.

We face a critical juncture in our relations with the People's Republic of China. Given China's gross violation of Harry Wu's rights and privileges as an American, I certainly cannot support this country's participation in the women's human rights conference that is set to get underway on September 4. What kind of message does it send? That is exactly what China wants. China wants to have it both ways. They want to be able to have Harry Wu in prison and, at the same time, as their backdrop will be this human rights conference. It is a conference on women and it is a conference on human rights.

I have been very much a supporter of that conference.

So I hope no one will question my motivations as to why I am supporting this amendment, and I am a cosponsor. Because at some point I believe you have to support principle. Yes, sometimes this is discomforting. Some people say this is just what China wants. I hardly believe that.

China wants to be able to do that in spite of keeping Harry Wu in prison. They want to be able to have credibility and look at the international community as having their human rights conference in China in spite of the fact they have grossly violated Harry Wu's rights.

That is what this is all about. And what kind of message will we be sending? I know everybody is in a quandary as to what to do, understandably so. But sometimes you finally meet the bottom line, and you say, "We cannot do it." No, the First Lady should not attend the conference. But we should not send an American delegation. That is what this amendment is all about.

Mr. KERRY. Well my colleague yields for a question.

Ms. SNOWE. I would like to finish my statement.

I think that it would be simply wrong because of the issue of Harry Wu's rights. What he has attempted to do is to have the tragedies exposed, the gross violations of human rights that have occurred and that has risked his life. I think we ought to learn from that.

I would like to quote for you from his book "Bitter Wind." It was published in 1994. In discussing his decision to return to China in 1991 to film his famed exposé, "The China Secret Prison Facilities," he wrote in 1991:

"I married, and for the first time I found deep personal happiness. But just 4 months later I arrived to travel back to China. Outside China was known about the Nazi concentration camps and about the Soviet gulag, but almost no information was available about the carefully developed system of forced labor camps for millions of Chinese citizens incarcerated in brutal and dehumanizing conditions, frequently without sentence or trial. Returning to China meant risking my own nearest and imprisonment. Perhaps I would once again disappear. Even though I had wanted to forget the suffering of the past after arriving in the United States and had wanted to heal the wounds in my heart, the 19 years of sorrow would not stop returning to my mind. I could not forget those who still suffer inside the camps. If I did not undertake this task, I asked, who would? I felt a responsibility not just to disclose but to publicize the truth about the Communist Party's mechanism of control. Whatever the risk to me, whatever the discomfort of telling my story, each time I revisited my past, I hoped it would be the last time. But I had decided that my experiences must not only belong to me, but to China's history, they belonged to humanity.

Well, Harry Wu is an American. He belongs not only to us, not only to those he left behind to China's gulag, but he also belongs to humanity. And that is why we have to take this necessary step possible to get Harry Wu released.

When it comes to the conference, yes, there are a number of important issues. I have been a supporter of all the previous conferences, and I have been encouraged by the development of the agenda. But I think there is a time that we have to make certain decisions as a country.

There was great reluctance to have this conference in Beijing because of the obvious severe restrictions on human rights and most basic freedoms of speech and press. We also know what China has done to governmental organizations. They have basically placed their conference about 75 miles away. Beijing with a great deal of confusion on restrictions upon accreditation of the various representatives who are seeking to go to that conference, as well, which will occur a week before the conference on women.

So there have been a number of attempts to encroach on the ability of those people who want to attend, and certainly their ability to participate in the conference, in making it obviously very difficult.

But above and beyond everything else is looking at what Harry Wu represents and what he has done. Frankly, I just cannot imagine China as a backdoor for this conference at a time in which Harry Wu is in prison.

So I think it is important to take this step. It is one that I do not take lightly. I gave it a great deal of thought. But I think that we can no less in making a very strong statement about how we feel as a nation toward China's treatment toward one of our citizens, but to anyone.

So that is why I am supporting this amendment.

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

Ms. SNOWE. Yes. I will be glad to yield for a question.

Mr. KERRY. I wonder why the Senator does not feel that—recognizing that the United States and the United Nations signed off on the location, and the location issue is sort of behind us—who the Senator would not feel that having an American presence there which, on a daily basis, raised the issue of Harry Wu and the conference, which required the conference to deal with Harry Wu’s detention, which used this platform as a means of underscoring, would not be stronger than simply denying ourselves our own presence.

It will not stop the conference. The conference will go on. Everyone else will be there. And they will not raise this issue necessarily as vociferously and as passionately as we might.

So why would we not be better off directing our delegation to raise it on a daily basis and pass a resolution from this conference with respect to Harry Wu?

Ms. SNOWE. I say to the Senator that I happen to think we have different opinions on the subject, but I happen to think that this will enhance China's credibility in the international community to hold this conference. Frankly, I think China would find it very difficult if the conference was not held in Beijing. I think that happens to be a stronger statement, in my opinion, than holding the conference—and certainly China would view it and interpret it as suggesting that in spite of what they have done, they are still holding this conference in this country.

Mind you, Beijing was on the list as the next country in line to hold the conference. There was reluctance even at that point at the United Nations to hold that conference in Beijing for the reasons that we all know. Now, this has happened.

I just frankly do not feel that it would be appropriate for this country to send our delegation there talking
about the very important issues but at the same time sending the message that we are still going to talk about these issues in spite of the fact that Harry Wu is in prison.

Mr. KERRY. But my question is why not send them there to talk about Harry Wu?

Ms. SNOWE. They have an agenda. I have a letter here.

Mr. KERRY. They can talk about Harry Wu. The conference is going to happen. The Senator keeps talking as if we are not participating.

Mr. HELMS. Mr. President, the Senator asked a question. Let the Senator from Maine respond.

Ms. SNOWE. Harry Wu is an American citizen. So, therefore, we have an obligation or responsibility to make those determinations as a country. I agree that is important, too.

Mr. KERRY. Will the Senator yield?

Ms. SNOWE. May I finish my statement before the Senator yields?

Mr. KERRY. Mr. President, the Senator is making a statement.

Ms. SNOWE. Harry Wu has given his life to expose the unspeakable crimes that not only he endured in China’s prisons but what others are enduring. I think it is a slap in the face what China has done to the United States. But it is more than that. It is what they have done to an individual. And I think that we have to stand up. I would like the international community to stand up and say, no, we will hold the conference someplace else. It is inconvenient to change the location of this conference, but we are going to do it. What kind of message would that send to China? It is obvious they want to have it both ways. Look what they did, what they released recently in a tape with Harry Wu.

Mr. KERRY. Will the Senator yield?

Ms. SNOWE. They want to be able to show that they are even-handed and fair.

I would be glad to yield to the chairman.

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

Mr. KERRY. Does the Senator remember my mentioning to her the visit I had with Mrs. Harry Wu, in which she asked that the U.S. delegation not be present? Does the Senator recall that meeting, that she came to my office and made that request herself? Does the Senator recall that?

Ms. SNOWE. Yes, I do, as a matter of fact.

Mr. HELMS. It is made a matter of record at this point.

Ms. SNOWE. I think that that would answer the Senator’s question.

Mr. KERRY. Mr. President, my question to the Senator again is, when the United States takes a step unilaterally, we tend to confuse our capacity to send a message. And I ask the Senator, would she not think that if this were, indeed—this Senator would agree that if a conference as a whole were not held there or were moved, that would, in fact, be of significant implication, that that would have an impact.

Would we not be better off passing a resolution which sought a multilateral response rather than one that simply denies ourself our own voice?

I ask the Senator, would she not then think it a better idea to find a stronger way to try to send a message?

My point is merely that this really deprives us of something and does not have the same strength, that it should join the conference if she wanted to try to change the whole location or if she suggested we should engage in a multilateral effort to see that the conference did it. That would be a slap in the face of China.

Ms. SNOWE. I certainly would not be opposed to a multilateral response, but at the same time it should not preclude our position in terms of what we think is important for this country in the final analysis. I do not think that precludes the United States from seeking a multilateral approach in changing the site of the conference. If the other countries do not agree, then I do not think that it would prevent us from doing what we think is right.

Mr. KERRY. Mr. President, clearly we are not going to be prevented from what we think is right. The question is whether we can find a strong and forcible best means of sending this message. I simply ask the Senator whether or not that or a number of other methods I might add might not strike more at something meaningful to China than taking away theuggle, strongest hand, but having the right voice in the world from a conference that they are trying to frustrate anyway? This plays right into their hands.

The reason it has been moved, the reason that there are so many difficulties with accreditation is that the leadership fears this conference. And here we are coming along and adding to it. I ask the Senator why we strike in a way that somehow nails our own foot to the floor rather than theirs?

Ms. SNOWE. I would answer the Senator by saying that it is remarkably striking that China sought to do what it never did in face of the fact that much wanted to have the conference. That is why I happen to believe that precluding our delegation from attending the conference or even having the conference there, sure, that would be the best of all worlds, but we cannot depend upon that response in the final analysis. We certainly should encourage it and prevail upon other countries. And I do not say that we should take that as a position as well. But I do not think we should think we are going to attend the conference if we cannot change the site of that conference.

I just happen to think it is amazing that China would do this in light of the fact it very much wanted to have the conference. It was very eager to host that conference. And there was a question as to whether or not to ever host that conference in Beijing to begin with, let alone before all this development. I think it is the very purpose of that conference.

That is what I happen to believe. And I feel very strongly about the issues which are on that agenda to empower women throughout the world on a host of issues I once thought about personally. But I also think we have to stand up and be counted. There is always a reason why we cannot do something—well, it is better for us. This is what China wants. We have heard that before, but it has not stopped China.

Has it stopped China? No. It has not stopped China from doing a number of
things recently that certainly have been an affront to our policies and what we stand for. And at what point do we demand something in return when it comes to human rights? I just happen to think the conference should not go on, no. But I certainly do not think that we should attend that conference.

That is what I happen to think. That is what I think happens to be the strongest message and that is why I am supporting this amendment. Mr. President, I yield.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. Nickles). The Senator from North Carolina.

Mr. HELMS. Mr. President, changing the venue on the Beijing conference is an absolute impossibility, and I am sure my well-informed colleague from Massachusetts knows that. At this point, I agree with the distinguished Senator from Maine and the distinguished majority leader that the strongest means of sending a message from the United States is to do it unilaterally because we really do not have any other choice.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator’s second-degree amendment to the majority leader’s underlying amendment.

Mr. HELMS. I thank the Chair.

Mr. President, I will not be long in discussing my amendment. I thought about it when I read the Washington Times this morning and saw the headline, “U.N.’s Deadbeat Diplomats Owe Millions.” Then the subhead says, “African Nations Ring Up Largest Debts to New York Shops, Banks, and Lenders.”

In that, Secretary General Boutros Boutros-Ghali said in a report to the Committee on Relations with the Host Country, and I quote him: Non-payment of just debts reflects badly on the entire diplomatic community and tarnishes the image of the United Nations itself.

Then the Washington Times went on to say:

The topic is so sensitive around the United Nations that, until recently, the problem was not publicly mentioned. But the secrecy and inaction have allowed the debt to grow.

That reminds me of an amendment that I offered last year that required diplomats right here in the District of Columbia, as well as other places, to pay up on the parking fines owed to the District of Columbia. I am proud to say that it worked because they were in default, did not pay. This amendment is just about the same. It sheds sunshine on those diplomats who choose to ignore paying their just debts, as Boutros Boutros-Ghali described it in his statement as quoted.

I think that the publicity may embarrass these people into paying these bills. If not, this second-degree amendment to the Dole amendment will certainly prompt their attention. Since the Secretary General has refused to identify any of the diplomats or the missions that owe money, it is up to the U.S. Congress to urge him to do so in a very forceful way. If this provision is adopted, as I hope it will be, the deadbeat diplomats in the United Nations will be known by one and all and they will be embarrassed into paying their bills. The yeas and nays have not been obtained on either amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there appears not to be a sufficient second.

Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

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

The PRESIDING OFFICER. Is there objection to it being in order to ask for the yeas and nays on the first-degree amendment? Without objection, it is so ordered.

Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Times, July 31, 1995]

U.N.’s DEADBEAT DIPLOMATS OWE MILLIONS
AFRICAN NATIONS RING UP LARGEST DEBTS
TO NEW YORK SHOPS, BANKS, LANDLORDS.

(Story by Catherine Toups)

NEW YORK—If the peace-keeping failures of Bosnia and Somalia haven’t brought enough shame on the United Nations, U.N. officials fear the deadbeat diplomats will.

Hiding behind the shield of diplomatic immunity, diplomats and missions posted to the United Nations have accrued more than $9 million in debts to U.S. banks, landlords, hospitals, hotels, utility companies and merchants in New York City, according to a U.N. report.

In 1993 the trickle-down economic boost of housing U.N. headquarters enriched New York City by about $1 billion each year, diplomats are finding less of a welcome from landlords, even though they have not paid. And diplomats are finding less of a welcome from landlords, even though they have not paid.

Sources familiar with the issue say the top debtor missions are Sierra Leone, Congo, Zaire, Liberia and the Central African Republic.

“The vast majority of the 184 missions in New York and their over 1,800 diplomats honor their obligations,” the secretary-general said.

Political and economic instability back home is part of the problem, the U.N. chief said in his report. But he also said some of the debt on bad fiscal management of missions and individual diplomats.

There is a certain irony to the United Nations scolding deadbeat diplomats. The world body itself is far from solvent because of member nations that fail to pay assessments in full or on time (the United States is first on that list).

The organization already owes more than $500 million to troop-contributing nations for peacekeeping operations, a debt that is expected to reach $1 billion by the end of the year.

The United Nations has also been accused of mismanagement throughout its history, leading to periodic reforms, including several in the past year.

Several diplomats on the Committee on Relations With the Host Country, which handles problems between missions and the United States, have argued against making a public issue of diplomatic indebtedness for fear it would spark hostility against the diplomatic community.

A December 1993 New York Times article about delinquent payments by diplomats prompted hundreds of complaints from New York residents who said diplomats don’t deserve the privileges they have.

Delegates of the committee lobbied against publishing the names of deadbeat diplomats and missions, saying the
Mr. HELMS. Mr. President, I ask unanimous consent that the second-degree amendment of the Senator from North Carolina be modified to read a $10 million "ceiling" as possible, rather than withhold the amount of money commensurate with what the debt is reported to be rather than more than twice that amount, because we already have arrearages on peacekeeping, a significant amount of financial issues.

I respectfully suggest that it may be possible, let us say, with a $10 million figure, to leverage the same response, which I suspect the Secretary of State would be willing to try to elicit as rapidly as possible, rather than withdrawing twice the amount of money. I wonder if he would consider modifying it to that effect.

Mr. HELMS. I will say to the Senator, of course I cannot, save by unanimous consent, modify the amendment, but I wish to offer such an amendment by unanimous consent, I will certainly agree to it.

Mr. KERRY. I think we can amend it by unanimous consent.

Mr. HELMS. Of course. Yes. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, the amendment to be proposed under unanimous consent, previously discussed is certainly agreeable with me, and I hope the Senator will agree.

AMENDMENT NO. 206, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent that the second-degree amendment of the Senator from North Carolina be modified to read a $10 million "ceiling" as possible, rather than withhold the amount of money, I wonder if he would consider modifying it to that effect.

Mr. HELMS. I will say to the Senator, of course I cannot, save by unanimous consent, modify the amendment, but I wish to offer such an amendment by unanimous consent, I will certainly agree to it.

Mr. KERRY. I think we can amend it by unanimous consent.

Mr. HELMS. Of course. Yes. I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, we could have saved this entire exchange and quorum call if I had permitted to simply say to my friend 4 minutes ago that the issue is not whether we will have a vote; the only question, as is normal in the Senate, is the timing. But because I was precluded from saying that, in order that the country can get a message about how we can never pass anything here, we get into these tangents, and I am saying to my friend the issue is when, not whether.

I do not know when every Senator will be back. Some are with the President. Some are with the National Governors Association. As soon as they get back from a day's work elsewhere in the country, they will be available to vote. That is normal procedure in the Senate.

My No. 2 response is that this Senator remembers last year very well. I will never forget it as long as I am in the U.S. Senate and privileged to be here. Vote after vote, bill after bill was brought forward in good faith, and it was stopped dead in its tracks by a conscious gridlock policy. So, I am never going to stand here and hear any colleague on the other side talk about the delay or the problems of proceeding forward.

Every good-faith effort of Senator Mitchell to move the Senate forward was frustrated, and everybody knows that. Piece of legislation after piece of legislation that passed here went over to the House and came back—dead, dead, dead. So I am not going to hear anybody talk about a legitimate delay effecting the first 2 hours to legislate on this bill. If there is, we will sit here in quorum call for several days. Let us agree to that. That is just unfounded, uncalled for, unnecessary, and I think, frankly, our order in the first hour and a half of this effort.

I yield the floor.

The PRESIDING OFFICER. Is there objection to the modification pending at the desk?

Without objection, the amendment is so modified.

The amendment (No. 206), as modified, is as follows:

At the end of the pending amendment, add the following:

SEC. 3. UNITED NATIONS DIPLOMATIC DEBTS.

Of the funds authorized to be appropriated for fiscal year 1996 in section 201 and section 301, not less than $10,000,000 shall be withheld from obligation under the Secretary of State to the Congress—

(1) the names of diplomatic personnel accredited to the United Nations or foreign missions to the United Nations, which have accrued overdue debts to businesses and individuals in the United States; and

(2) that the United Nations Secretary General is cooperating fully with the United States or taking effective steps on his own, including publishing the names of debtors, to resolve overdue debts owed by diplomats and missions accredited to the United Nations.

Mr. HELMS. I thank the Chair.

Mr. KERRY. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. JOHNSTON. Mr. President, tomorrow in Brunei, the Secretary of State is going to meet with Chinese Foreign Minister Qian Qichen to discuss a very serious rift between China and the United States which has been brewing for some time and which has more
recently erupted over the visit of President Lee of Taiwan to the United States.

Our colleagues, I think, are fully aware of the importance of the China-American relationship. In my view, it is the single most bilateral relationship the United States has.

Whether that characterization is correct, it is clear, Mr. President, that China is the key to Asia. It is the largest country of growing importance in the world. If our relationship with China and Asia is secure, then our relationship with Asia, for the most part, is secure.

If that relationship begins to spiral downward, as it has in recent months, then it portends terrible things for the United States—terrible things not only for our bilateral relationship, but for peace in the world.

Now, Mr. President, the problem with one of these relationships, when it begins to go sour, as our relationship with the People's Republic of China has begun to do, it begins to get a momentum of its own; portent of evil becomes a self-fulfilling prophecy, tempers become frayed, frictions get in the way. In short—whether intended or unintended—are imagined in every bit of conduct. Sometimes the downward spiral can get out of control.

Mr. President, this is a very, very serious matter, our relationship with China. It has been written about by people from both sides of the aisle, whether in Congress or out of Congress. This meeting in Brunei is, therefore, a vitally important meeting. I have high hopes that from this meeting we can at least begin a process that will relieve our relationship with the People's Republic of China. Our relationship with the People's Republic of China is much broader and much more difficult than the detention of one American citizen, Harry Wu.

While we all are very concerned about that, Mr. President, the solution to the problem will not solve the whole relationship. It is a much, much, by many orders of magnitude, bigger problem than the problem of Harry Wu, as important as that may be.

Mr. President, I can think of nothing more, if I have to do than to start legislating or making expressions about the Harry Wu situation on the eve of the meeting between our Secretary of State and the Foreign Minister of the People's Republic of China. I believe, Mr. President, that both the United States and the People's Republic of China are trying to find ways to get this relationship back on track; they are trying to find ways, consistent with the principles for both countries, consistent with our long-held commitment to human rights, consistent with the importance of this relationship, consistent with China's determination that its "one China policy" be maintained as it has from the time of the Shanghai communique up to, I believe, the present day.

I believe both parties, both the United States and the People's Republic of China, are searching for the way to bring that relationship back together. To do so takes diplomacy that is most subtle and requiring the greatest degree of expertise of any kind of relationship we have. It does, in fact, deal with not only fundamental interests of both countries, but also the feeling, the emotion contained on both sides of the Pacific Ocean.

Mr. President, I hope we will let this diplomacy, so vital to the basic interests of this country, play out and not it is very important to understand that opposition to this particular chosen method does not signal any kind of latitude with respect to Harry Wu. It does not signal anything other than our disapproval for that situation. In fact, there may, as the Senator from Louisiana has suggested, be far more effective ways to not only work his release but to deal with a host of other issues which we share with China.

In the last few months, we have been going down a road that is defined largely by our mutual misinterpretation of each other to a certain degree.

If there is any lesson that we should have learned in the last 20 years, I think it is that we are not going to unilaterally, through some very public confrontational method, alter an immediate event in China. It does not work that way. It has not worked that way along the course.

It is usually when we work a fairly fine line over the course of a longer period of time, strategy that is very much interfaced with personal relationships and personal respect that we begin to make the most progress. Every time we step out of that, we seem to take steps backward. I think there are many ways to affect Harry Wu's status. We ought to pursue every single one of them.

To suggest that when they have already separated the nongovernmental organizations from the main U.N. conference in Beijing, and they have done that specifically to deny the capacity of the nongovernmental organizations to follow the events closely or have a major impact on them, it is clear they are already in a damage control mode. They are trying to manage this conference in a way that minimizes particularly the capacity of American participation to have an impact.

I respectfully suggest that to have American participation leveraging Harry Wu's status, as well as the other issues, poses a far greater challenge to their ability to manage the news and the output and events than our nonparticipation.

If the conference is going to take place anyway and we are simply going to say we are not going to do this out of protest, we not only minimize our voice but we also set into place a series of events that the Senator from Louisiana has suggested, that will have a whole bunch of collateral downsides. I do not think it is smart foreign policy. I do not think it accomplishes the goal we are setting out to accomplish.
Mr. President, I ask my friend from North Carolina if he would temporarily set aside the pending amendment for further business?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The substitute title is:"LEASE PURCHASE OF OVERSEAS PROPERTY." The clerk will call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the question be rescinded.

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

Mr. HELMS. Mr. President, I ask unanimous consent that the two pending amendments be very temporarily laid aside, in order that we can call up the managers' amendment, which is numbered 1914, as I understand it.

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

AMENDMENT NO. 1914

(Purpose: To make the "manager's" amendments to the bill)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1914.

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

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

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. HELMS. Mr. President, as I understand my colleague Senator Kerry, everything has been agreed to except the Jordan drawdown, is that correct?

I ask that be eliminated from this temporarily—and it may be reinserted at a later time—without unanimous consent.

Mr. KERRY. Mr. President, I ask unanimous consent that section 619 be stricken from the amendment.

The PRESIDING OFFICER. Is there objection to that modification? The amendment is so modified.

The amendment (No. 1914) as modified, is as follows:

On page 11, strike line 14 and all that follows through line 4 on page 12.

On page 12, strike lines 6 through 15.

On page 21, strike lines 6 through 14.

On page 47, strike line 18 and all that follows through line 2 on page 47.

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERTY.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget, determine that the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal government when compared to a direct purchase or direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in locations in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition and Maintenance of Buildings Abroad) account.

Beginning on page 18, strike line 1 and all that follows through line 2 on page 21 and insert the following:

SEC. 122. DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Diplomatic Telecommunications Service Program Office (hereinafter in this section referred to as "DTS-PO") has made significant enhancements to upgrade the worldwide DTS network with high speed, high capacity circuitry as well as improvements at United States embassies and consulates to enhance utilization of the network.

(2) Notwithstanding the improvements that the DTS-PO has made to the DTS network, the current management structure needs to be streamlined to provide a clear, delineated, accountable management authority for the DTS-PO and the DTS network.

(b) REPORT REQUIRED.—No later than three months after enactment of this Act, the two agencies providing the greatest funding to DTS-PO shall submit to the appropriate committees of Congress—

(1) a DTS-PO management plan—

(a) setting forth the organization, mission and functions of each major element of the DTS-PO; and

(b) delineating an entity at each overseas post, or providing a mechanism for the designation of such an entity, which will be responsible for the day-to-day administration of the DTS-PO operations; and

(2) a DTS-PO strategic plan containing—

(A) future customer requirements, validated by the DTS customer organizations; and

(B) a system configuration for the DTS network which will meet the future telecommunications needs of the DTS customer agencies.

(c) REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(d) DETAILED REPORT.—(1) The term "traffic" means—

(II) TRAFFIC. The term "traffic" means—

(b) a debt which is a charge on property

(BB) a debt which is a charge on property

(bb) engages in a commercial activity using or otherwise benefiting from a confiscated property; or

(bb) causes, directs, participates in, or profits from, activities of another person described in subclause (aa) or (bb), or otherwise engages in activities described in subclause (aa) or (bb) without the authorization of the national of the United States who holds a claim to the property.

On page 50, between lines 14 and 15, insert the following new subsection:

REPORTING REQUIREMENT.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

On page 22, strike line 18 and insert "and" after "operations."

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "op-
SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM TITLED "THE FRAGILE RING OF LIFE".


On page 107, line 1, strike line 3 through 6.
On page 107, line 7, strike "(4)" and insert "(3)".
On page 107, line 11, strike "(6)" and insert "(4)".
On page 107, line 15, strike "(6)" and insert "(5)".
On page 107, line 20, strike "(7)" and insert "(6)".
On page 107, line 22, strike "(6)" and insert "(7)".
On page 112, strike lines 19 through 22.
On page 112, line 23, strike "(7)" and insert "(6)".
On page 118, strike line 1 and all that follows through line 11 on page 121.
On page 124, after line 20, insert the following:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (in this section referred to as the "PLO") has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council Resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility for all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the PLO as the representative of the Palestinian people;

(3) the PLO signed a Declaration of Principles on Interim Self-Government Arrangements (in this section referred to as the "Declaration of Principles") on September 13, 1993, at the White House;

(4) Israel and the PLO signed an Agreement on the Gaza Strip and the Jericho Area (in this section referred to as the "Gaza-Jericho Agreement") on May 4, 1994, which established a Palestinian Authority for the Gaza and Jericho areas;

(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the "Early Empowerment Agreement") on August 29, 1994, which provided for the transfer of the PLO's authority to certain powers and responsibilities in the West Bank outside the Jericho Area;

(6) under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by an elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between Israel and the PLO;

(7) the negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996;

(8) the Congress has, since the conclusion of the Declaration of Principles and the PLO's renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to President certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the good faith implementation of, the Declaration of Principles;

(9) the PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel's destruction, and to prevent acts of terrorism and hostilities against Israel; and

(10) the President, in exercising the authorities described in paragraph (8), has certified to the Congress on four occasions that the PLO was abiding by its relevant commitments.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that although the PLO has recently shown improvement in its efforts to fulfill its commitments, the PLO must do far more to demonstrate an irreducible denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular the PLO must—

(1) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant which call for Israel's destruction;

(2) make greater efforts to preempt acts of terrorism and to contribute to stemming the violence that has resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer any person and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic freedoms.

(d) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(I) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at any time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONSIDERATION.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to paragraph (3), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees each time he exercises such authority that—

(i) it is in the national interest of the United States to exercise such authority;

(ii) the PLO continues to comply with all the commitments described in subparagraph (D); and

(iii) funds provided pursuant to the exercise of this authority and the authorities under section 583(a) of Public Law 103-236 and section 3(a) of Public Law 103-125 have been used for the purposes for which they were intended.

(iii) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(I) The President shall ensure that PLO performance is continuously monitored, and that the President determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall notify the appropriate congressional committees.

(II) If the President determines that the PLO is not complying with the requirements described in paragraph (3), he shall notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (I) until such time as the President makes the certification provided for in paragraph (I).

(D) PLO COMMITMENTS DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO—

(i) in its letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway to—

(I) recognize the right of the State of Israel to exist in peace and security;

(II) accept United Nations Security Council Resolutions 242 and 338;

(III) renounce the use of terrorism and other acts of violence;

(iv) the responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(V) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(VI) submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant eliminating calls for Israel's destruction; and

(ii) in, and resulting from, the good faith implementation of the Declaration of Principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(I) prevention of acts of terrorism and legal measures against terrorists;

(II) abstention from and prevention of incitement, including hostile propaganda;

(III) operation of armed forces other than the PLO in criminal matters, including cooperation with Israeli authorities;

(IV) possession, manufacture, sale, acquisition, or importation of weapons;

(V) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(VI) transfers to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(VII) cooperation with the Government of Israel in criminal matters; and cooperation in the conduct of investigations; and

(VIII) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.
(E) Policy justification.—As part of the President's written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall report that—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions or attempts to discipline perpetrators of terrorism and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);

(iii) provisions that the PLO has taken with regard to the Arab League boycott of Israel;

(iv) the status and activities of the PLO office in the United States;

(v) the status of United States and international assistance efforts in the areas subject to jurisdiction of the Palestinian Authority of its successors;

(3) Requirement for continued provision of assistance.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise of the President of the authority provided by paragraph (1), unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively and significantly reduced acts of terrorism and violence, actions or attempts to discipline perpetrators of terrorism and violence, and actions to preempt acts of terror and violence, and has not provided any financial means—

(B) that the PLO has cooperated in good faith with the Department of State in the prosecution of acts of terrorism against Israel;

(C) that the PLO has cooperated in good faith with the Department of State in the prosecution of acts of terrorism against the Palestinian Authority and its successors; and

(D) that the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(E) that the PLO has cooperated in good faith with the Department of State in the development of procedures and guidelines and a judicial system for apprehending, prosecuting, convicting, and imprisoning terrorists;

(F) that the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel;

(G) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel;

(H) that the PLO has cooperated in good faith with the Department of State in the prosecution of acts of terrorism against the Palestinian Authority and its successors; and

(I) that the PLO has exercised its authority resolutely to establish the necessary enforcement mechanism, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(4) Provisions that may be suspended.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(a) Amendment of the Foreign Service Act of 1980.—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 907) is amended—

(1) by redesigning subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following:

(1) In carrying out subsection (b), the head of each department, agency, or entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

(2) In seeking the approval of the chief of mission under paragraph (1), the head of each department, agency, or entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

(3) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic immunity or other status to employees of the executive branch of Government who are performing duties in a foreign country.

(b) Review of procedures for coordination.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective, and to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign policy decisions.

(c) Plan elements.—The plan should include the elements described in section 1502 of this title and other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

(5) Relevant congressional committees defined.—As used in this subsection, the term "relevant congressional committees" means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.
(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merging of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Program (UNIDO), and the United Nations Children’s Fund (UNICEF); and

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of relevant United Nations agencies, including the United Nations Children’s Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) an across-the-board reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretariat General of the United Nations, including a cessation of the practice of serving as a Secretariat post for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making process of the United Nations and (i) the establishment of a truly independent inspector general at the United Nations; and (ii) proposals to coordinate and implement a reform of the United Nations such as those proposals set forth in the communiqué of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15-17, 1995, and (iii) proposals for amendments to the United Nations Charter that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

On page 251, below line 22, add the following:

(g) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226, 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall have the power of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 0.5 percent of the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 84 of title 5, United States Code.

(2) Notwithstanding any other provision of this section, the head of an agency referred to in paragraph (1) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transfer Fund to defray the cost of such payments and the amount of the remittances required of the agency under paragraphs (1) and (2).

Mr. HELMS. Mr. President, I want to make the record clear. The Jordan drawdown was not eliminated even temporarily at my request, but in order to facilitate the approval of the rest of the amendment. So the Record will show that—I having said that—

I urge the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment as modified? Mr. KERRY. Mr. President, it is my understanding we are going to try to work out the differences that still exist on section 619, and at some later date we may pull it up.

We are in agreement with respect to the rest of the amendment.

Mr. HELMS. Mr. President, I have a committee amendment at the desk referred to as the “manager’s amendment.” I understand there are no objections to this amendment and that the modifications are acceptable to the ranking member of the committee, Senator PELL. This amendment has several parts and is designed to address three issues:

First, reservations and jurisdictional concerns expressed by other Senate committees, chairmen, and ranking members;

Second; provisions objectionable to the Administration; and

Third, technical and conforming amendments to the bill, many of which were “unofficially” requested by this administration.

The amendment includes: The Middle East Peace Facilitation Act extension, a repeal of the two prison labor provisions in the bill that will satisfy Finance Committee concerns, two changes that will satisfy the budget scorekeepers on the Budget Committee, and a few other small provisions.

The amendment be adopted since there are no objections to this amendment. I hope there will be additional amendments in agreement as we proceed on debate of the measure.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1914), as modified, was agreed to.

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

Mr. KERRY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to temporarily set aside the two amendments and to call up the amendment that I have at the desk.

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

Mr. KENNEDY. Mr. President, I list a number of amendments that are dealing with the measure that is at hand, and I certainly hope we will have an opportunity to dispose of those amendments in a timely fashion. I also expect to at least have an opportunity to see a disposition of the amendment which I am offering this evening on this particular piece of legislation.

I am aware, very much, that I have offered an amendment in the first-degree and it can be said I am also aware, as my colleague from North Carolina was pointing out, that we are very hopeful of being able to avoid parliamentary gymnastics and to be able to get a vote on different measures that come before the Senate. I expect I will have an opportunity to get a vote on his amendment and I certainly hope to have an opportunity to have a vote on mine as well.

Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that calls for us to debate and vote on raising the minimum wage sometime before the end of this session of Congress.

I do not endorse any particular outcome. It does not say that we should pass S. 413, the bill Senator DASCHLE introduced in behalf of the President, or vote to raise the minimum wage to $5.15 an hour, though I strongly believe that we should. Rather, the amendment says only that the Senate should take up the issue, that we should debate it, and vote one way or the other rather than sweeping this issue under the rug and ignoring the 12 million American workers who would get a raise if the President’s bill were enacted.

The appropriate level for the minimum wage is a critical issue both for the millions of low-wage workers who are directly affected by it and for the economy as a whole. Income inequality is a growing problem in the United States, and the declining purchasing power of the minimum wage is an important factor in this problem.

Mr. President, I hope to review for the Senate some of the most recent information that has been developed and reported in our national news magazines, as well as some of the historic trends that justify action by this particular amendment, which effectively will do for the Senate what was done earlier this year on the issue involving the gifts measure before the Senate where our colleagues got a sense-of-the-Senate resolution that we were going to vote on the gifts issue and on the lobbying legislation.

Really as a result of a good deal of focus and attention by Members who
Mr. President, this chart reflects what happened to the incomes of families in this country from 1950 to 1978. I know that there will be those who will say, "Well, there were variations for this period of time." We may have the opportunity to come back and address that. But what this chart reflects is that in this country there were two levels of income. Those on the bottom, 20 percent of the family income, rose the most, rose 138 percent. Those in the second lowest went up 98 percent; the middle, some 106 percent; the fourth, 111 percent; and the top 20 percent went up about 100 percent overall. This chart says that we developed in this country, and the American economy responded, in such a way that the income for families during this period of time, which included the increases in the minimum wage as well as other economic factors, all went along and grew together. We all made progress together, and we did it in ways that were pretty equitable in terms of the distribution of where our families were.

This, I think, is the real indication of where the country was moving as an economy. It included other forces beyond the minimum wage. But as my next chart will show, the minimum wage kept pace during this period of time. It has only been in the last 10 to 12 years where there has been a serious decline in the purchasing power of the minimum wage.

Over here, we go now from 1978—this chart over here, 1979 to 1993—and it is effectively the same chart, divided again by quintile, and this chart reflects what has been happening from effectively 1979 to 1993, real family income growth by quintile.

Here we go from 20 percent, those at the lower level of the economic ladder, they are not increasing. There are no blue marks here. It is increasing red marks. Their purchasing power has declined by some 17 percent during the period where there has been some very important real growth. The next 20 percent has declined by 8 percent, the middle some 3 percent, the fourth quarter has gone up 5 percent, and the largest increase has been with the wealthiest individuals. This is what is happening in our country over a period of time in terms of real economic growth per family income.

Mr. President, it is a reminder about where we are and where we have been and where we are going.
could effectively make it in America without being in poverty, and without being, as I will mention, a recipient of many of what we call the support systems, the safety net programs. That is an interesting sidebar to this whole issue and one that will come back to that in just a minute.

Then we saw how the minimum wage effectively stayed even in the 1970's and 1980's and then gradually declined and continued to decline all the way to 1990. And this dip here was the increase in the minimum wage when President Bush in a bipartisan effort signed the minimum wage. And now we have sunk right back to where we were in 1990.

We have to ask ourselves, what is it about these working families, 12 million of whom would be affected by the increase in the minimum wage that had been supported by the President and introduced in legislation by Senator Daschle? What is it we are saying to those who are working and are not, effectively do not value their work; we do not respect the fact that you are prepared to go out and do 40 hours a week to try to raise your children, to try to have a sense of dignity at the table. And we are saying that the minimum wage has been so compelling. There will be others who will try to flyspeck those studies, the study particularly with regard to New Jersey, which is a very interesting and a very positive one. But the one thing you have to recognize is the historical analysis of the increase in the minimum wage because it is going to cost jobs; we cannot afford to raise the minimum wage because there is going to be inflation.

Well, the fact is that great rhetoric. I took the time, after the last debate we had in the late 1980's, and just reread the debate during the 1930's, 1940's, 1950's, and 1960's, and you could just substitute the names because the speeches were virtually identical, with everyone saying we just cannot afford to do it; we are just beginning to make the economy go and here you are going to go out there and try to undermine our economy with an increase in the minimum wage. They said it last time. We increased it in 1990, and we have seen since 1992 the growth of 8 million jobs.

Mr. President, I will take just a few more moments. I see my colleagues waiting. I would just like to point out what has happened with the minimum wage because we will have study after study after study out there. And I will include some of the most recent studies that I think have been so compelling. We will have others who will try to flyspeck those studies particularly with regard to New Jersey, which is a very interesting and a very positive one. But the one thing you have to recognize is the historical analysis of the increase in the minimum wage. This is history, this is what has happened. This is not some study by one of these organizations for the various industries that have been historically opposed to any increase in the minimum wage. This is the historical analysis of what has happened to our economy, the issue of employment when we have seen the increase in the minimum wage. This is what we have seen. It goes back to 1949 when the minimum wage rose from 40 cents to 75 cents; unemployment decreased.

In 1955, unemployment decreased from 4.4 to 4.1 percent. From 1961 to 1963, from 1 to $1.25; unemployment decreased from 6.7 to 5.5 percent.
From 1967 to 1969, $1.25 to $1.60; unemployment decreased from 3.8 percent to 3.5 percent.

During the seventies, 1974 to 1976, 655,000 new jobs, despite the recession; retail employment increased 5.2 percent. They are the principal ones opposed to any kind of increases.

From 1978 to 1981, employment increased by 8 million jobs, including 1.4 million retail jobs. You go from $2.30 to $3.35 in 1990, $3.35 to $4.25, despite the seventies from 1969 to 1992.

We had it up in my part of the country, New England. With 4 percent of the Nation’s population, we lost 20 percent of the Nation’s jobs; 20 percent of the Nation’s jobs we lost. We are beginning to come back. The tragedy is, those are not nearly as good jobs as they should be. But despite the severe recessions that we had, we have seen the dramatic growth of these jobs.

Mr. President, this is the record. Not only on the question of the minimum wage, but also in employment, but also with respect to inflation—these are the two arguments that they use.

We will hear later on how it is going to be harmful to black teenagers. We are always those hours away until somebody brings that argument out. These are the standard arguments.

I see my two colleagues. Go back and read the history on these things. You see the same old arguments that come up.

What has happened on the question of inflation is that we have seen, with the increase of 1949, an increase of 1 percent; in the sixties, less than 3 of 1 percent; stability here; from 1974 to 1976 inflation actually decreased; then it increased marginally and then decreased; and then from 1990 to 1991, it decreased from 5.4 to 4.2 percent.

So, Mr. President, I know that there are those who are going to come out here and say, in the Business Week analysis in terms of what has been happening in America: Companies and corporations where the profits are going up, the stock market is going up, their productivity increasing. The one thing they ought to recognize, which is Business Week is clear as can be, and is something every worker understands, is that real purchasing power for workers is going down.

I hope that our colleagues will not use those worn-out old arguments about the problems that we are facing in inflation and the problems that we are going to be facing in terms of unemployment, because the record, which is the most important record—and that is the historic record—just does not justify it. We have demonstrated and seen this, Mr. President, and we believe that now is the time to make sure that men and women who are out there working, and working hard, trying to make ends meet, trying to bring up a family are going to be able to experience some hope and opportunity.

Finally, Mr. President, one point that I want to mention on this chart for all of our Members—and we do not come to this consideration very frequently—if you start paying the American people a livable wage, do you know what happens? They lose their eligibility for support systems. Do you know what that means? That means the families that work less, that they do not have to support the various support programs, which are the WIC Program, Aid to Families with Dependent Children, fuel oil programs, other kinds of support programs. You pay the American people a livable wage and they lose their eligibility for those support programs and that saves billions of dollars—billions of dollars.

Who pays for those billions of dollars? It is the workers. This makes sense if you are for deficit reduction, if you want to lower the tax program on workers because if they pay the minimum wage, they lose their eligibility and you begin to save the billions of dollars.

This makes sense. It makes sense as a matter of decency and fairness, as part of our commitment that has been there for some 50 years, where we are going to honor work and say to men and women who work hard, who work hard, who work hard and they work, and will work that they ought to have an American wage that says that they can provide for their family and for their future, that they are going to be able to educate their children.

That is not all the way through the forties, fifties, sixties, all the way through the seventies, and it has only been in the recent years that we have seen this abdication of responsibility to working families.

Right in the face of this, Mr. President, are the various reports—I have colleagues on the floor now—but I will review the Bureau of Labor Statistics report from just last week, and another very, very important study that reaches very same conclusion.

These workers have paid to be a part of the American system. They have been left out and left behind. We have to ask ourselves who will speak for them. At other times, we have come together, Democrats and Republicans alike, in order to make sure that those families that want to work can work, are proud to work, are playing by the rules, trying to bring up their children, are going to be able to live in some dignity. That is what the increase in the minimum wage is about.

We invite our colleagues to support this sense-of-the-Senate resolution so that families will know that we are serious in making sure that for working families, work pays in America and that we honor them.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Illinois.

Mr. SIMON. Mr. President, if I may follow immediately, I pay less. Senator KENNEDY just talked about this Friday we are going to be taking up welfare reform. Ninety-five percent of what we hear about as welfare reform is not welfare reform. It is just moving the boxes around, shifting responsibility to States and doing some things like that. Real welfare reform has to deal with the problem of jobs and the problem of poverty, and this is an issue that deals with historic jobs and problems over.

Why do we have this distribution problem in our society today? I think there are three basic reasons. One is people are not as well prepared as they should be. As Secretary of Labor Bob Reich said, the fact is we are right on this—if you are well prepared, technology is your friend; if you are not well prepared, technology is your enemy.

A second reason we do not have the distribution factor that we should have in our society today is that labor union membership is dramatically lower in our country than any other Western industrialized democracy. George Shultz, former Secretary of State and former Secretary of Labor under Republican administrations, made a speech in which he said all of us, management and labor and everybody, ought to be concerned about the low percentage of workers belonging to labor unions. It is something that is not good for our society. If you exclude the governmental unions, it is down to 11.8 percent. That is a factor.

But a third factor in the distribution matter is the minimum wage. We simply have not kept up with the inflation factor, and it is a problem.

In addition to the factors that Senator KENNEDY mentioned, where we save money in terms of AFDC and that sort of thing, the earned income tax credit, we have 11 million Americans who will benefit from increasing the minimum wage 45 cents a year for 2 years, a total of 90 cents, and many of them will not get as much money on the earned income tax credit. So there will be a dollar saving, in very real terms, for the Federal Government.

Mr. KENNEDY. Will the Senator yield on that?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. KENNEDY. I see my friend from Minnesota here, as well. Does the Senator understand what it is about the institution, the Congress, that says that we are going to refuse to have any increase in the minimum wage or even consider it, and we refuse to pay more than the minimum wage? But we have, right now, do you not have that in the earned-income tax credit, which he said all of us, management and labor and everybody, ought to be concerned about the low percentage of workers belonging to labor unions, and the labor force is the thing for our society.

Mr. KENNEDY. Will the Senator yield on that?

Mr. SIMON. I am pleased to yield to my colleague.

Mr. KENNEDY. I see my friend from Minnesota here, as well. Does the Senator understand what it is about this institution that says that workers who are making less than $26,000, including the earned-income tax credit, ought to have their taxes increased, and yet we refuse to grant an increase in the minimum wage when we have a historic low, and at the same time we are talking about tax cuts for the rich? And individuals, who are at the top levels of our economy, who are right up here and giving them, for the most part, a $245 billion tax reduction? Does the Senator find
some difficulty in understanding why that series of policy decisions would make sense for working families in this country?  
Mr. SIMON. Well, in response to that question, which is an extremely important question for American people, obviously it does not make sense. It is a response that grows out of something—and I know the Senator from Massachusetts feels very strong about this—it grows out of something that we ought to deal with, but we duck in Congress—that is, our system of financing campaigns. I join the Senator from Minnesota, and I applaud him for his leadership on what we did on gifts and limiting on the lobbyists. But, frankly, that is 1 percent of the reform we need. Ninety-nine percent of the reform is on our system of financing campaigns.

If you have 20 individuals who are very wealthy in this country, who wanted some modest change in the law, who sent a $1,000 campaign contribution to every Member of the U.S. Senate, I have an idea—unless it was an egregious request—that request would receive very sympathetic attention. We have 11 million people who will benefit by an increase in the minimum wage, who, because of their situation, must give a campaign contribution to anyone, and we are reluctant to respond. I hope we will.

Let me just add for the benefit of the Presiding Officer—and I see my friend from Kansas on the floor here, too, the last time we increased the minimum wage, it passed 89–8 in the Senate, with 36 Republicans voting for it. This should not be a partisan thing. We ought to improve the lot of people who are really struggling. Are we going to be sensitive to that? I think that is the fundamental question. Are we going to be sensitive to people who really are struggling in our society? I hope we come up with the right answer.

I am glad the Senator from Massachusetts offering this amendment, and what he is really calling on us to do is prod our consciences a little bit, do what we ought to do for the people in Pennsylvania, Illinois, Kansas, Massachusetts, and Minnesota, who are just eking out an existence, who do not know how they are going to make the next rental payment, or how they are going to feed their family, until they get paid on Friday. These are people who have to be concerned about. They do not make it because of contributions to us. But that is what we ought to be here for. Those are the people we ought to be here for.

Mr. President, I yield the floor.

Mr. WELLSSTONE. Mr. President, I thank my colleague from Illinois for his remarks. I have said it to him many times, I am going to really miss him. I think he has been a real con- ...
trying to make ends meet and the ones that are prepared to work the long and hard hours. If it does reach some teenagers, it is basically reaching teenagers who are from families with family incomes which are lower than the poverty line as it is designated. Actually, it is a pretty targeted program.

I think the Senator might agree with me that the minimum wage has a greater elevating effect on the incomes with single individuals or married couples, but the earned income tax credit has a lot of impact on families with a number of children.

I ask the Senator, as a professor of economy, whether he would agree that, therefore, doing something about both is really reaching, in many respects, our fellow Americans who are trying to make ends meet—some with larger families, some of them either individuals or just a couple maybe with one child, I think that is the breaking point—but are trying to make ends meet. I think that the lowest rungs and the bottom of the economic ladder and have been ones that have seen their real income decline most dramatically in recent times.

Mr. WELLSTONE. Mr. President, I will respond to the Senator and then yield the floor to my colleague from Kansas who is anxious to speak.

I respond to the Senator from Massachusetts in two different ways. First of all, I say to my colleague, as a strategy of welfare reform or as a targeted strategy to reduce poverty and have more economic opportunity, and for that matter, as a targeted strategy to move toward a middle class or as a targeted strategy to reduce violence, I do not think there is any question that it is the key. That is what we have to focus on.

I say to my colleague, my understanding is that, roughly speaking, in , the wage level was set at $3.80 and then again in 1991 when it was raised to its current level. I voted both for final passage and the conference report of the wage increases of 1990 and 1991. If the minimum wage had kept pace with the Consumer Price Index, the current level would be $6.85 today.

I want to work in a bipartisan fashion with the distinguished Senator from Massachusetts in passing the minimum wage, but I feel the schedule of the Senate is best left in the care of the majority leader in his preparation of the schedule of the Senate.

Ms. MIKULSKI. Mr. President, I rise today to support the amendment offered by the Senator from Massachusetts, and to support efforts to raise the minimum wage.

In recent weeks I have read articles and newspaper editorials concerned about wage stagnation. While profits are up, wages are down. Raising the minimum wage represents the least of the income losers, but the one most likely to act to raise the minimum wage will only add to the problem of stagnant wages. No excuse about not being able to fit this issue in our agenda will satisfy workers who are just looking for a break.

The bill that is being proposed will raise the minimum wage from its current rate of $4.25 per hour to $4.75 next year and $5.15 per hour in the second year. If we fail to raise the minimum wage beyond the current $4.25 an hour, the buying power of workers earning the minimum will be at its lowest level since 1955—1955. How many people here would be satisfied with 1955 wages?

There are those who will argue that the minimum wage doesn’t really help families or adult workers, but that is not what the facts tell us. The facts are that over 60 percent of workers receiving the minimum wage are adults. And over one-third of minimum wage earners are the only wage earners in their families.

Mr. President, far too many workers are living on $5.15 an hour. Far too many people are working longer and working harder, but their checks are getting smaller. Far too many of our actions this year have ignored the average wage earner. How can we justify keeping the minimum wage at $4.25 an hour in the same year we decide to cut the earned income tax credit? If Congress opposes an increase, in the minimum wage and votes to cut this tax credit how can we expect people to get ahead? How can we expect some of these struggling families to stay off the very public assistance programs, which, ironically, some Members are trying to cut or eliminate?

It is time we returned to the bipartisan support this issue once had. It is time we returned to the spirit of when only eight Members of the Senate voted against increasing the minimum wage.

Mr. KENNEDY. If I could take a moment of time, Mr. President, Mr. President, I am not interested, in this debate, to try and take away from those that are trying to expand and make a great success in terms of companies or corporations. That is not what it seems to me to be relevant, in terms of a society, about people working. Those in the white collar are working hard but the blue collar are working hard, too, and they are the ones that are left out and left behind. We are not making this point just with regard to blue-collar workers. The same thing has happened to the white collar. That is quite a different story. It is worth considering in the total context of debate.

I want to just point out what we have not gotten into in the debate, and that is what is happening to the chief executives of major corporations.

More than 500 were paid over $1 million, according to a Business Week survey of 742 companies. Chief executives have been getting substantial pay in recent years. Mr. President, in 1994 executive salaries increased 10 percent, while workers’ wages rose 2.6 percent.

In many cases, the total pay went down because they did not cash in their stock options since the stock market was not at its peak. The $2.9 million average pay of 1994 was 54 percent higher than the $1.9 million average they received 5 years ago. The executives’ pay has been skyrocketing, yet the workers’ pay is down.

I am not interested, in this debate, to try and take away from those that are trying to expand and make a great success in terms of companies or corporations. That is not what it seems to me to be relevant, in terms of a society, about people working. Those in the white collar are working hard but the blue collar are working hard, too, and they are the ones that are left out and left behind. We are not making this point just with regard to blue-collar workers. The same thing has happened to the white collar. That is quite a different story. It is worth considering in the total context of debate.

I simply underscore—I think I am correct, and the Senator may be able to confirm this—in the 1960s and 1970s, the minimum wage now can pay people in this country to be able to exist just at poverty level; but because of the diminishment of earnings in the United States over the course of the last 13 years particularly, minimum wage now produces only 70 percent of the poverty level in income.

So the country traditionally has paid a minimum wage that at least promised to keep people at poverty level. Today, it is at 70 percent of poverty level, at a time when we all know it is and will continue to be the least of the income losers, but the one most likely to act to raise the minimum wage will only add to the problem of stagnant wages. No excuse about not being able to fit this issue in our agenda will satisfy workers who are just looking for a break.

I want to thank the Senator from Kansas for her forbearance.
minimum wage. The bill currently before the Senate is the State Department reorganization bill of 1995, a very important piece of legislation.

The amendment offered by the Senator from Massachusetts is a sense of the Senate that we should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress.

I would like to point out, Mr. President, that the minimum wage legislation comes under the jurisdiction of the Labor and Human Resources Committee, of which I am chairman and the Senator from Massachusetts is ranking member.

I believe it is important to hold hearings on this issue in our committee. The minimum wage is just one part of the Fair Labor Standards Act. That Act is a comprehensive piece of legislation which covers everything from child labor laws to overtime laws. I think it is one that needs extensive and thorough review and hearings. It is a very important piece of legislation. The minimum wage is just one part of that.

Congress has not conducted a serious oversight of the entire statute for several decades. I believe it is of fundamental importance and the responsibility of our committee to do so. Clearly, the time needs to be brought up to date to reflect significant changes in the workplace over the last 50 years.

I am committed to holding hearings in the Labor Committee to review all aspects of the FLSA, including the minimum wage. I think it is premature, however, to be bound by this sense-of-the-Senate amendment and have it viewed as a debate on whether one is for or against an increase in the minimum wage. That is not what this debate is about.

I think the Senator from Massachusetts, as the ranking member, knows that our committee has had a very full agenda. There are a number of important issues that have been worked on, including health care, job training, FDLA and OSHA reform, and several reauthorization bills which have to be completed this year.

Unfortunately, I think, despite the importance of FDLA reform, the schedule has just not permitted us to hold hearings yet. Hearings that I think we need to have and should have and, as I have said before and I will say again, I am committed to holding.

I would remind my colleagues that the Senator from Massachusetts, now the ranking member, was chairman of the Labor and Human Resources Committee for the last 2 years. There was no real sense of urgency at that time, when my Democratic colleagues on the other side of the aisle were in the majority, to address this issue. I really have to wonder why, all of a sudden, on this State Department reorganization legislation that we have offered a sense of the Senate which could be interpreted, I think wrongly, as a vote for or against an increase in the minimum wage.

For that reason I think this is not the time or the place to have this type of debate. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 209 TO AMENDMENT NO. 197. Mr. NICKLES. Mr. President, I send the clerk the second-degree amendment number 209 to amendment No. 197.

Strike all after the word "that" and insert in lieu thereof the following: "that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress.'

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I wish to compliment my friend and colleague, Senator KASSEBAUM, the chairman of the Labor Committee, for her statement. I hope people heard her statement.

Also, I will mention the reason why I offered this second-degree amendment. The second-degree amendment says Congress should take up and consider and vote on comprehensive welfare reform before the end of this year. I think that is a very high priority. Maybe I think it is a higher priority than increasing the minimum wage, because I happen to believe increasing the minimum wage will cost jobs.

The Senator from Kansas, as chairman of the Labor Committee, said she will have a hearing on minimum wage. I might mention, that is more than our friends on the other side did. The sponsor of this amendment, when he was chairman of the Labor Committee for the last 2 years, do not believe they had hearings on increasing the minimum wage. I know, if my memory serves me correctly, Senator Mitchell, when he was majority leader the last 2 years, they did not pull up legislation on the floor of the Senate to increase the minimum wage.

Now they offer an amendment to this bill, the State Department authorizations bill, and the amendment says we should consider and take up and vote on increasing the minimum wage.

Now, that is an amendment that has nothing to do with the State Department authorizations. It is kind of saying: We were running the Senate for a number of years and it was not a high enough priority for us to do it then, but now we want to do it while Republicans are controlling the Senate. I disagree. Senator Dole is the majority leader. He is the one who sets up the agenda of the Senate, not the Senator from Massachusetts.

So I have a sense of the Senate in the second degree. It says Congress should take up welfare reform. I think that is important. I know the majority leader thinks that is important. I think the majority leader should set the agenda of the Senate.

So I compliment my friend from Kansas. I appreciate her cosponsoring this amendment. I hope people will place this amendment as a higher priority.

I will mention, actually, probably neither amendment should be on this bill. We should be considering the amendment of the Senator from North Carolina. We ought to be voting on it. I will say we ought to be voting on it in 15 minutes, because this entire body, by the majority leader, was told we will have votes not before 6 o'clock. For us to take up nongermane amendments, for us to debate a lot of things and not take up the legislation pending, I think is irresponsible. We have a lot of work to do. A lot of us would like to keep most of the August recess. We are like the States and with our families.

So I think it is important for us to pass this bill. I know the Senator from North Carolina urges us to do so. We have a couple of amendments that are pending. There are a couple of amendments, we have to order on. I hope we will vote on those. I hope we will vote on those tonight.

We have a lot of other amendments, very, very important amendments, that we may be dealing with, talking about reorganizing the State Department, abolishing agencies, etcetera. So I want to say, I am somewhat amused by the notion—"I compliment the sponsors of the bill before us. It is very substantive legislation.

We have also heard some in the administration say, "Let's not let this pass. Let's allow it to be slowed down." I regret that. But I think we should take up the legislation. I think the amendment of the Senator from Massachusetts needed to be amended, so I have offered an amendment. I hope my colleagues will support it.

Again, I repeat, what this amendment is, it says Congress should take up and consider and vote on comprehensive welfare reform. I know the President of the United States spoke to the Governors and he urged we have welfare reform. I know the Senate majority leader spoke to the Governors today and he said we should have welfare reform. So, hopefully, Congress will work out its difference and we will pass a bipartisan welfare reform bill this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I guess I am somewhat out of the form. I think the way to solve the problem of an amendment that is somehow not appropriate on this bill is to amend that amendment with an amendment that is not appropriate to this bill. The logic of that does not quite sit. But, on the other hand, we all understand the notion. So I think it is perfectly appropriate, now that the precedent is set, for us to follow suit with other amendments.
We will be happy to accept the amendment of the Senator from Oklahoma. I do not think there is any further debate on it, so we could proceed.

The Presiding Officer. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2029) was agreed to.

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

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

The motion to lay on the table was agreed to.

Amendment No. 2030 to Amendment No. 1977

Mr. KERRY. Mr. President, I send an amendment to the desk to the amendment of Senator Kennedy.

The Presiding Officer. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2030 to amendment No. 1977.

Mr. KERRY. 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:

SEC.

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family’s weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,500 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who usually work full-time but who are, nevertheless, in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to Americans’ growing income inequality and to the fact that 9% of the growth in household income has accrued to the wealthiest 20%;

(8) legislation to raise the minimum wage to $5.15 an hour was introduced in February 1995, but has not been debated by the Senate.

(9) the Senate should debate and vote on raising the minimum wage before the end of the first session of the 104th Congress.

Mr. KERRY. Mr. President, this simply puts us back in the parliamentary position we had in 1991. We have now agreed we ought to have welfare debated before the end of the session. The issue before us is still whether or not we ought to have the minimum wage debated before the end of the session.

Mr. KENNEDY addressed the Chair.

The Presiding Officer. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague. I will be glad to be a cosponsor of the amendment of the Senator, but I am not going to make that request at the present time. I just say, Mr. President, as the Senator from Kansas knows very well, this legislation to raise the minimum wage was introduced in February. There has been a very full agenda for the committee. I have enjoyed very much the opportunity to work closely with Senator Kassebaum and our Republican colleagues. But it is a reflection of our priorities. It was the judgment of that committee to set other matters as priorities. I think at some time this should have had a hearing and we have an opportunity to address this issue at this time.

Mr. President, the amendment I am offering is a sense-of-the-Senate resolution that calls for us to debate and vote on raising the minimum wage some time before the end of this session of Congress. It does not endorse any particular outcome. Nor does it say we should pass S. 413, the bill Senator Daschle introduced on behalf of the President, or vote to raise the minimum wage to $5.15 an hour—though I strongly believe we should.

Rather, it says only that the Senate should take up the issue, debate it, and vote one way or the other, rather than sweeping this issue under the rug and ignoring the 12 million American workers who would benefit at a time if the President’s bill were enacted.

The appropriate level for the minimum wage is a critical issue, both for the millions of low-wage workers who are directly affected by it and for the economy as a whole. Income inequality is a growing problem in the United States, and the declining purchasing power of the minimum wage is an important factor in the problem.

Since 1979, 97 percent of the growth in real income has gone to the wealthiest 20 percent, while the remaining 3 percent of the growth in household income has been shared by the other 80 percent of Americans. The real family income of the bottom 60 percent of Americans has declined since 1979, while the real income of the top 20 percent of families grew 18 percent.

Part of the decline in income for the middle and lower middle class has been caused by the decline in the purchasing power of the minimum wage, which has fallen almost 30 percent since 1979, and more than 10 percent since it was last raised in 1991. As a nation, we are getting farther and farther away from the concept that work should pay, that a full-time, year-round worker should be able to keep her family out of poverty.

Today, a nurse’s aide, janitor, or child care worker who makes the minimum wage earns just $8,500 for 50 weeks of work at 40 hours a week—a full time, year-round worker should be able to keep her family out of poverty.

Today, a nurse’s aide, janitor, or child care worker who makes the minimum wage earns just $8,500 for 50 weeks of work at 40 hours a week—a full time, year-round worker should be able to keep her family out of poverty.

There is an old saying that, “The rich get richer and the poor get poorer.”

But that should not be our national economic policy. The Senate should vote on raising the minimum wage because it is immoral and destructive to have one out of every nine families with a full-time worker living under the poverty line—without enough money to earn a secure living. The Senate should vote to raise the minimum wage so that hard working people would get a raise.

I have heard all of the arguments against the minimum wage, and none of them has any merit. For years, it was argued that raising the minimum wage was bad for the people who got the raise because a significant number of them would lose their jobs.

Well, year after year, we had minimum wage increases, and the economy continued to add jobs by the millions. Then it was claimed that teenagers would lose their jobs if the minimum wage went up. But when economists stopped quoting from their textbooks and studied the actual, real world data, they found that their theories were wrong—even teenage unemployment is not significantly affected by raising the minimum wage.

First, Princeton’s David Card and Alan Krueger, then Harvard’s Larry Katz and Bill Spriggs of the Joint Economic Committee, found that businesses adjusted to minimum wage increases in various ways, such as increasing prices, but they did not respond by cutting their workforce. In some cases, they actually added workers.

How is this possible? Why did demand for these workers not go down as their cost went up? The obvious answer is that their work was so undervalued at the minimum wage that their employment was still a major benefit for employers after the minimum wage was raised. And that is the situation today. The minimum wage is so low that the work done by the employees who earn the minimum wage is undervalued and underpaid.

Raising the minimum wage is no likelier to cause job losses today than
The Senate should debate and vote on raising the minimum wage because it is a way to help make life a little brighter for the people who struggle to make ends meet, who believe in the American dream of working hard in order to give their kids a chance in life. They have been finding themselves slipping behind no matter how much harder they try.

I have met with many people who work for the minimum wage—especially young adults with families to feed. They have worked ever more efficiently and hard-working young Americans with high school educations and dreams of higher education and attainment. But they are barely scraping by because the law allows their work to be undervalued and underpaid.

So, between the two of them, they work all day long, rarely able to spend time together. They despair about saving to send their children to college because both of them are still paying off the loans they took out for the 1 year of college they both once thought were bright.

Typically, the husband works 30 to 35 hours a week at $4.25 an hour for a pizza chain, including split shifts and evenings. His wife works 40 hours a week at similar wages. She staggered her work hours, so that both her and her husband can always be at home to take care of their two infants. Neither has health care coverage, and they cannot afford child care.

Between the two of them, they work an average day, rarely able to spend time together. They despair about saving to send their children to college because both of them are still paying off the loans they took out for the 1 year of college they both once thought were bright.

The strongest evidence so far that workers are receiving less of the fruits of their labors came last week, when the Labor Department revised its estimate of wage and compensation growth. After adjusting for inflation, average wages apparently fell 2.3 percent over the 12-month period that ended in March. Productivity rose 2.1 percent during the same period.

"That is what happened in July. This is what is happening in July. This is what happened in July. Talking about the timeliness of this particular measure, now is the time. Now is the time.

Then the story goes on.

Include fringe benefits, and the current numbers look even worse for wage-earners. Overall, compensation for American workers seems to have stagnated even as they have worked more efficiently and produced ever more goods.

The trend is especially striking because it breaks one of the most enduring patterns in American economic history. Workers have fairly consistently collected about two-thirds of the nation's economic output in the form of wages, salaries and benefits. Owners of capital, like stocks or bonds or small businesses, have collected the other third, in the form of dividends, profits and investment gains.

"It is remarkable how constant labor's share has been over the last 150 years," said Lawrence Katz, a former chief economist at the Labor Department. "This is one of the strongest regularities of advanced economies.

Wages and salaries and benefits actually climbed slightly faster than productivity for a while in the late 1960's and early 1970's. Productivity moved ahead a little faster than compensation during the late 1970's, and through much of the 1980's. But it seems that the real gap opened after that.

The strongest evidence so far that workers are receiving less of the fruits of their labors came last week, when the Labor Department revised its estimate of wage and compensation growth. After adjusting for inflation, average wages apparently fell 2.3 percent over the 12-month period that ended in March. Productivity rose 2.1 percent during the same period.

Include fringe benefits, and the current numbers look even worse for the wage-earners. Overall compensation fell 3 percent in...
the 12-month period through March, as companies and state and local governments provided fewer health care benefits.

The drop has provoked a profusion of historical comparisons. "A high-income, middle-income, and low-income society is no longer a middle-income society but something reminiscent of the Gilded Age," said Bradford Delong, a former deputy assistant secretary to the Treasury.

Mr. KENNEDY. Mr. President, I would be glad to entertain a consent request. Is that the desire of the Senator from North Carolina?

Mr. HELMS. I want to get back to what we were talking about, the bill, if the Senator will allow us. I think he has made his point about what he thinks we ought to do. I thought that was the majority leader's responsibility.

Will the Senator yield the floor?

Mr. KENNEDY. No. I was informed that the Senator was prepared to make a consent request and I was prepared to have that consideration. But I will not take much more time. I will make some brief comments. I was attempting to try and accommodate the Senator.

Mr. HELMS. Mr. President, will my colleague yield for a moment just for the purpose of making a unanimous-consent request?

Mr. KENNEDY. Reserving my right, Mr. President, I yield for a consent request.

Mr. HELMS. Mr. President, I ask unanimous consent that a vote occur on amendment No. 2026, the Helms amendment, at 6:45 this evening.

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

Mr. HELMS. I thank the Chair. I thank my colleagues.

Mr. KERRY. I thank my colleague.

Mr. KENNEDY. Mr. President, I put in the Record the New York Times article.

I want to just mention another article that was in the Washington Post of today, "U.S. Finds Productivity, but Not Pay. Is Rising."

The government yesterday confirmed what most workers already knew: in terms of their pay, Americans are just treading water.

The Labor Department reported that wages and benefits in private industry increased 2.8 percent over the last year. It was the smallest advance since the department began calculating its employment cost index in 1982 and reflects a low level of inflation and the inability of workers to wrest raises from employers in an increasingly competitive economy.

Adjusted for inflation, the compensation measure shows a slight 0.2 percent decline over the past 12 months in spite of robust gains in worker productivity and record levels of corporate profits.

All of these studies are showing—Business Week, the Washington Post, the New York Times, all within the past several weeks making the point that we are experiencing record profits in the stock market, record profits in corporations, declining wages in terms of the minimum wage, and the family wage, which is now down to where it was in 1989 which is the last time it was increased.

We were talking briefly out here with our friend and colleague from Kansas saying, "Why now?" The interesting point about "Why now?" is we have finally gotten to the bottom of where we were in 1989. We have gotten to that point in the last two weeks. At that time, a Republican President said enough is enough. At that time, the President and a broad bipartisan group said that workers that were receiving only about 70 percent of the real purchasing power in the minimum wage should at least get some bump. They got some bump during the 1989-1991 period. But we have no recognition from the other side that there is a problem.

We do not hear our colleagues on the other side saying, let us get about the business and let us try to find some common ground, let us try to see if we cannot make a difference on it.

So, Mr. President, we believe that this is a timely matter, that the Senate should go on record as our friend from Minnesota and Illinois pointed out. All this is saying is that we will go on record before the end of the session in terms of the increase in the minimum wage.

Really the proposal that Senator Daschle had was a bare bones program which would not even move back up, barely move us back up to where increases were in 1990. The Daschle program brings us back here, not where it was in the past 15 years but only brings us back to where it was under a Republican President; not asking an awful lot. We are not out here demanding that we get a vote to bring it all the way back up here, although I believe that is justified. The Daschle proposal would move this red line right back up to where it was when it was signed by a Republican.

This does not seem to me to be such a radical proposal to demand to say, "Oh, my goodness, we cannot possibly gain the time to debate those issues out on the floor of the Senate. There are too many other matters." I think we could get some time to debate the importance of that particular measure that makes a difference to 12 million of our fellow citizens.

We did not spend a lot of time when we were taking away some of the OSHA protection for those workers. We did not take a lot of time when we were taking away the mine safety protection for those workers. We did not even have the hearings over there in the Human Resources Committee. We did not take much time on that when we were talking about safety. Now we hear, "Oh, my goodness." If we are going to just bring back the minimum wage to some extent to make it a little more respectable for working families to have children, and 60 percent to 65 percent of the minimum wage workers we are talking about are having difficulty making ends meet, we are suddenly saying, "Oh, no. We cannot be prepared to support this resolution that will just say that by the end of this Congress we will consider it on the floor of the U.S. Senate."

That is what effectively we are hearing from the other side, that we have too many other matters. I would be glad to be a cosponsor of Senator Nickles' amendment dealing with welfare reform. Many of us are talking about working on the income too for working families. We did not spend much time when the budget came back. When they had the reductions in the earned income tax credit for working families in the budget proposal that is $4 trillion in terms of tax expenditures and they put $21 billion in additional taxes on working families making less than $26,000. They were raising the taxes on these working families.

All we are saying here is, "Can we not find between now and the time that we close down this business maybe a day, maybe a few hours, maybe on a Friday afternoon, maybe on a Saturday, on something that will make a difference to those 12 million Americans? We are prepared to stay here and debate this on Monday afternoon or a Saturday and set the time for a vote. What do you think those families are thinking tonight? "We do not have the time to debate this issue. We do not have the time in August, in September, in October to spend a few hours and consider this on the basis of the merit. We do not have time for that."

Mr. President, I think they understand about who has time for them and who does not have time for them. I know Mr. Army on the other side said, "We will not have an increase in the minimum wage. We do not care. It will just not pass."

All we are saying is in the next 3 months give us a few hours to debate it. If you are sure of your side over there, if you are sure that we do not have time for those facts, if you are sure that there is going to be inflation and lost jobs, why not agree to debate it? Why not agree to it? Why not say, OK. Just let us go ahead and give us a time to vote? We did it on the question of gifts. We did it on lobbying. We got votes on those. Those were important measures. But somehow when it comes down to paying working families a livable wage, we will not do it.

Mr. President, we will have an opportunity to do it because this issue is not going to go away. We will hear people moaning and groaning about, as I have heard for years and years and years, about, Oh, well, we did not go through the committee of jurisdiction. That is always such a wonderful argument to use when you differ with something. But then you come right out here at any other time, if you have the votes you can get these matters up. Well, we may not have the votes to carry this resolution tonight. We may not have the votes to keep it after it. I know that this institution over a period of time will have the votes because it is right, it is fair, and it is the decent thing to do. It rewards...
work, and it is a responsibility I think that we have to our fellow citizens. So if they say, no, we are too busy doing other matters; we are too busy, we cannot find the time to do this, that is a message to the American people. I do not think it will stand because it is wrong.

Mr. President, I yield the floor. The PRESIDING OFFICER (Mr. Brown). Who seeks recognition? Mr. KENNEDY. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll. Mr. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent that immediately following the vote at 6:45 this evening, Senator KASSEBAUM be recognized, and the time prior to a motion to table the Kennedy amendment be limited to 5 minutes to be divided between Senators KASSEBAUM and KENNEDY, and that at the conclusion of that time, Senator KASSEBAUM be recognized to move to table the Kennedy amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Mr. CRAIG. Mr. President, I now ask unanimous consent to proceed as in morning business for up to 10 minutes. The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL SERVICE EMPLOYEES AND LOBBYING

Mr. CRAIG. Mr. President, this evening, my colleague from Wyoming and I come to the floor to discuss with the Senate what we believe to be a very important issue. It has come to our attention in the last several days that in a letter directed to the Director of the Bureau of Land Management in each of our States across the Nation, coming from the Acting Director, Mr. Dombieck, a letter goes to them instructing them to engage in an outreach campaign, that the outreach section of the communications plan is going to be implemented.

The definition of livestock "carrying capacity" would allow livestock stocking rates at the point that grazing does not "induce permanent damage to vegetation resources" (emphasis in italics).

Monitoring and inspection may not occur unless the livestock operator has been invited and allowed to participate. This compromise BLM’s ability to conduct trespass investigations and allows the cooperative operator “veto power” over needed monitoring.

Requires that grazing violations are “knowingly and willfully” committed—this places a nearly impossible burden of proof on managers and makes it extremely hard to enforce violations.

RANGELANDS COMMUNICATIONS PLAN

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<tr>
<th>Category</th>
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<tr>
<td>Resource Advisory Councils</td>
<td>Review nominations with effect, forward to Headquarters</td>
<td>Rose</td>
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<tr>
<td>Assist National Training Center, with RAC, orientation package and training materials</td>
<td>Draft package due July 11.</td>
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<tr>
<td>Intermountain</td>
<td>Ensure that all BLM has finalizing the briefing materials on final rules and Livestock Grazing Act (LGA)</td>
<td>B. Johns</td>
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<tr>
<td>Outreach</td>
<td>Respond to misinformation</td>
<td>Within 5 days of receipt</td>
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Barry Rose (208)394-3393) of Idaho’s Lower Snake River Ecosystem Office and Chris Wood (202)208-7013 of the Washington Office will continue to serve as field and Headwaters coordinators for outreach and communications issues. Please provide Tony Garrett, Director of Public Affairs for the Washington Office with an status update on implementation of the communication plan each week during the external affairs conference call. Barry Rose and Chris Wood will discuss the communications plan with you at the conclusion of the conference call. Thanks for your continued efforts.
Mr. CRAIG. Mr. President, I yield to my colleague from Wyoming such time as he may consume, to discuss the action that the Senate and the appropriate committees have decided to take.

Mr. THOMAS. I thank my colleague and the chairman of the subcommittee that is handling this bill.

Let me say as background, it seems to me that this country relies on having a civil service legally buffered from political influence. I think that is terribly important.

Our Government is organized to have two levels, a political and a civil service career level. Dedicated career employees implement the law, while those designated as political work with or against Congress to establish the law. It is a fine line that must be maintained.

The Clinton administration has apparently blatantly crossed that line and put career civil service employees in the position of violating one of the oldest lobbying laws on the books, that has sought for years to protect against the very thing.

Let me cite it again, section 303 of the 1995 Interior Appropriations Act:

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

The language of section 303, on its face, is a very broad and comprehensive prohibition on the expenditure of appropriated funds. It includes four of the terms of "any" in a single sentence. Congressional intent could not be more emphatic. Many of the word "tends" even more clearly demonstrates that both direct and indirect conduct is targeted, for, as a factual manner, even indirect conduct may "in any way tend" to promote public support on an issue. Without detailing other evidence of the breadth of section 303 in this letter, a close review of the legislative history of this provision, which first appeared in the Interior's appropriation bill for Fiscal Year 1978, and a General Accounting Office opinion on this matter clearly show that it is designed to prohibit any activity which tends to promote public support for agency goals concerning a matter pending before Congress.

Activities of BLM employees in implementing Mr. Dombeck's plan may even rise to the level of violating section 139 of the United States Criminal Code, section 193 provides that:

"No part of the money appropriated by any enactment of Congress-granting the President authority to enter into or authorize an investigation by Congress, or under the authority of Congress, of any activity of a Federal, State, or local government, or of any person or organization, under the authority of Congress, of any activity which tends to promote public support or opposition to a proposal on which congressional action is not complete."

Violation of this section is punishable by removal from office or employment, a fine, and imprisonment for a period not exceeding one year. Although section 139 permits direct communications from agency officials to Members of Congress made "through proper official channels," it expressly prohibits any activity which tends to promote public support for agency goals concerning a matter pending before Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress.

As chairman of the Committee on Oversight Investigations, at the request of our chairman of the full committee, I have sent a letter to the Secretary of the Interior, Mr. Babbitt, and have asked him to cooperate in a reasonable investigation.

We have not yet determined whether there would be a hearing. If there are reasons to do that, we are prepared to have a hearing on this issue.
Mr. President, I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

Mr. HELMS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. Under the previous order, amendment No. 2026 is the regular order.

Mr. HELMS. Very well. And that is now the pending business? The PRESIDING OFFICER. It is the pending business.

Mr. HELMS. I thank the Chair and suggest the pending business be a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Under the previous order, the question now occurs on amendment No. 2030 offered by the Senator from Massachusetts [Mr. KERRY] to amendment No. 1977, as amended. There will now be 5 minutes of debate equally divided between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM addressed the Chair.

I think this is a time and place to address this matter, and I will move to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

Mr. President, this should not be interpreted as a vote for or against raising the minimum wage. This is simply a sense of the Senate that at some point we should debate and consider such an amendment. And such we shall, but not until the Labor and Human Resources Committee has had the opportunity to debate it and vote on it in committee, which I think is the proper procedure.

I believe this is not the time or place to address this matter, and I will move to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY, to amendment No. 1977, as amended. There will now be 5 minutes of debate equally divided between the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mrs. KASSEBAUM].

Mrs. KASSEBAUM addressed the Chair.

I think this is a time and place to address this matter, and I will move to table the amendment of the Senator from Massachusetts.

Mr. KENNEDY addressed the Chair.

Mr. President, this is a simple resolution and it is a sense-of-the-Senate resolution that says we will consider, prior to the time that we recess this year, whether we should raise the minimum wage. We have done sense-of-the-Senate resolutions on gifts, we have done it on lobbying, we have done it on finance reform. All we are saying is in the period of the next 12 weeks, can we find a few hours of the Senate’s time to consider whether we should address the increase in the minimum wage, which is now nearly the lowest in terms of purchasing power that it has ever been in the history of the minimum wage, all at a time. Mr. President, that magazines like BusinessWeek, the New York Times, the Washington Post talk about record salaries and stock markets and record salaries for the CEO’s.

All we are saying is over the period of these next 3 months that we might have a few hours to debate whether we should consider an increase in the minimum wage. It was good enough for
campaign financing, it is good for lobbying, it is good enough for welfare reform. It ought to be good enough for the 12 million working families in this country that today are at the bottom rung of the economic ladder.

The PRESIDING OFFICER. Who yields time?

VOTE ON MOTION TO TABLE AMENDMENT NO. 1977, AS AMENDED

Mrs. KASSEBAUM. Mr. President, I move to table the Kennedy 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 assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 2031.

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

The amendment is as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the “Foreign Aid Reduction Act of 1995”.

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2001A. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,163,000,000 for fiscal year 1997.

SEC. 2002. LOANS FOR GREECE AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763),

(1) $20,000,000 shall be made available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2201. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,791,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2201A. AUTHORIZATION OF APPROPRIATIONS.

(1) Except as provided in paragraph (2) the President is authorized to designate a private, nonprofit organization as eligible to receive funds and support pursuant to this section with respect to any country eligible to receive assistance under part I of this Act
in the same manner and with the same limitations as set forth in section 201(d) of the Act for the Support for East European Democracy (SEED) Act of 1989.

(2) Excess as provided in subparagraph (B), the authority of paragraph (1) shall not apply to any country with respect to which the President is authorized to designate an enterprise fund under section 498B(c) of this Act or section 201 of the Support for East European Democracy (SEED) Act of 1989.

(B) The prohibition of subparagraph (A) shall not apply to the Trans-Caucasus Enterprise Fund established under subsection (c).

(c) Trans-Caucasus Enterprise Fund—The President shall designate a private, non-profit organization under subsection (b) to carry out this section with respect to the Trans-Caucasus region of the former Soviet Union. Such organization shall be known as the `Trans-Caucasus Enterprise Fund'.

"(d) TREATMENT EQUIVALENT TO ENTERPRISE FUNDS FOR POLAND AND HUNGARY—Except as otherwise specifically provided in this section, the provisions contained in section 201 of the Support for East European Democracy (SEED) Act of 1989 (excluding the authority of appropriations provided in subsection (b) of that section) shall apply to any Enterprise Fund that receives funds and support under this section. The officers, members of the boards of directors, and officers of the Enterprise Fund that receive funds and support under this section shall enjoy the same status under law that is applicable to officers, members of the boards of directors, and officers of the Enterprise Funds for Poland and Hungary under the Support for East European Democracy (SEED) Act of 1989.

"(e) REPORTING REQUIREMENT.—Notwithstanding any other provision of this section, the requirement of section 201(p) of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 2294; relating to the Economic Support Fund) shall be required to publish an annual report not later than January 31 each year shall not apply with respect to an Enterprise Fund that receives funds and support under this section for the first twelve months after it is designated as eligible to receive such funds and support.

"(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purpose—

"(A) $12,000,000 for fiscal year 1996 to fund the Trans-Caucasus Enterprise Fund established under subsection (d); and

"(B) $8,000,000 for fiscal year 1996 to fund any enterprise fund authorized to receive funds under this section other than the Trans-Caucasus Enterprise Fund.

"(2) Funds appropriated under this subsection are subject to remain available until expended.''

CHAPTER 3—PEACE CORPS

SEC. 2331. PEACE CORPS. Section 3(b) of the Peace Corps Act (22 U.S.C. 2222(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997.''

TITLE XXIV—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS

SEC. 2341. INTERNATIONAL DISASTER ASSISTANCE—For the Middle East

SEC. 2401. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

SEC. 2402. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2405. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2406. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2407. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2408. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2409. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2410. FOREIGN MILITARY FINANCING FOR EGYPT.

SEC. 2411. FOREIGN MILITARY FINANCING FOR EGYPT.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2502. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2503. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2504. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2505. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2506. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2507. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2508. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2509. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.

SEC. 2510. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN'S FUND.
United States, subscribe to 276,105 shares of the increase in the capital stock of the Bank—

(A) 5,522 of which shall be shares of paid-in capital stock; and

(B) 270,583 of which shall be shares of callable capital stock.

(2) SUBJECT TO APPROPRIATIONS.—[The authority provided by subsection (a) is effective only to such extent or in such amounts as are provided in advance in appro-

priations Acts.

(3) MUTATION ON AUTHORIZATION OF APPROPRIATIONS.—[For the subscription author-

ized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.]

TITLE XXVI—EFFECTIVE DATE

SEC. 2601. EFFECTIVE DATE.

Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

Mr. KERRY. I understand the pending business is the Dole amendment.

The PRESIDING OFFICER. The Helms amendment is now pending.

Mr. KERRY. I ask unanimous consent that the Helms amendment be temporarily set aside.

Mr. HELMS. Mr. President, I call for regular order. That will do it.

The PRESIDING OFFICER. The call for regular order is heard.

AMENDMENT NO. 2032 TO AMENDMENT NO. 2025

(Purpose: To express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China)

Mr. KERRY. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] for Mrs. BOXER, for herself and Mrs. FINESTEIN, proposes an amendment numbered 2032 to amendment No. 2025.

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

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

The amendment is as follows:

Strike all page 1, line 6, through page 2, line 23, and insert the following new section:

(a) The Senate finds that—

(1) Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995;

(2) Harry Wu, a 56-year-old American citizen, was traveling on a valid United States passport and a valid visa issued by the Chinese authorities;

(3) the Chinese Foreign Ministry notified the United States Embassy in Beijing of Harry Wu's detention on Friday, June 23;

(4) the United States Embassy in Beijing approached the Chinese Foreign Ministry on Monday provided by paragraph (3) shall be effective only to such extent or in such amounts as are provided in advance in appropri-

ations Acts.

(5) the terms of the United States-People's Republic of China Consular Convention on February 19, 1982, require that United States Government officials shall be accorded access to a detained American citizen as soon as possible, but no more than 48 hours after the United States has been notified of such detention;

(6) on June 28, the highest ranking representative of the People's Republic of China in the United States refused to offer the United States Government any information on Harry Wu's whereabouts or the charges brought against him;

(7) by denying consular officials access to Harry Wu, the Government of the People's Republic of China violated the terms of its Consular Convention;

(8) on July 8, the People's Republic of China formally charged Harry Wu, with espionage, which is a capital crime;

(9) Harry Wu, who was born in China, has already spent 19 years in Chinese prisons;

(10) Harry Wu's life is threatened by the betterment of the human rights situation in the People's Republic of China;

(11) Harry Wu first detailed to the United States Congress the practice of using prison labor to produce products for export from China to other countries;

(12) Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about human rights abuses in Chinese prisons;

(13) on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by the Moscow-Helms Amendment of 1974 (Public Law 93-638; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

(14) this waiver authority will allow the People's Republic of China to receive the lowest tariffs rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 4, 1995;

(15) the Chinese government and people benefit substantially from the continuation of such trading status;

(b) The Senate condemns the arrest of Harry Wu, urges his immediate return, and expresses deep concern for his well being.

(c) It is the sense of the Senate that—

(1) the People's Republic of China must comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982;

(2) the President of the United States should use all available diplomatic means available to ensure Harry Wu's safe and expeditious return to the United States;

(3) United States citizens who are participants in the Fourth World Conference on Women should reflect the American perspective on the value of families.

My amendment is simple and straightforward. It puts the Congress on record that the U.S. delegates should advocate the importance of family as the fundamental unit of our society.

Mr. President, most Americans would be surprised to learn that there is any reason for the Congress to take this step. However, some conference dele-
"The amendment is as follows:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CON-

FERENCE ON WOMEN IN BEIJING, CHINA.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development;

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States to

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the traditional family is upheld as a fundamental unit of society upon which healthy cultures are built and, therefore, receives emotional and protection by society and the state; and

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

Mrs. HUTCHISON. Mr. President, my amendment would express the sense of the Senate that the participation of the U.S. delegation to the upcoming United Nations Fourth World Conference on Women should reflect the American perspective on the value of families.

My amendment is simple and straightforward. It puts the Congress on record that the U.S. delegates should advocate the importance of family as the fundamental unit of our society.

Mr. President, most Americans would be surprised to learn that there is any reason for the Congress to take this step. However, some conference dele-
"increased violent juvenile crime, high teen pregnancy rates, drug use, and educational failure are painful re-

In attempting to address these terrible problems, this Congress and our Nation have come to a common understanding, one that cuts across all political and social lines, that strengthening families is the single most crucial factor. We must do that if we are going to have an impact on the problems that our society faces.

Mr. President, one of the cosponsors of my amendment is on the floor. I ask if the Senator would like me to yield reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 91, between lines 4 and 5, insert the following new section:

(12) Harry Wu testified before the Committee on Foreign Relations of the Senate on May 4, 1995, informing the Committee, the Senate, and the American people about human rights abuses in Chinese prisons;

(13) on June 2, 1995, the President of the United States announced his determination that further extension of the waiver authority granted by section 402(c) of the Trade Act of 1974 (Public Law 93±618; 88 Stat. 1978), also known as "Jackson-Vanik", will substantially promote freedom of emigration from the People's Republic of China;

(14) this waiver authority will allow the People's Republic of China to receive the lowest tariffs rates possible, also known as Most-Favored-Nation trading status, for a period of 12 months beginning on July 4, 1995;

(15) the Chinese government and people benefit substantially from the continuation of such trading status;

(b) The Senate condemns the arrest of Harry Wu, urges his immediate return, and expresses deep concern for his well being.

(c) It is the sense of the Senate that—

(1) the People's Republic of China must comply with its commitments under the United States-People's Republic of China Consular Convention of February 19, 1982;

(2) the President of the United States should use all available diplomatic means available to ensure Harry Wu's safe and expeditious return to the United States;

(3) United States citizens who are participants in the Fourth World Conference on Women should strongly urge the release of Harry Wu at every appropriate public and private opportunity.

AMENDMENT NO. 2033

(Purpose: To express the sense of Congress on the United Nations Fourth World Conference on Women, to be held in Beijing, China)

Mrs. HUTCHISON. Mr. President, I offer an amendment and send it to the desk for immediate consideration.

The PRESIDING OFFICER. The Senator is asking that the pending amendment be set aside.

Mrs. HUTCHISON. Mr. President, that is correct.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NECKLES and Mr. DODD, proposes an amendment numbered 2033.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that further
for him to say why he is a cosponsor of this amendment and why he thinks this is very important.

Mr. DOLE. Will the Senator yield?

Mr. COATS. I am happy to yield, and I thank the Senator from Texas, and am happy to yield to the majority leader.

Mr. DOLE. After this discussion, we will have morning business and there will be no additional action on this bill tonight.

Mr. COATS. Mr. President, we have all become accustomed to the plethora of international conferences held by the United Nations. We tend to think of them as rather benign discussions about ideals. I have grave concerns, however, about the U.S. acquiescing to overreaching policy goals which could alter American culture. The Beijing Conference on the Status of Women has these aims. Months of preliminary meetings have produced a draft document which conflicts with the views of most Americans and is silent on the unique role of women as mothers.

I hope that passage of this amendment will signal the United Nations and the administration that the Senate rejects the current language and the current goals. The Senate does not seek to understand and respect women’s roles all over the world, but rather promote a particular political ideology of women.

The amendment which is being offered by the Senator from Texas reasserts what I believe the entire Senate and what the vast majority of Americans wish to reassert, regarding the role of mothers and the role of traditional families.

It is hard to imagine how a document about the status of women could fail to even mention their roles as mothers. In fact one country had the reference to “mother” replaced with “caretaker.” And “family with “household”. References to fathers are made only in the negative terms of violence and abuse of wives and daughters. Likewise, the document fails to acknowledge the critical role of fathers in parenting and teaching their children by daily example to respect women and hold them in esteem. There was no attempt to discuss the importance of families in nurturing children and raising them to become responsible citizens.

Some of the conference participants seemed to be deliberately altering the traditional view that the family structure is headed by a married man and woman. Demanding complete equality for men and women at home, denies basic biology and trivializes women as mothers.

Senator HUTCHISON’s amendment asserts the traditional family is the fundamental unit of society upon which healthy cultures are built and therefore the traditional family should receive the same esteem and the protection by society and the state. Traditional family has long been recognized as the fundamental foundation, building block for this successful society.

There have been attempts over the past several years to undermine the role of the traditional family. I think those attempts have fortunately failed because Americans, by strong majority, believe that traditional family role should be upheld and promoted wherever possible and not undermined. Experience shows us—today particularly, with the declining social culture and problems that exist throughout society with young people—the destructive nature of broken families and the impact that has on their future. The problem of juvenile delinquency, the incidence of crime, the incidence of teenage pregnancy, of substance abuse, of teenage suicides, of breakdown in the moral fiber of our young people and in our society because of the breakdown of the traditional family.

While gender is used 216 times in a 121 page document, it is never defined. When several delegates sought to define gender, their efforts were rebuffed. Behind the scenes, it became clear that the delegate who had been expanded to include not just male and female, but transsexual, bisexual and homosexual.

A statement released by the UN Secretary General’s office attempting to clarify countermeasures only fuels it. It asserts that “sex and equality are absolute concepts” and “a person is born male or female and this is an unchangeable attribute.” Strangely, however, the Secretary General goes on to say that gender is also a relative concept. Although many people use the term gender interchangeably with sex, the two terms are quite different. Gender refers to the relationships between men and women based on socially defined roles that are assigned to one sex or the other . . . . because the roles change, gender is relative.

I wonder how many Americans consider “gender” to be relative. The definition of gender is sex, that is male or female. The Equal Rights Amendment Committee, the General Secretariat statement deliberately confuses roles of men and women with their identities as men and women. Clearly, both sexes can serve with equal skill and dexterity in many roles in our society. However, there are other roles—such as motherhood and fatherhood—which remain distinct. We should reject outright any attempt to promote a political agenda based on a concept of gender which is alien to most Americans.

The document makes clear the viewpoint that gender roles are all socially constructed. There are no differences between the sexes. Empowerment and advancement of women can only come when governments take action to ensure that men and women are completely equal in all aspects of life.

Other gender statements in the draft document clearly promote this position. When governments would require gender sensitivity at all levels of society with direct government involvement. Education must have “gender awareness.” Employers must have gender instruction. All governments must develop gender sensitive programs to quote “end social subordination of women and girls”.

Furthermore, the eighty-one calls in the document for “gender equality” as a source of repression of women. The one mention of women’s spiritual needs has been removed—making subject to deletion in Beijing. The document does not call for religious freedom for women as you might expect. In fact, the entire process of preparing for Beijing seems determined to deny this fundamental right.

A number of courageous delegates from other countries were distressed that their attempts to add and change language to reflect their views were met with contempt. These women have expressed deep reservations about proposals for social change would be contrary to the religious views of the citizens of the nations they represented.

Mr. President, earlier Senator Dole introduced an amendment which would cut international conference funds to participate in the Beijing conference unless Harry Wu were released. I applaud his amendment. It reminds us that there are larger issues which are at stake. Basic human rights are being denied—Harry Wu, as they are denied to the thousands of Chinese.

I frankly find the selection of Beijing as host of this conference the ultimate act of hypocrisy. While delegations from hundreds of countries discuss issues of concern to women, Chinese officials brutally and cruelly force women to have abortions and be sterilized to enforce a one child per family policy. Our message to Chinese women should be clear and loud—acts abhorrent. Rather, our official participation at Beijing signals them that we are not concerned about these violent acts.

Diane Knippers, of the Project on Religion and Democracy, stated one of the more serious omissions in the draft Platform is any acknowledgement of freedom of conscience or religion of women. Throughout the document, religion is cited as a source of repression of women . . . . But nowhere in the 121 pages does the document call for the religious freedom for women. . . . We believe that women should have the right to engage in religious change their religion and to propagate their religious faith, particularly to their children.
... It is outrageous that this conference on women's rights is being held in a country which currently imprisons women for practicing their faith and forces many to have abortions.

I strongly support Senator Hutchison's amendment. It is essential for the rest of the world to know that Americans continue to value women in their roles of mothers, and that we believe that the traditional family is an important element to maintain a strong and healthy culture.

Several Senators addressed the Chair.

Mr. DOLE. Has the Senator from Texas finished?

Mrs. HUTCHISON. I had about 2 more minutes.

Mr. DOLE. The Senator from Texas had the floor, so I will yield the floor and then I will ask for the floor on the completion of her remarks.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I will just finish. I think the Senator from Indiana said very well exactly what this amendment would do. It expresses a sense of the Senate that our delegates from America should represent our American values, and the importance that we place on the family and on the role of motherhood. I think it is very important that we recognize that we have new experiences available, new opportunities for women that have come along in the last few years. But these continuing changes in our society have never diminished the unique and important value of maternal care-giving. And our amendment just says very clearly that, if we have delegates to this conference, they should express these views.

I hope our colleagues will agree to this amendment. It is a sense of the Senate, I think it is very simple and straightforward. It really is the motherhood amendment, and I hope no one would choose to vote against it.

The PRESIDING OFFICER. The distinguished Republican leader.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 908, the State Department Reorganization bill; B. Dole, Jesse Helms, J. Orrin McCaig, Fred Thompson, Olympia Snowe, Jim Inhofe, Lauce Fashcloth, Spence Abraham, Trent Lott, Strom Thurmond, Laut Low, Craig, Don Nickles, Mitch McConnell, Bob Smith, J. Othip Ashcroft, Nancy Landon Kassebaum.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each. The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:


At 4:27 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1107. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred:

S. 1094. A bill to amend the Federal Rules of Evidence relating to character evidence in sexual misconduct cases, and for other purposes; to the Committee on the Judiciary.

S. 1095. A bill to amend the Internal Revenue Code of 1986 to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; to the Committee on Environment and Public Works.

RULE OF EVIDENCE LEGISLATION

Mr. BIDEN. Mr. President, I am introducing a bill today that I do not much like. It involves the so-called Dole-Molinari rules of evidence which the Congress included last year in the 1994 crime law. This provision made a radical change in the Federal Rules of Evidence. It took the unprecedented—and in my mind absolutely unwise and unwarranted—step of allowing unproven allegations of prior crimes to be used against a defendant at trial.

These new rules—which apply in sexual assault and child molestation cases—were added to the crime law over my strenuous objections. My objections were twofold, one substantive and one procedural. I will detail what I believe are the serious substantive problems with the new rules and these new rules are added to the crime law.

First, I must point out that the way these rules were adopted by the Congress contravene—and I do not use the word that I forget these rules—contravene the process we have used in the past. The process gives the public the chance to comment about proposed changes, and guarantees that those comments be considered by the rule-makers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIDEN:

S. 1094. A bill to amend the Federal Rules of Evidence relating to character evidence in sexual misconduct cases, and for other purposes; to the Committee on the Judiciary.

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It is at that point—after the careful, detailed and encompassing review and drafting efforts of the conference—that the U.S. Supreme Court makes recommendations to the Congress for our acceptance or modification. This mechanism was designed to head off in advance of initiated charges and avoid unintended consequences. And it ensures that decisions about changes in the rules are made in a deliberative, cool-headed way, rather than in the heat of a political moment. Passing as we did the Dole-Molinari rules last year—a whirlwind rush to bring crime bill negotiations to a close—we thumbed our noses at this most important and worthy process.

I did succeed in structuring the rule change in the crime law to ensure that we would have the benefit of the judicial view, albeit after the fact. The provision was drafted to delay the implementation of the rules to allow the Judicial Conference to weigh in on the issue. This, at least, will work: The Dole-Molinari rules will go into effect unless we in the Congress repeal them outright or adopt the Judicial Conference recommendations.

I, for one, would prefer a complete repeal. Here are a few points. First, out of the Judicial Conference agrees with me. The Judicial Conference itself unanimously voted to oppose the new rules. They have called on us to reconsider our actions and change our minds. They, too, favor a repeal of the rules. As Professor Wigmore—one of the preeminent evidence gurus of all time—has said about this sort of evidence: More convictions are not necessarily a good thing. What we want is more convictions of the guilty. If any of those who are convicted under the new rules turned out to be actually innocent, I believe that this is precisely the danger at hand—there is cause only for horror, not celebration.

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Before we discuss these modest recommendations, I would like to take a minute to talk about the Dole-Molinari rules, and why I believe they are such a bad idea. Here is the way these rules will work. A defendant is on trial for sexual assault. He claims he did not do it. He says that the complaining witness has fingered the wrong man. Under the Dole-Molinari rules, the prosecutor in this case will be able to go out and rummage around for any witness who will testify that, some long and blurry time ago, the defendant was sexually aggressive toward her.

It will not matter that this alleged prior event happened some 20 years ago. It won't matter that the woman never reported the incident to the police. It will not matter that the defendant was never charged or convicted of the crime. It won't matter that the evidence is highly unreliable.

No, none of that will matter. The only thing that will matter to the jury, when it comes to a sufficiency of evidence, is that this guy is bad news. And the jury will be able to make the following leap of logic: "Well, since he did it once, he probably did it again." J urors will also be able to say to themselves something like this: "I'm not so sure he committed this particular crime that he's now charged with. But he's a bad guy—he hurt that other woman, so it's OK for me to convict him today—he has it coming to him.

But wait a minute. It is a cardinal tenet of Anglo-Saxon criminal jurisprudence that the prosecution must prove that the accused committed the specific crime for which he now stands accused, to a moral certainty. And it is not merely that he is a lousy or wicked person. Or put another way: an accused must be tried for what he did—not for who he is.

Over 100 years ago, the Supreme Court in the case of Boyd versus United States, underscored the importance of the rule against character or propensity evidence. In that robbery case, the court said that evidence of earlier robberies—only tended to prejudice the defendants with the jurors—to draw their minds away from the real issue, and to produce the impression that they were wretches whose lives were of no value to the community.

Let us be honest about this. The whole point of these new rules is to increase the number of convictions in sexual assault and child abuse cases. And I believe, without a doubt, that they will do just that. But at the risk of stating what should be obvious: More convictions are not necessarily a good thing. What we want is more convictions of the guilty. If any of those who are convicted under the new rules turned out to be actually innocent, I believe that this is precisely the danger at hand—there is cause only for horror, not celebration.

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But the Judicial Conference did make a few very modest changes—which the conference itself describes only as correcting ambiguities and possible constitutional infirmities while still giving effect to Congress' intent. As Professor Wigmore—one of the preeminent evidence gurus of all time—has said about this sort of evidence: More convictions are not necessarily a good thing. What we want is more convictions of the guilty. If any of those who are convicted under the new rules turned out to be actually innocent, I believe that this is precisely the danger at hand—there is cause only for horror, not celebration.

But that's where we are. And the bill I'm introducing today—the Judicial Conference recommendations—doesn't change that. Like the Dole-Molinari rules, the Judicial Conference proposal makes a dramatic aboutface from current practice—and allows for the introduction of propensity or character evidence in sexual assault and child molestation cases.

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The proposal makes it clear that the rules are subject to the Other Rules of Evidence. This is totally unremarkable. As everyone knows, all rules introduced by a particular rule subject to the other rules—like the rule against hearsay, and the rules allowing judges to balance the prejudicial impact of evidence against its probative value.

What is remarkable is that the Dole-Molinari rules were drafted in such a way as to seem mandatory—they could be read to require a judge to admit the evidence, regardless of whether its prejudicial impact outweighs its probative value, and regardless of whether any other rule would be violated.

That would be wholly unprecedented. The rewrite simply makes it clear that these new rules will work just like all the others. And let me add: The sponsors of the new rules have consistently maintained that the rules are not meant to be mandatory rules of admission, and that the general standards of the Rules of Evidence will apply. This proposal by the Judicial Conference simply makes clear what the sponsors of the other rules have forthrightly said is their intention.

The proposal itemizes the different factors that a judge should weigh in deciding whether to admit the evidence. Again, this is an unremarkable idea. It merely gives judges the choice about whether to completely change how they look at this evidence, some guidance.

It tells them: When you're deciding what to do about this evidence, here are the standards to reconsider—like when the uncharged act took place; its similarity to the charged misconduct; the surrounding circumstances; and any relevant intervening events.
Again, there is nothing in this idea—simply to give judges some guidance—which would rub against the grain of the sponsors’ intentions.

The Judicial Conference proposal would also allow the defendant to use similar evidence in rebuttal. The Dole-Molinaro rule, as currently drafted, are unbalanced: under the rules, a defendant can’t, in rebuttal, use prior specific instances of conduct to prove that he did not have a propensity to commit the charged crime.

Say, for example, a child testifies under the new rule that his father, the defendant, sexually assaulted him 5 years ago. The father can’t put his other kids on the stand to say that he had not assaulted them—to help show that he does not have a propensity to assault children. The Judicial Conference proposal simply gives the defendant the same evidentiary rights as the prosecution.

The Judicial Conference proposal also makes a number of small minor changes. It consolidates the new rules into one—this is simply a cleaner, clearer and a little bit fairer. I urge my colleagues to support this measure.

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. 1094

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARACTER EVIDENCE IN SEXUAL MISCONDUCT CASES.

(a) In General.—(1) Rule 404(a) of the Federal Rules of Evidence is amended by adding at the end thereof the following: "(2) The other instances of conduct, in a criminal case in which the accused is charged with sexual assault or child molestation, or in a civil case in which a claim is predicated on a party’s alleged commission of sexual assault or child molestation.

(b) In weighing the probative value of such evidence, the court may, as part of its rule 403 determination, consider—" 
(i) proximity in time to the charged or predicate misconduct;
(ii) similarity to the charged or predicate misconduct;
(iii) frequency of the other acts;
(iv) surrounding circumstances;
(v) relevant intervening events; and
(vi) other relevant similarities or differences.

(c) In a criminal case in which the prosecution intends to offer evidence under this subdivision, it must disclose the evidence, including statements of witnesses or a summary of the substance of any testimony, at a reasonable time in advance of trial, or during trial if the court excuses pretrial notice on good cause shown.

(D) For purposes of this subdivision—" 
(i) ‘sexual assault’ means conduct, or an attempt or conspiracy to engage in conduct, of the type specified by chapter 109A of title 18, United States Code, or conduct that involved deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person irrespective of the age of the victim, regardless of whether that conduct would have subjected the actor to Federal jurisdiction; and
(ii) ‘child molestation’ means conduct, or an attempt or conspiracy to engage in conduct, of the type described by chapter 110 of title 18, United States Code, or conduct committed in relation to a child below the age of 14 years, either of the type proscribed by chapter 109A of title 18, United States Code, or that involved deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person, regardless of whether that conduct would have subjected the actor to Federal jurisdiction.

(2) The first sentence of rule 404(b) of the Federal Rules of Evidence is amended by inserting "except as provided in subdivision (a) after "thereafter"."

(b) METHODS OF PROVING CHARACTER.—Rule 405 of the Federal Rules of Evidence is amended—

(1) in subsection (a) by inserting before the period in the first sentence "except as provided in subdivision (c) of this rule"; and
(2) by adding at the end thereof the following:

(c) PROOF IN SEXUAL MISCONDUCT CASES.—

In a case in which evidence is offered under rule 404(a)(4), proof may be made by specific instances of conduct, testimony as to reputation, or testimony in the form of an opinion, except that the prosecution or claimant may offer rebuttal testimony relying only after the opposing party has offered such testimony.

By Mr. MOYNIHAN (for himself, Mr. ROTH, Mrs. MURRAY, Mr. BAUCUS, Mr. D’AMATO, Mr. GRASSLEY, Mr. BREAUX, Mr. HATCH, and Mr. PRYOR):

S. 1095. A bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees; to the Committee on Finance.

The EMPLOYEE EDUCATIONAL ASSISTANCE ACT

Mr. MOYNIHAN. Mr. President, I rise today, on my own behalf and on behalf of Senators ROTH, MURRAY, BAUCUS, D’AMATO, GRASSLEY, BREAUX, HATCH, and PRYOR, to introduce legislation that will reinstate and make permanent the tax exclusion for employer-provided educational assistance under section 127 of the Internal Revenue Code. This bill ensures that employees will be able to continue to receive up to $5,250 annually in tuition reimbursements or similar educational benefits from their employers on a tax-free basis.

First enacted in 1978, section 127 has enabled over 7 million working men and women to advance their education and improve their job skills, without incurring additional income tax liabilities and a reduction in take-home pay. Without this provision, an employee would owe taxes on the value of any educational benefits provided by an employer that do not directly relate to his or her current job. For example, a clerical worker pursuing a college diploma earns $21,000 annually and who receives tuition reimbursement for two semesters of night courses—worth approximately $4,000—would owe additional Federal income and payroll taxes of $1,200 on this educational assistance. The effects are even more severe if he or she lives in a State that uses the Federal definition of income for State tax purposes.

It is shortsighted to impose such a tax burden on employees seeking to further their education. For many low- and moderate-income employees, this cut in take-home pay is simply prohibitive; it prevents the purchasing of supplies or the enrollment in courses that would upgrade their job skills and improve their future career prospects. Without this investment in our employees’ education, the ability of our work force to compete in the global economy erodes. By removing the tax bias that arises because lesser-skilled workers have greater difficulty proving educational expenses are directly related to their current jobs due to their narrower job descriptions. Therefore, absent section 127, such lesser-skilled workers are more likely to owe taxes on employer-provided educational benefits than are higher-skilled, more senior workers.

Congress has never quite found sufficient revenue to enact section 127 on a permanent basis, opting instead for temporary exclusions. Since 1978, there have been 7 extensions of this provi- sion. Most recently, the Omnibus Reconciliation Act of 1993 provided for an extension of section 127 through December 31, 1994. The exclusion has once again expired.

I hope that Congress will recognize the importance of this provision, and...
enact it permanently. Temporary extensions create great practical difficulties for the intended beneficiaries. Employees cannot plan sensibly for their educational goals, not knowing the extent to which accepting educational assistance will affect their take-home pay. As employers, the fits and starts of the legislative history of section 127 have been a serious administrative nuisance. If section 127 is in force, then there is no need to withhold taxes from educational benefits provided; if not, the job-relatedness of the educational assistance must be ascertained. a value assigned, and withholding adjusted accordingly. Uncertainty about the program's continuance magnifies this burden, and discourages employers from providing educational benefits. The legislation that I introduce today would restore certainty to section 127 by extending it retroactively, to the beginning of this year, and then maintaining it on a permanent basis.

Mr. President, my previous efforts to extend this provision have enjoyed wide, bipartisan support. Encouraging workers to further their education and to improve their job skills is an important national priority, crucial for preserving our competitive position in the global economy. Permitting employees to receive educational assistance on a tax-free basis, without incurring significant cuts in take-home pay, is a democratic mandate and the most cost-effective means for achieving these objectives.

Employee educational assistance is not an extravagant, free benefit for highly paid executives. It largely benefits low- and moderate-income employees seeking access to higher education and further job training. A survey undertaken by Cooper's & Lybrand indicated that over 70 percent of recipients of section 127 benefits in 1986 earned less than $30,000. In fact, lower-income employees are likely to participate in educational assistance programs than those at the higher end of the income scale. Employees making less than $30,000 participate at a much higher rate than those making above that income, and participation rates decline as salary levels increase. Moreover, employees making less than $15,000 participate at almost twice the rate of those who earn over $50,000.

Further, section 127 makes an important contribution to simplifying the Tax Code. Without it, employers and the IRS would be required to determine, on a case-by-case basis, which employer-provided educational benefits are sufficiently related to the job to avoid treatment as taxable income.

Today, American workers are the most productive in the industrialized and developing world. Yet pressures from international competition and the pace of technological changes require continuous adjustment by our work force. Retraining will thus be necessary to maintain and strengthen American industry's competitive position in the global economy. Section 127 permits employees to adapt and retrain without incurring additional tax liabilities and a reduction in take-home pay. By removing the tax burden from workers seeking retraining, section 127 enables employees displaced by foreign competition or technological change to learn new job skills.

Finally, section 127 has also helped to improve the quality of America's public education system, at a fraction of the cost of direct-aid programs. It has enabled thousands of public school teachers to obtain advanced degrees, augmenting the quality of instruction in our schools. A survey by the National Education Association a few years ago found that almost half of all American public school systems provide tuition assistance to teachers seeking advanced training and degrees. The Tax Code should not impose obstacles to this kind of shared effort toward improvement. This legislation, by making section 127 permanent, will ensure the continuation of this vital educational assistance.

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. 1095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF EDUCATIONAL ASSISTANCE EXCLUSION.

(a) In General.—Section 127 of the Internal Revenue Code of 1986 (relating to exclusion for educational assistance programs) is amended by striking subsection (d) and by redesignating subsection (e) as subsection (d).

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

Mr. ROTH. Mr. President, we've all heard the axiom that the cultivation of the mind is the secret to a happy and productive life. Education not only provides untold benefits to the individual, but to society as a whole. In fact, the worth of education is increasing. In 1980, a male college graduate made about 30 percent more than a male high school graduate. By 1988, he made about 60 percent more. In just 8 years, the premium for a college degree doubled—in comparison with a high school diploma.

On a social level, education is fundamental to the future well-being and competitiveness of America. Not only are well-educated men and women able to make greater contributions to our economy, but they make quantifiable contributions to business, academia, and agriculture, as well as to our technical and communications resources.

The irony, Mr. President, is that while the value of higher education is increasing, the confidence of Americans to receive a higher education is declining. Polls show that our countrymen are less and less optimistic about their ability to receive higher education. A full 55 percent think paying for college is more difficult now than it was 10 years ago, and 66 percent say it will be even more difficult 10 years now. Sixty percent believe even qualified people can't afford college.

The solution? Eighty percent of those polled say the best solution is to have financial support provided through work opportunities. This compares to 43 percent who call for more direct grants to students and even 62 percent for those who want more money for student loans.

This legislation I am cosponsoring today with Senator MOYNIHAN, is a welcomed and needed measure to encourage and assist employers to provide educational opportunities for their employees. What we seek to do with this legislation is permanently extend the exclusion for employer provided educational assistance. The exclusion, section 127, expired on December 31, 1994—7 months ago—and unless it is extended, employees will be taxed on education benefits they will owe assistance they have received.

Mr. President, section 127 is legislation that has been approved before. We know that it is needed—that it is important. Congress has passed it in an effort to increase the participation of employers in assisting the education of their employees. Under previous congressional action, tax-free benefits were made available for employees who wanted to improve their knowledge and skills. Beyond this, the tax law also allowed employees to participate in other studies. The only exclusions involved education in sports, games and hobbies, unless those studies were directly associated with their employment needs or were part of an overall degree program.

Congress has already established the need for section 127 and provided the legislation. What Senator MOYNIHAN and I are doing now is simply making it permanent. Our bill will allow employees to permanently enjoy up to $5,250 annually in undergraduate tuition or similar educational benefits from their employers on a tax-free basis. It will be effective retroactively, going back to January 1, 1996—thus taking care of the 7 months that have lapsed since section 127 expired.

I encourage my colleagues to join Senator MOYNIHAN and me in passing this bill, reminding them of the importance of education as it pertains to the future of America. As Daniel Webster said when he stood on the Senate floor many years ago:

If we work marble, it will perish; if we work upon immortal minds ... we are then engraving upon tablets which no time will efface it; but if we work upon brass, time will efface it; if we rear temples, they will crumble into dust; if we build cities, they will perish; but if we work upon the heart, we build monuments which will last as long as the world shall endure.

By Mr. D'AMATO:

S. 1096. A bill to amend the Immigration and Nationality Act to provide that members of Hamas (commonly
Mr. HATFIELD. Mr. President, it is my honor to propose the designation of the Federal Building in Baker City, OR, as the David J. Wheeler Federal Building.

Mr. David J. Wheeler was an outstanding citizen until his life came to a tragic end on April 26, 1995. Mr. Wheeler, a U.S. Forest Service engineer working the Wallowa-Whitman National Forest, was brutally murdered by two juveniles while on assignment in the Payette National Forest in Idaho. Mr. Wheeler’s death has had a tremendous impact on the entire community in Baker City because he was an active civic leader involved in and committed to his hometown.

A true altruist, Mr. Wheeler was a member of the Baker City Rotary Club and was the president-elect at the time. He also worked very closely with me in his capacity as a coach at the local Y.M.C.A. In 1994 the Baker County Chamber of Commerce selected Mr. Wheeler as the Baker County Father of the Year. These honors are a clear illustration of the model citizen Mr. Wheeler was in his community.

The Federal building in Baker City is currently unnamed and houses the U.S. Post Office, Bureau of Land Management, and the U.S. Forest Service. To designate this building as the David J. Wheeler Federal Building is a tribute to an extraordinary American and will commemorate the contributions Mr. Wheeler selflessly provided to his community.

Mr. PACKWOOD. Mr. President, on April 26 of this year, the life of my fellow Oregonian, David Jack Wheeler, was snuffed out. He was murdered while working in the Wallowa-Whitman National Forest. David was an employee of the U.S. Forest Service, and he was an exemplary citizen of Baker City, OR. David was well-regarded in the community of Baker City because he was one of those individuals who didn’t stop at just holding down a job and caring for a family. He gave back to his community. David worked to provide access for everyone to recreational and administrative facilities within the forest. He was a mentor and counselor to his coworkers. Because of this, his community, friends, family, and employer would like to honor him by designating the Federal building located in Baker City as the David J. Wheeler Federal Building. I agree with these good people, and so have sponsored a bill to make this happen. Folks in Baker City are right to honor David in this way. He gave so much to his community and this is a small thing to ask in return.

Mr. HELMS (for himself and Mr. Dole):

S. 1097. A bill to designate the Federal building located at 3550 Dewey Avenue, Baker City, OR, as the “David J. Wheeler Federal Building,” and for other purposes; to the Committee on Environment and Public Works.

S. 1098. A bill to establish the Midway Islands as a National Memorial, and for other purposes; to the Committee on Armed Services.

Mr. HELMS. Mr. President, in less than a month, ceremonies in Hawaii will commemorate the United States victory over Japan and the end of World War II. The American people will reaffirm that on December 7, 1941, Japanese surprise attack on Pearl Harbor—undoubtedly, one of the most disastrous defeats in United States history. Victory at the Battle of Midway was a key element to the recovery of the United States Armed Forces and the ultimate victory on Japan.

Historians rank Midway as one of the most decisive naval battles of all time. It is only fitting, in my judgment, that American heroes of the Battle of Midway be given due recognition, and that is why the Battle of Midway National Memorial Act is so important.

Mr. President, if approved, this bill will:
1. Establish the Midway Islands as a National War Memorial;
2. Protect the historic structures associated with the Battle of Midway; and
3. Protect the surrounding environments, without cost to the taxpayers.

The bill provides that the memorial be funded from revenues earned from private sector entities currently operating at the airstrip and the port facilities on Midway.

Historic victories such as Midway, Gettysburg, Yorktown, and Normandy are remembered by memorializing the hallowed ground upon which American blood was shed. The Midway Islands, and the surrounding seas where so many American lives were sacrificed, deserve to be memorialized as well.

Mr. President, during the month of June 1942, a badly outnumbered American naval force, consisting of 29 ships and other units of the Armed Forces, under the overall command of Adm. Chester W. Nimitz, outmaneuvered and out-fought 350 ships of the combined Japanese Imperial Fleet. The objectives of the Japanese high command were to occupy the Midway Islands and destroy the U.S. Pacific Fleet, but the forces under the command of Admiral Nimitz completely thwarted Japanese strategy. Victory at Midway was the turning point in the Pacific Theater.

The outcome of the conflict, Mr. President, was remarkable given the disastrous defeats in United States history. The United States lost 163 aircraft compared to 286 Japanese aircraft lost. One American aircraft carrier, the U.S.S. Yorktown, and one destroyer, the U.S.S. Halsey, were destroyed. On the other hand, the Japanese Imperial Navy lost five ships, four of the ships being the Imperial Navy’s main aircraft carriers. Almost as devastating was the loss of most of the experienced Japanese pilots. At the end of the war, Japan surrendered, bringing an end to World War II.
of the day, 307 Americans had lost their lives. The Japanese navy lost 2,500 men.

So severe was the damage inflicted on the Imperial Japanese Navy by American airmen and sailors, that Japan never again was able to take the offensive against the United States or Allied forces.

Mr. President, victory over the Japanese was achieved, of course, by men and women from all the United States Armed Forces. Certainly at Midway, elements of each service—Naval, Marine, and U.S. Army Air Corps—were heavily engaged, closely coordinated, and paid a high price for their bravery. The Midway Islands should be memorialized to honor the courageous efforts of all the services when they were called upon to defend our Nation and its interests.

The heroism of many of American servicemen at Midway often required the ultimate sacrifice. Many of the Marine pilots, flying worn out and inferior planes, did not live to celebrate the victory at Midway. All but five torpedo-plane pilots who attacked Japanese aircraft carrier task force—without protective air cover—were shot down. These pilots undoubtedly knew they were flying to an all but certain death.

But the sacrifice of these brave Americans was not in vain, Mr. President. The ended, four Japanese aircraft carriers were sent to the bottom of the Pacific Ocean, and their highly experienced pilots were lost. Japanese naval aviation never recovered from this crippling blow, and the rest, as they say, is history.

Mr. President, the sacrifice and heroism of these men should never be forgotten—it is vital that our sons and daughters never forget what their fathers and grandfathers sacrificed for freedom. The Battle of Midway should be memorialized for all time, on the Midway Islands, on behalf of a grateful nation.

Mr. President, I ask unanimous consent that a letter from four gallant Americans, each of whom was a hero of the Battle of Midway—Lt. Com. Richard H. Best, Capt. Robert M. Elder, Capt. Maj. J. Douglas Rollow—regarding the Midway Islands National Memorial Act, be printed in the Record.

Mr. President, I am grateful to these five Americans for their service at the Battle of Midway and for their diligence in putting together this bill. I certainly commend other distinguished Americans for their contributions to this effort, including Dr. James D’Angelo, Adm. Tom Moorer, Adm. Whitey Feightner, Capt. Gordon Murray, Vice Adm. James Flatley III, Vice Adm. William Houser, William Rollow, and Anthony Harrigan.

There being no objection, the letter was ordered to be printed in the Record as follows:
SEC. 702. STATEMENT OF PURPOSE; STATUTORY CONSTRUCTION.

(a) PURPOSE.—The purpose of this title is to set forth requirements, consistent with the Agreement, for the United States implementation of the Agreed Framework.

(b) STATUTORY CONSTRUCTION.—Nothing in this title requires the United States to take any action which would be inconsistent with any provision of the Agreed Framework.

SEC. 703. RESTRICTION ON FUNDING.

(a) SUBJECT TO AN AUTHORIZATION OF APPROPRIATIONS ACT AND AN APPROPRIATIONS ACT.—The United States may not exercise any authority under the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

(b) PROHIBITION.—No funds may be made available under any provision of law to carry out activities described in the Agreed Framework unless the President determines and certifies to Congress that North Korea is in full compliance with the terms of the Agreed Framework.

SEC. 704. NORMALIZATION OF DIPLOMATIC RELATIONS.

None of the funds made available to carry out any program, project, or activity funded under any provision of law may be used to maintain diplomatic relations with North Korea at the ambassadorial level unless North Korea has satisfied the IAEA safeguards requirement described in section 707, the additional requirements set forth in section 708, and the nuclear nonproliferation requirements of section 709.

SEC. 705. NORMALIZATION OF ECONOMIC RELATIONS.

(a) RESTRICTION ON TERMINATION OF ECONOMIC EMBARGO.—The President shall not terminate the economic embargo of North Korea unless the President determines and certifies to the appropriate congressional committees and the Committee on Energy and Natural Resources of the Senate that North Korea is in full compliance with the terms of the Agreed Framework.

(b) DEFINITION.—As used in this section, the term "economic embargo of North Korea" means the regulations of the Department of the Treasury restricting trade with North Korea under section 5(b) of the Trading with the Enemy Act (50 U.S.C. App. 5(b)).

SEC. 706. RESTRICTION ON PETROLEUM SHIPMENTS.

(a) RESTRICTION.—If North Korea does not satisfy the IAEA safeguards requirement described in section 707, or if North Korea diverts heavy oil, or both, from any specifications set forth in the Agreed Framework, then—

(1) no additional heavy oil may be exported to North Korea if such oil is subject to the jurisdiction of the United States, or is exported by a person subject to the jurisdiction of the United States;

(2) the United States shall immediately cease any direct or indirect support for any exports of heavy oil to North Korea; and

(3) the President shall take steps to terminate the export to North Korea of heavy oil by all other countries in the international consortium to finance and supply a light-water reactor in North Korea.

(b) ENFORCEMENT.—The President or the Secretary of Energy, as the case may be, may enforce subsection (a) by adopting such regulations, orders, or procedures as the President, or the Secretary of Energy, as the case may be, deems necessary to fully account for the stocks of plutonium and other nuclear materials in North Korea, including special inspections of suspected nuclear waste sites, to ensure that nuclear components controlled by the Nuclear Supplier Group Guidelines are delivered for a light-water reactor for North Korea.

(c) DAMAGES.—The dismantlement of all declared graphite-based nuclear reactors and related facilities in North Korea, including reprocessing units, has been completed in accordance with the Agreement in a manner that effectively bars in perpetuity any reactivation of such reactors and facilities.

SEC. 707. SUSPENSION OF UNITED STATES OBLIGATIONS.

The United States shall suspend actions described in the Agreed Framework if North Korea reloads its existing 5 megawatt light-water reactor or resurges construction of nuclear facilities other than those permitted to be built under the Agreed Framework.
Beginning 6 months after the date of enactment of this Act, and every 6 months thereafter, the President shall transmit to the appropriate congressional committees a report setting forth:

(1) an assessment of the extent of compliance by North Korea with all the provisions of the Agreed Framework and this title;

(2) a statement of the progress made on construction of light-water reactors, including a statement of all expenditures, direct and indirect, made by each country participating in the North Korea Energy Development Organization and the funds and facilities described in section 707;

(4) a certification by the President that North Korea has satisfied its IAEA safeguards requirement described in section 707, as determined by the International Atomic Energy Agency;

(5) a certification by the President that North Korea is not transferring missiles and missile technology to Iran;

(6) a description of any new developments or advances in North Korea's nuclear weapons program;

(7) a statement of the steps taken toward normalization of relations with North Korea;

(8) a statement of any progress made on dismantlement and destruction of the graphitemonotored nuclear reactors of North Korea and related facilities;

(9) a description of the steps being taken to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula;

(10) an assessment of the participation by North Korea in talks between North Korea and the Republic of Korea; and

(11) a description of any action taken by the President under section 706(a)(2).

SEC. 713. DEFINITIONS.

As used in this title:

(A) 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 on October 21, 1994, at Geneva, and the attached Confidential Minute;

(B) the term "appropriate congressional committees" means the Committees on Foreign Relations and National Security of the Senate and the Committees on Banking, Housing, and Urban Affairs of the Senate and the House of Representatives;

(C) to define or agree with any definitions included in the Agreed Framework; and

(D) to ensure that the biological and social characteristics of male and female, which are the foundation upon which healthy cultures are built and, therefore, recognized and protected by society and the state; and

(E) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

D'AMATO AMENDMENT NO. 1883

(Ordained to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. 701. SHORT TITLE.

This title may be cited as the "International Population Stabilization and Reproductive Health Act of 1995.

SEC. 702. AUTHORITIES RELATING TO UNITED STATES POPULATION ASSISTANCE.

Part I of the Foreign Assistance Act of 1961 is amended—

(1) in section 104(b), by striking "on such terms and conditions as he may determine" and inserting "in accordance with the provisions of this Act"; and

(2) by adding at the end the following new chapter:

CHAPTER 12—UNITED STATES POPULATION ASSISTANCE

"SEC. 499. DEFINITION. For purposes of this chapter, the term 'United States population assistance' means assistance provided under section 104(b) of this Act.

SEC. 499A. CONGRESSIONAL FINDINGS. The Congress makes the following findings:

(1) Throughout much of the developing world, the inability of women and couples to exercise choice over childbearing undermines the role of women in economic development, contributes to death and suffering among women and their children, puts pressure on the environment and natural resources on which many poor families depend for their survival, and in other ways vitiates the efforts of families to lift themselves out of poverty in which more than one billion of the world's 5.7 billion people live.

(2) Through 2015, the world's population will continue to grow, with annual population increments predicted to be above 85 million. This will lead to a tripling of the world's population before stabilization can occur.

(3) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases, and regional distributions of population become unbalanced.

(4) After more than a quarter century of experience and research, a global consensus is emerging on the need for increased international cooperation in regard to population in the context of sustainable development.

(5) To act effectively on this consensus, the ability to exercise reproductive choice should be expanded through broader dissemination of fertility regulation services that involve women, couples, and the community and which meet individual, family, and community needs and values in a context of mutual respect.

(6) In addition to the personal toll on families, the impact of human population increments predicted to be above 85 million. This will lead to a tripling of the world's population before stabilization can occur.

(7) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases, and regional distributions of population become unbalanced.

(8) After more than a quarter century of experience and research, a global consensus is emerging on the need for increased international cooperation in regard to population in the context of sustainable development.

(9) To act effectively on this consensus, the ability to exercise reproductive choice should be expanded through broader dissemination of fertility regulation services that involve women, couples, and the community and which meet individual, family, and community needs and values in a context of mutual respect.

(10) In addition to the personal toll on families, the impact of human population increments predicted to be above 85 million. This will lead to a tripling of the world's population before stabilization can occur.

(11) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases, and regional distributions of population become unbalanced.

(12) After more than a quarter century of experience and research, a global consensus is emerging on the need for increased international cooperation in regard to population in the context of sustainable development.

(13) To act effectively on this consensus, the ability to exercise reproductive choice should be expanded through broader dissemination of fertility regulation services that involve women, couples, and the community and which meet individual, family, and community needs and values in a context of mutual respect.

(14) In addition to the personal toll on families, the impact of human population increments predicted to be above 85 million. This will lead to a tripling of the world's population before stabilization can occur.

(15) As the population within individual countries grows, cities grow rapidly, movement in and between countries increases, and regional distributions of population become unbalanced.
growth and widespread poverty is evident in mounting signs of stress on the world’s environ-
ment, particularly in tropical deforest-
ation, erosion of arable land and watersheds, extreme climate change, waste management, and air and water pollution."

"SEC. 499. DECLARATION OF POLICY. (a) In gen-
eral.—Congress declares that to reduce pop-
ulation growth and stabilize world popu-
lation at the lowest feasible level and there-
by improve the health and well-being of the world’s families, to ensure the role of women in the development process, and to protect the global environment, an important objec-
tive of the policy of the United States shall be to assist the international community to achieve universal availability of quality fertility regulation services through a wide range of safe and effective means of family planning, including pro-
grams of public education and other health and development efforts in support of smaller families.

(b) Financial targets.—The Congress endorses a target for global expenditures in developing countries of at least $17,000,000,000 by the year 2000 for population programs de-
scribed in section 499C, and establishes a goal for United States population assistance by the year 2000 of $1,850,000,000 in constant 1993 dollars.

"SEC. 499C. AUTHORIZED ACTIVITIES.—Unit-
ed States population assistance is authorized to pro-
vide for the following activities:

(1) support for the expansion of quality, affordable, voluntary family planning serv-
ices, which emphasize informed choice among a variety of safe and effective fertili-
ity regulation methods and closely related reproductive health care services, including the prevention and control of HIV/AIDS, sexually transmitted diseases, and reproduc-
tive tract infections;

(2) support for adequate and regular supplies of quality contraceptives, quality family planning counseling, information, edu-
cation, communication, and services empha-
sizing the use of the mass media to improve public knowledge of fertility regulation and related disease prevention methods and where they may be obtained and to promote the benefits of family planning and reproduc-
tive health services to individuals, families, and com-
munities;

(3) support to United States and foreign research institutions and other appropriate entities to support research programs, and evaluate improved methods of safe fer-
tility regulation and related disease control, with particular emphasis on methods which:

(A) are likely to be safer, easier to use, easier to make available in developing coun-
try settings, and less expensive than current methods;

(B) are controlled by women, including barrier methods and vaginal microbicides;

(C) are likely to prevent the spread of sex-
ually transmitted diseases and HIV/AIDS in a manner which respects individual rights and confidentiality; and

(D) encourage and allow men to take greater responsibility for their own fertility;

(4) support for field research on the char-
acteristics of programs most likely to result in sustained use of effective family planning in 
meeting each individual’s lifetime repro-
ductive goals, with particular emphasis on the psychosocial aspects of the planning, including support for relevant social and behav-
ioral research focusing on such factors as 
the use, nonuse, and unsafe or ineffective use of various fertility regulation and related-
disease control methods;

(5) support for the development of new evaluation techniques and performance cri-
teria for family planning programs, empha-
sizing the family planning user’s perspective and reproductive goals;

(6) support for research and research dis-
semination related to population policy de-
velopment, including demographic and health surveys to assess population trends, the impact and effectiveness of programs, and the impact, and support for policy-relevant re-
search on the relationships between popu-
lation trends, poverty, and environmental management, including implications for sus-
tainable agriculture, agroforestry, biodiver-
sity, water resources, energy use, and local and global climate change;

(7) support for programs that prevent unsafe abor-
tions and management of complications of unsafe abortions, including research and eval-
uation of public information dissemination on the health and welfare consequences;

(8) support for special programs to reach adolescents and young adults before they begin childbearing, including sex edu-
cation programs which stress responsible parenthood and the health risks of unpro-
ected sexual intercourse, as well as service 
related to conception and contraception needs of adolescents;

(9) support for a broad array of govern-
mental and nongovernmental communica-
tion strategies designed—

(A) to create public awareness worldwide;

(B) to generate a consensus on the need to 
address reproductive health issues and the problems associated with rapid population growth;

(C) to emphasize the need to educate men 
as well as women and mobilize their support for reproductive rights and responsibilities; and

(D) to remove all major remaining bar-
riers to family planning use, including un-
necessary legal, medical, clinical, and regu-
ulatory barriers to information and methods, and to make family planning an established community need;

(10) support for programs and strategies 
that actively discourage harmful practices such as female genital mutilation.

"SEC. 499D. TERMS AND CONDITIONS. Unit-
ed States population assistance is authorized to be provided subject to the restrictions on 
the following conditions:

(1) Such assistance may only support, di-
rectly or through referral, those activities which provide for fertility regu-
lation methods permitted by individual country policy and a broad choice of public 
and private family planning services, includ-
ing methods not yet approved and subs-
idized commercial distribution of high qual-
ity contraceptives;

(2) No program supported by United States population assistance shall—

(A) provide for the sterilization of individ-
uals or for the sterilization of persons in a manner which respects individual rights and confidentiality;

(B) ensure the protection of both patients and health personnel from infection in clini-
care settings;

(C) provide for programs and strategies that actively discourage harmful practices such as female genital mutilation;

(D) be approved for marketing in the United States by the Food and Drug Administration or have been deter-
mined by the Food and Drug Administration or have been deter-
mined as not meeting the safety, quality, and efficacy standards for such contraceptives.

(3) In each recipient country, programs 
supported by United States population assis-
tance shall—

(A) meet the following criteria:

(1) The country demonstrates a strong 
need for fertility regulation and requires 
foreign assistance to implement, expand, or 
sustain quality family planning services for all people;

(2) The country demonstrates a strong policy commitment to population stabiliza-
tion through the expansion of reproductive choice;

(3) The country demonstrates a strong policy commitment to population stabiliza-
tion through the expansion of reproductive choice;

(4) Eligibility of nongovernmental and mul-
tilateral organizations.—In determin-
ing eligibility for United States population assistance, the President shall not subject nongovernmental and multilateral organiza-
tions to requirements which are more re-
strictive than requirements applicable to foreign governments for such assistance.

"SEC. 499F. PARTICIPATION IN MULTILAT-
ERAL ORGANIZATIONS. (a) Finding.—The Con-
gress finds that the United States is a leader in the international community in efforts to 
advance international and national priorities.
The page contains a detailed discussion on reproductive health, specifically focusing on family planning and the role of the United Nations Population Fund. It outlines the importance of United States contributions to international cooperation in population matters, emphasizing the significance of including education and reproductive health in foreign assistance programs.

The page also highlights the role of the President in making available funds for United States population assistance and the importance of private and voluntary organizations in providing reproductive health services. It discusses the need for the United States to participate in the international cooperation for the development and evaluation of fertility regulation technology.

In addition, the page mentions the importance of training on reproductive health, the need for increased funding for reproductive health programs, and the significance of women's participation in the social, economic, and political aspects of society.

Overall, the page stresses the importance of reproductive health and the role of the United States in promoting it, highlighting the significance of education, cooperation, and funding in achieving universal reproductive choice and reducing maternal and infant mortality.
(1) to help achieve universal access to basic education for women and men, with particular priority being given to primary and technical education and job training;
(2) to increase understanding of the consequences of population growth through effective education strategies that begin in primary school and continue through all levels of formal education and which take into account the rights and responsibilities of parents and the needs of children and adolescents;
(3) to reduce the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment;
(4) to help ensure that women worldwide have the opportunity to become equal partners with men in the development of their societies;
(5) to help eliminate all forms of discrimination against girls and women and the root causes of son preference, which result in harmful and unethical practice such as female infanticide and pre-natal sex selection;
(6) to increase public awareness of the value of girl children through public education that promotes equal treatment of girls and boys and broadens cultural, educational, socioeconomic and political activity, and equitable inheritance rights;
(7) to encourage and enable men to take responsibilities for sexual and reproductive behavior and their social and family roles;
(8) to help ensure that women and men have the information and means needed to achieve good reproductive health, and to exercise their reproductive rights through responsible sexual behavior and equity in gender relations;
(9) to reduce global maternal and infant mortality rates; and
(10) to improve worldwide maternal and child health status and quality of life.

(c) AUTHORIZED ACTIVITIES.—United States development assistance shall be available, on a priority basis, for—
(1) countries which either have adopted and implemented, or have agreed to adopt and implement, strategies to help ensure—
(A) before 2015, the achievement of the goal of universal primary education for girls and boys by increasing access to secondary and higher levels of education, including vocational education and technical training, for girls and women;
(B) by 2005, the reduction of adult illiteracy by at least one-half the country’s 1990 level;
(C) by 2005, the elimination of the gap between male and female levels of literacy and between male and female levels of primary and secondary school enrollment; and
(D) the establishment of programs designed to meet adolescent health needs, which include services and information on responsible sexual behavior, family planning practice, reproductive health and sexually transmitted disease-preventable HIV-AIDS, and other reproductive tract infections, and other chronic and contagious diseases, including tuberculosis, sexually transmitted diseases, including HIV-AIDS, reproductive tract infections, and other chronic and contagious disease problems;
(2) governmental and nongovernmental programs which, with respect to a targeted country, are intended—
(A) by 2005, to increase life expectancy at birth to greater than 70 years of age and by 2015, to 75 years of age;
(B) by 2005, to reduce by one-third the country’s mortality rates for infants and children under 5 years of age, or to 50 per 1,000 live births for infants and 70 per 1,000 for children under 5 years of age, whichever is less; (C) by 2005, to reduce the country’s infant mortality rate below 35 per 1,000 births and the under-5 mortality rate below 45 per 1,000 births; and
(D) by 2005, to reduce maternal mortality by one-half of the 1990 level and by a further one-half by 2015;
(3) with respect to education, rates of illiteracy, improved access to secondary education and job training, and higher levels of education, including vocational education, and maternal and child health and nutrition;
(4) with respect to health care services, programs which are intended to increase the access of girls and women to comprehensive reproductive health care services pursuant to subsection (d); and
(5) governmental and nongovernmental programs which are intended to eliminate all forms of exploitation, abuse, harassment, and violence against women, adolescents, and children;
(6) governmental and nongovernmental programs which are intended to increase the access of girls and women to comprehensive reproductive health care services pursuant to subsection (d); and
(7) governmental and nongovernmental programs which are intended to eliminate all forms of exploitation, abuse, harassment, and violence against women, adolescents, and children;
(d) SAFE MOTHERHOOD INITIATIVE.—(1) The President is authorized to establish a grant program, to be known as the Safe Motherhood Initiative, to help improve the access of girls and women worldwide to comprehensive reproductive health care services.
Such program shall be carried out in accordance with this section and shall be subject to the same terms, conditions, prohibitions, and restrictions as are applicable to programs which are eligible for assistance under sections 499D, 499E, and 499F of the Foreign Assistance Act of 1961, as added by this Act.
(2) Comprehensive reproductive health care programs which are eligible for assistance under this section include—
(A) fertility regulation services;
(B) prenatal care and screening for high risk pregnancies and improved access to safe delivery services for women with high risk pregnancies;
(C) supplemental food programs for pregnant and nursing women;
(D) child survival and other programs that promote birth spacing through breastfeeding;
(E) expanded and coordinated programs that support responsible sexual behavior, including voluntary abstinence, and which prevent, detect, and manage sexually transmitted diseases, including HIV-AIDS, reproductively tract infections, and other chronic and contagious disease problems;
(F) programs intended to eliminate traditional practices injurious to women’s health, including female genital mutilation;
(G) improvements in the practice of midwifery, including access to traditional birth attendants; and
(H) expanded and coordinated programs to prevent, detect, and treat cancers of the reproductive system.
(e) REPORTS TO CONGRESS.—(1) Not later than December 31, 1995, the President shall prepare and submit to Congress a report which includes—
(A) estimates of the total financial resources needed to achieve, by the year 2005, the specific objectives set forth in subsection (a) and (b) and the specific objectives of the Safe Motherhood Initiative established under subsection (d);
(B) an analysis of such estimates which separately lists the total financial resources, from the United States, donor nations, and nongovernmental organizations, which are necessary to achieve such objectives and the specific objectives of the Safe Motherhood Initiative established under subsection (d);
(C) an analysis, by country, which—
(i) identifies the legal, economic, and cultural barriers to women’s self-determination and to improvements in the economic productivity of women in traditional and modern labor sectors; and
(ii) describes initiatives needed to develop appropriate technologies for use by women, credit programs for low-income women, expanded child care, vocational training, and extension services for women; and
(D) a comprehensive description of—
(i) new and expanded initiatives to ensure safe motherhood worldwide; and
(ii) findings on the major causes of mortality and morbidity among women of child-bearing age in various regions of the world;
(ii) expanded and coordinated programs to help ensure that women and men—
(A) by 2005, the reduction of adult illiteracy by at least one-half the country’s 1990 level;
(B) by 2005, the reduction of infant mortality rates to 45 per 1,000 births and the under-5 mortality rate below 45 per 1,000 births; and
(C) by 2015, world maternal mortality by one-half of the worldwide 1990 level and a further one-half by 2015; and
(iv) financial resources needed to meet this goal from the United States, other donor nations, and nongovernmental organizations.
(f) DEFINITIONS.—For purposes of this section—
(A) the term ‘‘annual country human rights report’’ means the report required to be submitted pursuant to section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)); and
(B) the term ‘‘United States development and economic assistance’’ means assistance made available under chapter 1 of part I and

SEC. 706. AIDS PREVENTION AND CONTROL FUND.

(a) In General.---Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following new paragraph:

"(4) The President is authorized to provide assistance, under such terms and conditions as he may determine, with respect to activities relating to research on, and the treatment and control of, acquired immune deficiency syndrome (AIDS) in developing countries.

"(ii) Assistance provided under clause (i) shall include--

"(I) funds made available directly to the World Health Organization for its use in financing the Global Program on AIDS (including activities implemented by the Pan American Health Organization); and

"(II) funds made available to the United Nations Children's Fund (UNICEF) for AIDS-related activities.

"(b) Appropriations pursuant to subparagraph (a) may be referred to as the 'AIDS Prevention and Control Fund.'

(b) AUTHORIZATION OF APPROPRIATIONS.---Section 104(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(g)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) in subparagraph (B), by striking "subsection (c) of this section," and inserting "subsection (c) of this section (other than paragraph (4) thereof);"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) The amendments made by this section shall take effect October 1, 1995.

COHEN AMENDMENT NO. 1885

(Ordained to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

At an appropriate place in the bill, insert the following new section:

SEC. . NONINTERVENTION CONCERNING ABORTION.

(a) FINDINGS.---The Congress makes the following findings:

(1) Section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151f(b)) is amended by adding at the end the following new paragraph:

"(d)(A) None of the funds made available to carry out this part may be used—

"(i) for any program, project, or activity that provides or pays for the performance of abortions as a method of family planning; or

"(ii) for the performance of any voluntary sterilization procedures.

(b) EFFECTIVE DATE.---The amendments made by this section shall take effect October 1, 1995.

LEAHY AMENDMENT NO. 1887

(Ordained to lie on the table.)

Mr. LEAHY (for himself, Mr. DOOD, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

On page 95, line 8, strike "October 1, 1998," and insert "June 1, 1996, and annually thereafter."

LEAHY AMENDMENT NO. 1888

(Ordained to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

At an appropriate place in the bill, insert the following:

SEC. . LANDMINE USE MORATORIUM.

(a) FINDINGS.---The Congress makes the following findings:

(1) On September 26, 1994, the President declared that it is a goal of the United States to eventually eliminate antipersonnel landmines.

(2) On December 15, 1994, the United Nations General Assembly adopted a resolution sponsored by the United States which called for international efforts to eliminate antipersonnel landmines.

(3) According to the Department of States, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(b) CONVENTIONAL WEAPONS CONVENTION REVIEW.---It is the sense of Congress that the United Nations conference to review the 1980 Conventional Weapons Convention, including Protocol II on landmines, that is to be held from September 25 to October 13, 1995, the President should actively support proposals to modify Protocol II that would implement as rapidly as possible the United States goal of eventually eliminating antipersonnel landmines.

(c) MORATORIUM ON USE OF ANTIPERSONNEL LANDMINES.---(1) UNITED STATES MORATORIUM.---(A) For a period of one year beginning three years after the date of the enactment of this Act, the President shall not use antipersonnel landmines except along internationally recognized national borders within a perimeter marked area that is monitored by military personnel and protected by adequate means to ensure that exclusion of civilians.

(B) The President may extend the period of the United States moratorium for such additional period as the President consents appropriate.

(2) OTHER NATIONS.---It is the sense of Congress that the President should actively encourage the governments of other nations to join the United States in solving the global landmine crisis by implementing moratoria on use of antipersonnel landmines similar to the United States moratorium, the President may extend the period of the United States moratorium for such additional period as the President considers appropriate.

(3) According to the Department of States, there are an estimated 80,000,000 to 110,000,000 unexploded landmines in 62 countries.

(d) ANTIPERSONNEL LANDMINE EXPORTS.---It is the sense of Congress that, consistent with the United States moratorium on exports of antipersonnel landmines and in order to further discourage the global proliferation of antipersonnel landmines, the United States Government should not sell, license of export, or otherwise transfer defense articles and services to any foreign government who is determined by the President, sells, exports, or otherwise transfers antipersonnel landmines.

LEAHY AMENDMENT NO. 1889

(Ordained to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. . DECLASSIFICATION OF DOCUMENTS.

(a) DECLASSIFICATION OF DOCUMENTS.---It is the sense of Congress that the President should order the expedited declassification of any documents in the possession of the United States Government to the extent that such documents pertain to persons or organizations who allegedly "disappeared" in Honduras, and promptly make such documents available to Honduran authorities who are seeking to determine the fate of these individuals.
(e)Definitions.—For purposes of this Act: (1) Antipersonnel Landmine.—The term “antipersonnel landmine” means any munition placed under, on, or near the ground or other surface area, delivered by artillery, rocket, mortar, or similar means, or dropped from an aircraft and which is designed, constructed, or adapted to be detonated or exploded by the presence, proximity, or contact of a person.


Kerrey Amendment No. 1890
(Ordered to lie on the table.) Mr. KERREY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows: Beginning on page 117, strike line 14 and all that follows through line 23.

Pryor Amendment No. 1891
(Ordered to lie on the table.) Mr. PRIOR submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows: On page 123, strike lines 1 and 2 and insert the following: "SEC. 616. ANNUAL REPORT ON EFFECTIVENESS OF ARMS EXPORT CONTROL."

On page 123, lines 3, insert "(a) Periodic Reports.—" immediately before "The Under Secretary:" On page 123, line 6, strike "180 days" and insert "1 year." On page 123, between lines 14 and 15, insert the following: 

"(b) Inspector General.—The Inspector General for Foreign Affairs, within 180 days of enactment, and on an annual basis thereafter until 1996, shall evaluate the effectiveness of the watchlist screening process at the Department of State. The report to Congress, which should be prepared in both a classified and unclassified version, on the evaluation shall include—

(1) the number of licenses issued to parties on the number of watchlist checks performed by the Department, and an assessment of the Department’s decision to grant a license when an applicant is on a watchlist;

(2) the Inspector General’s report shall determine if the watchlist contains all relevant information and parties required by statute or regulation;"

"(c) Annual Military Assistance Report.—The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section: "SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT."

(a) In General.—Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority.

Simons Amendment No. 1895
(Ordered to lie on the table.) Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows: On page 124, after line 20, insert the following new section: "SEC. 617. ANNUAL MILITARY ASSISTANCE REPORT."

The Foreign Assistance Act of 1961 is amended by inserting after section 654 (22 U.S.C. 2414) the following new section: "SEC. 657. ANNUAL MILITARY ASSISTANCE REPORT."

"Not later than February 1 of each year, the President shall transmit to the Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act, by sale under chapter 2 of the Arms Export Control Act, by commercial sale license under section 38 of that Act, or by any other authority."."

Bumpers (and Others) Amendment No. 1896
(Ordered to lie on the table.) Mr. BUMPERS (and others) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At page 93, strike line 23 through page 94, line 13.

Simons Amendment No. 1897
(Ordered to lie on the table.) Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows: On page 54, strike lines 9 through 11 and insert the following: "$445,000,000 for each of the fiscal years 1996, 1997, 1998, and 1999 for the".

Simons Amendment No. 1898
(Ordered to lie on the table.) Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new sections: "SEC. 618. DESIGNATION OF THE INTERNATIONAL YEAR OF RESEARCH ON WATER RESOURCES.

It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) urge the United Nations to designate 1997 as the International Year of Research on Water Resources; and

(2) make arrangements for carrying out appropriate activities related to the designation of that year.

Simons Amendment No. 1899
(Ordered to lie on the table.) Mr. BINGHAMAN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 84, strike lines 3 through 15.
"(4)(A) None of the funds made available to carry out this Act may be used—
(i) for any program, project, or activity that violates the laws of any country requiring periods of time or other conditions as to the uses to which any funds may be put by the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the tenant’s rights and interests of the United States will be protected from unauthorized disclosure pursuant to the United States Information Agency Act of 1947 (50 U.S.C. 403±3(c)(5)); or
(ii) for any program, project, or activity that involves the provision of intelligence services, or intelligence sharing, and is in the national security interests of the United States.

SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

SEC. 12. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

(a) Provision of Intelligence Information to the United Nations.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any officials or employees thereof, unless the President certifies to the appropriate committees of Congress that the tenant’s rights and interests of the United States will be protected from unauthorized disclosure pursuant to the United States Information Agency Act of 1947 (50 U.S.C. 403±3(c)(5)); or
(b) Provisions of Intelligence Information.

SEC. 1301. RETENTION.

(a) General.—Notwithstanding any other provision of this Act, the tenant’s rights and interests of the United States shall continue to apply to the United States Information Agency:

(1) Section 1105(d), relating to the termination of functions of the Inspector General of the United States Information Agency.

(b) Procedure for the Exchange of Information.

(c) Funding for USIA in Fiscal Years 1998 and 1999.—There are authorized to be appropriated in fiscal years 1998 and 1999 such sums as may be necessary to carry out the provisions of this Act.

(d) Provisions of Intelligence Information to the United Nations.

SEC. 1302. RETENTION.

(a) General.—Notwithstanding any other provision of this Act, the tenant’s rights and interests of the United States shall continue to apply to the United States Information Agency:

(1) Section 1105(d), relating to the termination of functions of the Inspector General of the United States Information Agency.

(b) Provisions of Intelligence Information to the United Nations.

(c) Funding for USIA in Fiscal Years 1998 and 1999.—There are authorized to be appropriated in fiscal years 1998 and 1999 such sums as may be necessary to carry out the provisions of this Act.

(d) Provisions of Intelligence Information to the United Nations.
(b) Assistance to Foreign and International Tribunals and to Litigants Before Such Tribunals.—Section 172(a) of title 28, United States Code, is amended by inserting the following sentence after "foreign or international tribunal": "the following":, including criminal investigations conducted prior to formal accusations.

(c) To instruct in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term "International Tribunal for Yugoslavia" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, as established by the United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term "International Tribunal for Rwanda" means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Such Violations Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Commited in the Territory of Neighboring States, as established by the United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The Agreement Between the United States and the International Tribunal for Yugoslavia means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATION TRIBUNAL FOR RWANDA.—The Agreement Between the United States and the International Tribunal for Rwanda means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

FAIRCLOTH AMENDMENT NO. 1904

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following:

TITLE —SENSE OF THE SENATE THAT THE UNITED STATES SHOULD NOT SUPPORT THE ESTABLISHMENT OF A NEW INTERNATIONAL BAILOUT FUND WITHIN THE INTERNATIONAL MONETARY FUND

(A) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Government should not support the establishment of a new international bailout fund within the International Monetary Fund.

(B) Further, it is a sense of the Senate that the Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund and the Executive Director of the United States of the International Reconstruction and Development to oppose and vote against any proposal to establish an emergency financing mechanism under the control of the International Monetary Fund or any other provision of law, no funds may be appropriated for use directly or indirectly for the establishment of any other mechanism under the control of the International Monetary Fund or International Bank of Reconstruction and Development.

FAIRCLOTH AMENDMENT NO. 1905

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following new Title:

FAIRCLOTH AMENDMENT NO. 1905

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in S. 908 insert the following new Title:

FAIRCLOTH AMENDMENT NO. 1906

(Ordered to lie on the table.)

Mrs. KASSEBAUM (for herself, Mr. BINGAMAN, Mr. CHAFFEE, Mr. JEFFORDS, Mr. LEAHY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. PARCHMAN, Ms. SNOWE, and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

TITLE —ELIGIBILITY OF FUNDING ORGANIZATIONS AND MULTILATERAL ORGANIZATIONS

(a) PROHIBITIONS.—None of the funds made available by the United States Government to foreign governments, international organizations, or nongovernmental organizations may be used for the purpose of inducing a person to undergo sterilization or abortion or to accept any other method of fertility regulation. Nothing in this section alters existing statutory prohibitions against the use of United States funds for the performance of abortion.

(b) DETERMINATIONS OF ELIGIBILITY.—In determining eligibility for United States funding assistance, the President shall not subject nongovernmental and multilateral organizations to requirements which are more restrictive than the requirements applicable to foreign governments for such assistance.

SMITH AMENDMENT NO. 1907

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. 1. LIMITATIONS ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operational on July 7, 1995; any subsequent any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operational on July 11, 1995; or (3) increasing any United States diplomatic or consular post in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

DOLE AMENDMENT NO. 1908

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

DOLE AMENDMENT NO. 1909

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 60, between lines 7 and 8, insert the following:

DOLE AMENDMENT NO. 1910

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

DOLE AMENDMENT NO. 1910

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

FAIRCLOTH AMENDMENT NO. 1911

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

FAIRCLOTH AMENDMENT NO. 1912

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

FAIRCLOTH AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

FAIRCLOTH AMENDMENT NO. 1914

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:
SEC. 02. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:
(1) The United States joined the WTO as an original member with the goal of creating an improved global trading system and providing economic opportunities for United States firms and workers, while preserving United States sovereignty.
(2) The American people must receive assurance that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.
(3) The WTO dispute settlement rules are meant to enhance the likelihood that governments will observe their WTO obligations, and thus help ensure that the United States will receive all benefits of its participation in the WTO.
(4) United States support for the WTO depends on obtaining mutual trade benefits through the openness of foreign markets and the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.
(5) Congress passed the Uruguay Round Agreement Act based on its understanding that effective trade remedies would not be eroded and are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture.
(6) In particular, WTO dispute settlement panels and the Appellate Body should—
(a) operate with fairness and in an impartial manner;
(b) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements; and
(c) be subject to reference and any applicable WTO standard of review.

(b) PURPOSE.—It is the purpose of this title to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the objectives described in subsection (a)(6).

SEC. 03. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this title referred to as the “Commission”).

(b) MEMBERSHIP.—
(1) COMPOSITION.—The Commission shall be composed of 5 members all of whom shall be judges of the United States Courts of Appeals, or judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the Majority Leader and Minority Leader of the House of Representatives, after the initial 5-year term, 3 members of the Commission shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(c) VACANCIES.—
(1) IN GENERAL.—Any vacancy on the Commission filled by appointment shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—
(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The Trade Representative may advise the Commission to assist the Commission with its review of a report of a dispute settlement panel or the Appellate Body described in section 04(a)(1), if the Commission considers such hearing to be necessary for the purpose of this title. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

SEC. 04. DUTIES OF THE COMMISSION.

(a) REVIEW OF WTO DISPUTE SETTLEMENT REPORTS.—
(1) IN GENERAL.—The Commission shall review—
(A) all adverse reports of dispute settlement panels and the Appellate Body which are—
(i) adopted by the Dispute Settlement Body, and
(ii) the result of a proceeding initiated against the United States by a WTO member; and
(B) upon the request of the Trade Representative, any adverse report of a dispute settlement panel or the Appellate Body—
(i) which is adopted by the Dispute Settlement Body, and
(ii) in which the United States is a complaining party.
(2) SCOPE OF REVIEW.—With respect to any report the Commission reviews under paragraph (1), the Commission shall determine in connection with each adverse finding whether the panel or the Appellate Body, as the case may be—
(A) demonstrably exceeded its authority or its terms of reference;
(B) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report;
(C) acted arbitrarily or capriciously, engaged in misinterpretation or inconsistently departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; and
(D) deviated from the standard of review, including in antidumping or countervailing duty cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.
(3) AFFIRMATIVE DETERMINATION.—The Commission shall make an affirmative determination with respect to the action of a panel or the Appellate Body, if the Commission determines that—
(A) any of the matters described in subparagraphs (A), (B), or (C) of paragraph (2) has occurred; and
(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES; CONFIDENTIALITY.—
(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission’s functions.

(c) CONFIDENTIALITY.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States which the agency or department requests be kept confidential. The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

SEC. 06. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.

(a) AFFIRMATIVE REPORT BY COMMISSION.—
(1) IN GENERAL.—If the Commission makes an affirmative decision under section 04(a)(3), the President shall undertake negotiations to amend or modify the rules described in paragraph (1) of the Uruguay Round Agreement to which such affirmative decision relates.
(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b) is enacted into law pursuant to the provisions of this subsection, the Commission shall be required to submit a report containing affirmative reports to the Congress within 30 calendar days after the date on which the President notifies the Congress that the WTO has established a panel or the Appellate Body has made a final determination with respect to a complaint initiated against the United States, as such provisions apply to resolutions under this title.

(3) INTRODUCTION.—(A) GENERAL RULE.—Subject to the provisions of subsections (b), (d), (e), and (f) of section 154(b) of the Uruguay Round Agreement Act, of the WTO Agreement as defined in section 101(a) of the Uruguay Round Agreement Act, any resolution introduced in either House of the Congress by a member of the WTO, and accordingly the Congress withdraws its approval, provided under the Uruguay Round Agreement Act, and the provisions of subsection (a) are met if—

(i) the Senate considers any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House chooses to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(4) EXPEDITED PROCEDURES.—(A) GENERAL RULE.—Subject to the provisions of subsections (b), (d), (e), and (f) of section 154(b) of the Uruguay Round Agreement Act, of the WTO Agreement as defined in section 101(a) of the Uruguay Round Agreement Act, any resolution introduced in either House of the Congress by a member of the WTO, and accordingly the Congress withdraws its approval, provided under the Uruguay Round Agreement Act, and the provisions of subsection (a) are met if—

(i) the Senate considers any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House chooses to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(5) APPELATE BODY.—The term "Appellate Body" means the panel or the Appellate Body of the WTO, and certifies to the appropriate congressional committees that no funds made available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreement Act.

(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given such term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(a) of the Uruguay Round Agreement Act.

(10) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" and WTO" mean the organization established pursuant to the WTO Agreement.

DOLE (AND OTHERS) AMENDMENT NO. 1911

(Ordered to lie on the table.)

Mr. DOLE (for himself, Mr. SNOW, and Mr. LOT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subsection (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "the" and insert "Subject to paragraph (3), the".

On page 81, between lines 2 and 3, insert the following new paragraph:

"Subject to paragraph (3), the authorization of appropriating under paragraph (1) shall take effect only after the Secretary of State determines and certifies to the appropriate congressional committees that no funds made available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

DOLE (AND OTHERS) AMENDMENT NO. 1912

(Ordered to lie on the table.)

Mr. DOLE (for himself, Ms. SNOW, and Mr. LOT) submitted an amendment intended to be proposed by them to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subsection (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "the" and insert "Subject to paragraph (3), the".

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—(1) Of the funds authorized to be appropriated for fiscal year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.

DOLE AMENDMENT NO. 1913

(Ordered to lie on the table.)

Mr. DOLE submitted an amendment intended to be proposed by him to the bill S. 908, supra; as follows:

On page 78, line 19, strike "subsection (B)" and insert "subparagraphs (B) and (C)".

On page 79, line 5, strike "the" and insert "Subject to paragraph (3), the".

On page 81, line 3, add the following:

(c) FURTHER CONDITIONAL AUTHORITY.—(1) Of the funds authorized to be appropriated for fiscal year 1996, in (a), $3,500,000 shall be withheld from obligation until the Secretary of State certifies to the appropriate congressional committees, with respect to the United Nations Fourth World Conference on Women being held in Beijing, that no funds available to the Department of State were obligated or expended for United States participation in the United Nations Fourth World Conference on Women while Harry Wu, a United States citizen, was detained by the People's Republic of China.

(2) If the Secretary of State cannot make the certification in Section 301(c)(1), the withheld funds shall be returned to the U.S. Treasury.
On page 60, between lines 7 and 8, insert the following:

On page 60, after line 12, insert the following:

On page 60, between lines 6 through 12 and insert the following:

SEC. 121. LEASE-PURCHASE OF OVERSEAS PROPERT.

(a) AUTHORITY FOR LEASE-PURCHASE.—Subject to subsections (b) and (c), the Secretary is authorized to acquire by lease-purchase such properties as are described in subsection (b), if—

(1) the Secretary of State, and

(2) the Director of the Office of Management and Budget, certify that the appropriate committees of Congress that the lease-purchase arrangement will result in a net cost savings to the Federal Government when compared to a purchase or, direct construction of comparable property.

(b) LOCATIONS AND LIMITATIONS.—The authority granted in subsection (a) may be exercised only—

(1) to acquire appropriate housing for Department of State personnel stationed abroad and for the acquisition of other facilities, in which the United States has a diplomatic mission; and

(2) during fiscal years 1996 through 1999.

(c) AUTHORIZATION OF FUNDING.—Funds for lease-purchase arrangements made pursuant to subsection (a) shall be available from amounts appropriated under the authority of section 111(a)(3) (relating to the Acquisition of comparable property). On page 49, line 15, and insert in lieu thereof the following:

(II) As used in this subsection, the term lesenficed— means any property, whether real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

(III) PROPERTY.— The term property means any real, personal, or mixed, and any present, future, or contingent right or security of other interest therein, including any leasehold interest.

(6) observing that

SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE.

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6102(1)) is amended by striking "certain" and inserting the following:

the Fragile Ring of Life, a film about coral reefs around the world.

On page 107, strike lines 3 through 6.

On page 124, after line 20, insert the following new sections:

SEC. 618. MIDDLE EAST PEACE FACILITATION ACT OF 1995.

(a) SHORT TITLE.—This section may be cited as the "Middle East Peace Facilitation Act of 1995".

(b) FINDINGS.—The Congress finds that—

(1) the Palestine Liberation Organization (hereafter referred to as the PLO) has recognized the State of Israel's right to exist in peace and security; and

(2) the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(B) have been excluded from entry into the United States. On page 124, after line 20, insert the following new sections:
(2) Israel has recognized the PLO as the representative of the Palestinian people;
(3) Israel and the PLO signed a Declaration of Principles on Interim Self-Government Arrangements, commonly referred to as the “Declaration of Principles’’ on September 13, 1993, at the White House;
(4) Israel and the PLO signed an Agreement on the Gaza-Jericho Area (in this section referred to as the “Gaza-Jericho Agreement’’) on May 4, 1994, which established a Palestinian Authority for the Gaza Strip and the Jericho Area;
(5) Israel and the PLO signed an Agreement on Preparatory Transfer of Powers and Responsibilities (in this section referred to as the “Interim Agreement’’) on August 29, 1994, which provided for the transfer to the Palestinian Authority of certain powers and responsibilities in the West Bank outside of the Jericho Area;
(6) Under the terms of the Declaration of Principles, the Gaza-Jericho Agreement and the Early Empowerment Agreement, the powers and responsibilities of the Palestinian Authority are to be assumed by the elected Palestinian Council with jurisdiction in the West Bank and Gaza Strip in accordance with the Interim Agreement to be concluded between the PLO and Israel; and
(7) Permanent status negotiations relating to the West Bank and Gaza Strip are scheduled to begin by May 1996.

(8) Since the conclusion of the Declaration of Principles and the PLO’s renunciation of terrorism, provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made in and in connection with or resulting from the agreements described in subparagraph (D); and the President may not exercise that authority to make such determinations without providing for an appropriate congressional consultation.

(9) The PLO commitments relevant to Presidential certifications have included commitments to renounce and condemn terrorism, to submit to the Palestinian National Council for formal approval the necessary changes to those articles of the Palestinian Covenant which call for Israel’s destruction, and to the principles of human rights and the rule of law; and
(10) The President, in exercising the authority provided in paragraph (1), unless and until the President determines that PLO performance is continuously monitored and that the President has determined that the PLO is not complying with the requirements described in paragraph (3), may not exercise his authority to make such determinations without providing for an appropriate congressional consultation.

(C) SENSE OF CONGRESS.—It is the sense of Congress that:

(i) the declaration of principles and the PLO’s recognition of Israel, the PLO’s renunciation of terrorism, the establishment of the Palestinian Authority and its successors;
(ii) the status of United States and international assistance efforts in the areas adjacent to the Palestinian Authority and its successors; and
(iii) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;
(iii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3);
(iii) the extent to which the PLO has taken with regard to the Arab League boycott of Israel; and
(iv) the status of the Palestine National Authority in the Middle East dispute, and in particular the PLO must—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant which call for Israel’s destruction, and unless the necessary changes to the Covenant have been submitted to the Palestinian National Council for formal approval;

(B) the PLO has exercised its authority reasonably to establish the Palestinian enforcement institution, including laws, police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists; and

(C) the PLO has limited participation in the Palestinian Authority and its successors;
to individuals and groups in accordance with the terms that may be agreed with Israel; 

(D) The PLO has not provided any financial assistance or not affiliated with the PLO to carry out actions inconsistent with the Declaration of Principles, particularly acts of terrorism against Israel; 

(E) The PLO has exercised its authority of the people of Palestine and its successors; and 

(F) The PLO has cooperated in good faith with Israel and the United States of America in the fight against acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and 

(1) by redesigning subsection (c) as subsection (e); and 

(2) by inserting after subsection (b) the following: 

"(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government who are performing duties in a foreign country shall coordinate with the Department of State, the Secretaries of Defense and the Secretary of Homeland Security, and the Director of National Intelligence, to identify the changes to the system that will best serve the interests of the United States and of the international community.

(2) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

(b) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.

(c) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.

(d) In seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or other entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

(e) By the end of the first year of implementation of those procedures, to determine the extent to which the procedures have been effective in enhancing the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(f) The plan should include the elements described in section 1503 and such other recommendations as may be necessary to achieve a defunct and effective long-term development of the responsibilities of the United Nations.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

It is the sense of the Congress that the reorganization plan required by section 1502 shall:

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and programs consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation activities between the United Nations Headquarters and the offices
of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation functions of the United Nations Development Program (UNDP), the United Nations Environment Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM).


(F) A substantial reduction in or elimination of the cost and number of international conferences sponsored by the United Nations;

(G) A significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a cessation of the practice of reserving top Secretariat posts for citizens of particular countries;

(H) A significant increase in the openness to the public of the budget decision-making process of the United Nations;

(i) The establishment of a truly independent inspector general at the United Nations;

(j) Include proposals to coordinate and implement the reform of the United Nations such as those proposals set forth in the communiqué of the 21st annual summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15-17, 1995; and


On page 218, line 15, insert "$300,000,000,000" and insert "$3,000,000,000,000".

On page 251, below line 22, add the following:

(G) ADDITIONAL REQUIREMENTS FOR BUDGET PURPOSES.—(1) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(a)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 114; 5 U.S.C. 8331 note), each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 9 percent of final basic pay of each employee of the agency.

(A) who, on or after the date of the enactment of this Act, retires under section 8331(d)(2) of title 5, United States Code; and

(B) whose voluntary separation incentive payment was paid under this section by such agency based on that retirement.

(2) In addition to any other payments which an agency referred to in subsection (b) is required to make under section 4(b)(1) of such Act in fiscal years 1996, 1997, and 1998, each such agency shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to the basic pay of each employee of the agency who, as of March 31 of such fiscal year, is subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(3) Notwithstanding any other provision of this section, the head of an agency referred to in subsection (b) may not pay voluntary separation incentive payments under this section unless sufficient funds are available in the Foreign Affairs Reorganization Transition Fund to provide such payments and the amount of the remittances required by the agency under paragraphs (1) and (2).

HELMS AMENDMENT NO. 1915

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. 201. RESTRICTION ON U.S. GOVERNMENT OFFICES AND U.S. GOVERNMENT MEETINGS IN JERUSALEM.

(1) None of the funds authorized by this Act or any other Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States government for the purpose of conducting official business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles or subsequent agreements; and

(2) None of the funds authorized by this Act or any other Act may be obligated or expended to meet in any part of Jerusalem for the purpose of conducting official United States government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles.

HELMS AMENDMENT NO. 1916

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. 2. PROHIBITION ON FUNDING FOR COERCIVE POPULATION CONTROL METHODS.

Notwithstanding any other provision of law or of this Act, none of the funds authorized to be appropriated by this Act or any other Act are authorized to be available for the United Nations Population Fund (UNFPA), unless the President certifies to the appropriate congressional committees that (1) the United Nations Population Fund has terminated all activities in the People’s Republic of China; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People’s Republic of China. As used in this section the term “coercion” includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood or severe psychological pressure.

HELMS AMENDMENT NO. 1917

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the “Foreign Aid Reduction Act of 1995.”

TITLE XXI—DEFENSE AND SECURITY ASSISTANCE

CHAPTER 1—FOREIGN MILITARY FINANCING PROGRAM

SEC. 2101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section—

(1) $3,185,000,000 for fiscal year 1996; and

(2) $3,160,000,000 for fiscal year 1997.

SEC. 2102. LOANS FOR GREEN AND TURKEY.

Of the amounts made available for fiscal years 1996 and 1997 under section 23 of the Arms Export Control Act (22 U.S.C. 2763)–

(1) $26,620,000 shall be available for fiscal year 1996, and up to $26,620,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Greece; and

(2) $37,800,000 shall be made available for fiscal year 1996, and up to $37,800,000 may be made available for fiscal year 1997, for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans for Turkey.

CHAPTER 2—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 2211. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $39,781,000 for each of the fiscal years 1996 and 1997 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

CHAPTER 3—ANTITERRORISM ASSISTANCE

SEC. 2311. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appropriated $15,000,000 for fiscal year 1996 and $15,000,000 for fiscal year 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

(b) A VAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 4—NARCOTICS CONTROL ASSISTANCE

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS.

(a) In general.—There are authorized to be appropriated $231,000,000 for each of the fiscal years 1996 and 1997 to carry out chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2201 et seq.).

(b) A VAILABILITY OF AMOUNTS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

CHAPTER 5—PEACEKEEPING OPERATIONS

SEC. 2511. PEACEKEEPING OPERATIONS.

Section 552(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394a(a)) is amended to read as follows:

“(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $40,000,000 for fiscal year 1996 and $35,000,000 for fiscal year 1997.”

TITLE XXII—TRADE AND EXPORT DEVELOPMENT

CHAPTER 201. TRADE AND EXPORT AGENCY.

(a) AUTHORIZATION OF APPROPRIATIONS.—

Section 601(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2201(f)(1)) is amended to read as follows: “There are authorized to be appropriated to the President for the purpose of this section, in addition to funds otherwise available for such purposes, $67,000,000 for fiscal year 1996 and $75,000,000 for fiscal year 1997.”
Title VI—Private Sector, Economic, and Development Assistance

Chapter 1—Private Sector Enterprise Funds

Section 230. Support for Private Sector Enterprise Funds.

Chapter 2—Development Assistance Fund and Other Authorities

Section 231. Development Assistance Fund.

Section 232. Economic Support Fund.

Chapter 3—Peace Corps

Section 233. Peace Corps.

Chapter 4—International Disaster Assistance Programs

Section 234. International Disaster Assistance.

Section 235. Peace and Security in the Middle East

Section 236. Economic Support Fund Assistance for Israel.

Chapter 5—Advanced Weapons Systems

Section 237. Advanced Weapons Systems.
SEC. 2403. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT. Of the amounts made available to carry out chapter II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $815,000,000 for each such fiscal year shall be available only for Egypt.

SEC. 2404. FOREIGN MILITARY FINANCING FOR EGYPT. (a) Minimum Allocation.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the “Foreign Military Financing Program” account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), $225,000,000 for each such fiscal year shall be available only for Egypt.

(b) Terms of Assistance.—The assistance provided for Egypt for each fiscal year under subsection (a) shall be provided on a grant basis.

TITLE XXV—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 2501. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS CHILDREN’S FUND. Section 303(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended by adding at the end the following new subsection:

(1) SECRETARIAL AUTHORITY.—Section 452 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222a), that an amount exceeding $10,000,000 for each such fiscal year shall be available only for Egypt.

(2) The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

SEC. 2502. REPLACEMENT OF THE ASIAN DEVELOPMENT BANK. The Asian Development Bank Act (22 U.S.C. 285±285aa) is amended by adding at the end the following new section:

``Title II—Development Operations and Programs

Sec. 32. Fourth Replenishment.

The Asian Development Bank Act (22 U.S.C. 285±285aa) is amended by adding at the end the following new section:

``SEC. 31. Fourth Replenishment.

The Asian Development Bank Act (22 U.S.C. 285±285aa) is amended by adding at the end the following new section:

(1) "(a) The Secretary of the Treasury, in consultation with the Secretary of State, shall, before making any expenditure under this section, endorse the drawing of a check in the amount of $100,000,000 for each such fiscal year and in an amount exceeding $5,000 or in an amount exceeding 24 months worth of child support, under which procedure—

(2) The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

(3) STATE CSE AGENCY RESPONSIBILITY.—Section 454 (42 U.S.C. 654), as amended by sections 104(a), 114(b), and 122(a), is amended—

(4) (A) By striking "and" at the end of paragraph (26);

(B) By striking the period at the end of paragraph (26), and inserting "and";

(C) By adding after paragraph (27) the following new paragraph:

``(28) The certification by the State agency, for purposes of the procedure under section 514(a) of the Child Support Enforcement Act of 1984 (42 U.S.C. 631(a)), that the individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months worth of child support, under which procedure—

(2) (A) Each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

(B) The certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.

(5) STATE DEPARTMENT PROCEDURE FOR DENIAL OF PASSPORTS.—(1) The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 464 of the Social Security Act, of an individual who may be a child support obligor, shall, in such manner as the Secretary may determine, designate the individual as such in his records and in his passport and shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) LIMIT ON LIABILITY.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this subsection.

(6) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective October 1, 1996.

HELMS AMENDMENT NO. 1920 (Ordained to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. 2403. SECURITIES OF EGYPT. At the end of section 2403, the following is added:

(1) Security Requirements.—Section 454 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

HELMS AMENDMENT NO. 1920 (Ordained to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. 2403. SECURITIES OF EGYPT. At the end of section 2403, the following is added:

(1) Security Requirements.—Section 454 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

SEC. 2403. SECURITIES OF EGYPT. At the end of section 2403, the following is added:

(1) Security Requirements.—Section 454 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

SEC. 2403. SECURITIES OF EGYPT. At the end of section 2403, the following is added:

(1) Security Requirements.—Section 454 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

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(1) Security Requirements.—Section 454 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

SEC. 2403. SECURITIES OF EGYPT. At the end of section 2403, the following is added:

(1) Security Requirements.—Section 454 (42 U.S.C. 652), as amended by sections 113(a)(3) and 117, is amended by adding at the end the following new subsection:

(1) (a) The Secretary may, on behalf of the Secretary of State, certify to the Congress in writing the need for assistance for the purposes of peacekeeping operations or for the purpose of promoting and securing national security, in accordance with the requirements of section 454(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), shall not be available for travel to North Korea unless the President submits to the Congress a certification that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.
(2) in subsection (b)(1), by inserting “pursuant to subsection (a) after “dissemination abroad”. On page 201, line 14, insert “overseas” before “the United States”.

On page 215, lines 6 and 7, strike “(insofar as it exercises AID functions)” and insert “(exclusive of references to components of IDCA expressly established by statute or reorganization plan)”.

On page 215, line 9, strike “exercising AID functions” and insert, exclusive of officials of components of IDCA expressly established by statute or reorganization plan”.

On page 221, line 22, strike “date” and insert “dates, as follows”.

On page 223, line 13, after “date” inserting the followings:

“except for those security functions previously exercised by the Inspector General of the Agency for International Development, which shall be transferred to the Secretary of State pursuant to subsection (a)(2).”.

On page 231, line 10, insert after “necessary” the followings: “including the exercise of authority”,

On page 235, line 10, insert after “necessary” the followings: “including the exercise of authority”.

HELMS AMENDMENT NO. 1921

(ORDERED TO LIE ON THE TABLE.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. AVAILABILITY OF VOICE OF AMERICA AND RADIO MARTI MULTILINGUAL COMPUTER READABLE TEXT AND VOICE RECORDING.

Notwithstanding section 206 of the Foreign Relations Authorization Act, Fiscal Year 1986 and 1987 (22 U.S.C. 1461-1a) and the second paragraph of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Linguistic Data Consortium of the University of Pennsylvania computer readable multilingual text and recorded speeches in various languages. The linguistic Data Consortium shall, directly or indirectly as appropriate, reimburse the Director for any expenses involved in making such materials available. This authorization shall remain in effect for 5 years.

HELMS AMENDMENT NO. 1922

(ORDERED TO LIE ON THE TABLE.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 33, between lines 11 and 12, insert the following:

(e) MEMBERSHIP OF SENIOR FOREIGN SERVICE OFFICERS IN COLLECTIVE BARGAINING UNITS.—Section 206 of the Foreign Service Act of 1980 (22 U.S.C. 3926) is amended by adding at the end the following:

“(c) A member of the Senior Foreign Service may not be a member of a collective bargaining unit.”.

HELMS AMENDMENT NO. 1923

(ORDERED TO LIE ON THE TABLE.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

Beginning on page 134, strike line 5 and all that follows through line 13 on page 117.

HELMS AMENDMENT NO. 1924

(ORDERED TO LIE ON THE TABLE.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 75, after line 12, add the followings:

(b) Pursuant to a lifting of the United Nations arms embargo against Bosnia-Herzegovina, the Secretary of State, in consultation with the Secretary of Defense, shall take such steps as he deems necessary to ensure that the United States contribution to the United Nations Protection Force.

HELMS AMENDMENT NO. 1925

(ORDERED TO LIE ON THE TABLE.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

(a) FINDINGS.—(1) It is the sense of Congress that the world needs a strong, sustained, and verifiable arms embargo on Iraq.

(b) REPORT REQUIRED.—(1) Not later than December 1, 1995, the Secretary of Defense, the Secretary of State, and the United States Trade Representative shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services.

(c) Sense of the Senate.—It is the sense of the Senate that the United States should continue to take affirmative action to reinforce the arms embargo on Iraq.

HELMS AMENDMENT NO. 1926

(ORDERED TO LIE ON THE TABLE.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the end, add the following new division:

DIVISION C—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

SEC. SHORT TITLE.

This division may be cited as the “Foreign Affairs Alternative Reinvention Procedures Act of 1995.”

SEC. PURPOSES.

The purposes of this division are—

(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to achieve the goals of the streamlining, integration, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the United States Information Agency, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in the United States diplomatic missions in order to enhance the capability of the ambassadors to deploy such personnel and resources to the extent to which the President’s foreign policy objectives;

(5) to provide United States foreign assistance agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government while downsizing significantly the total number of people employed by such agencies; and

(6) to ensure that all functions of United States diplomacy be subject to recruitment,
training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) Submission of Plan.—Not later than 6 months after the date of enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;
(2) the maintenance, to the maximum extent possible, of a United States presence abroad within budgetary constraints;
(3) an abolition of at least two of the independent foreign affairs agencies;
(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies as the Department of State determines, and in accordance with subsection (e), the plan shall set forth a schedule for such transfers, separations, and terminations;
(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are classified at each of levels II, III, and IV of the Executive Schedule;
(6) the reorganization and streamlining of the Department of State; and
(7) the achievement of a cost savings of at least $3,100,000,000 over 4 years through the consolidation of agencies.

(b) Plan Elements.—The plan under subsection (a) shall—

(1) identify the functions of the independent foreign affairs agencies that will be transferred to the Department of State under the plan, as well as those that will be abolished under the plan;
(2) identify the personnel and positions of the agencies (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred to the Department, separated from service with the Agencies, eliminated under the plan, and set forth a schedule for such transfers, separations, and terminations;
(3) identify the personnel and positions of the Department (including civil service personnel, Foreign Service personnel, and detailees) that will be transferred within the Department, separated from service within the Department, or eliminated under the plan and set forth a schedule for such transfers, separations, and terminations;
(4) specify the consolidations and reorganization of functions of the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;
(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under the plan as a result of the implementation of the plan;
(6) specify the proposed allocations within the Department of unused funds of the independent foreign affairs agencies; and
(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department under the plan.

(c) Limitations on Contents of Plan.—(1) Sections 903, 904, and 905 of title 5, United States Code, shall apply to the plan transmitted under subsection (a). (2) The plan may not provide for the termination of any function authorized by law.

(d) Funding.—The plan transmitted under subsection (a) shall—

(1) take effect 60 calendar days after the date on which the plan is transmitted to Congress if the Congress enacts a joint resolution, in accordance with subsection (e), approving the plan; and
(2) for purposes of paragraph (1) of subsection (a), a continuation is broken only by an adjournment of Congress sine die; and
(3) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

(e) Congressional Priority Procedures.—(1) Except as provided in paragraph (2), sections 908, 910, 911, and 912 of title 5, United States Code, shall apply to the consideration by Congress of a joint resolution described in paragraph (3) that is introduced in a House of Congress.

(2) The following requirements shall apply to actions described in paragraph (1) without regard to chapter 9 of title 5, United States Code—

(A) A referral of a joint resolution under this section may only be made to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(B) The reference in section 908 of such title to an organization plan transmitted under section 3 shall apply to any employee who is eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the Department during the period beginning on the date the organization plan is transmitted under subsection (a), not later than 180 days after the date of enactment of this Act; or

(C) if the President does not implement the reorganization plan transmitted and approved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1102. VOLUNTARY SEPARATION INCENTIVES.

(a) Authority to Pay Incentives.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency who are laid off or minimize the need for involuntary separations from the agency as a result of the abovementioned functions of the Department of State under this title.

(b) Covered Agencies.—Subsection (a) applies to the following agencies:

(1) The Department of State.

(2) The United States Arms Control and Disarmament Agency.

(3) The United States Information Agency.

(4) The Agency for International Development.

(c) Payment Requirements.—(1) The head of an agency shall pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 107 Stat. 111), except that an employee of the agency shall be deemed to be eligible for payment of a voluntary separation incentive payment under that section if the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

(2) The provisions of subsection (d) of such section 3 shall apply to any employee who is paid a voluntary separation incentive payment under this section.

(d) Funding.—The payment of voluntary separation incentive payments under this section shall be made from funds in the Foreign Affairs Reorganization Transition Fund established under section 811 of the Workforce Restructuring Act of 1994 (Public Law 103-226; 107 Stat. 111), except that an employee of the agency may transfer sums in that Fund to the head of an agency under subsection (e)(3)(B) of that section for payment of such payments by the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

SEC. 1103. TRANSITION FUND.

(a) Establishment.—There is hereby established the Foreign Affairs Reorganization Transition Fund.

(b) src: The account is to provide funds for the orderly transfer of functions and personnel to the Department of State as a result of the implementation of the provisions of this Act and for payment of other costs associated with the consolidation of foreign affairs agencies under this title.

(c) src: The account is to be known as the “Foreign Affairs Reorganization Transition Fund.”

(d) src: The funds in such account shall be available for payment of such services.
(c) Deposits.—(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the Secretary of State under subsection (a) of section 1104 of this Act and that are not otherwise available to the Secretary of State.

(B) The difference in the costs between the amount of funds transferred to the account pursuant to subparagraph (A) of paragraph (2) and the amount of funds deposited in the account pursuant to subparagraph (A) of section 1105.

(C) Funds transferred to the account by the President of the United States or otherwise made available to the Department.

(D) Funds transferred to the account by the Secretary from any unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under paragraph (1) if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraph (A) of paragraph (2) is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (C) of paragraph (1) if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(f) Transfer of Funds to Secretary of State.—The head of a transfer agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for purposes of carrying out this title, including costs of carrying out this title, that are not otherwise available to the Secretary of State and relating to the termination of employees of the Department.

(g) Rights of Employees of Abolished Agencies.—(1) Subject to paragraph (2), unobligated balances under this title shall be transferred to the Department of State.

(h) Employee Benefit Programs.—(1) Any employee benefit program of the transferor agency shall be transferred to the Department of State.

(i) Appropriations and Personnel.—(a) In General.—Except as otherwise provided in this title, the transfer of funds pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee.

(b) Executive Schedule Positions.—Except as otherwise provided in this title, any person who, on the date preceding the effective date of the transfer of such employee, held a position in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, and who, without a break in service, is appointed in the Department of State to a position having duties comparable to the duties performed immediately before such appointment, shall continue to be compensated in such new position at not less than the rate provided for such previous position, for the duration of the service of such person in such new position.

(c) Termination of Certain Positions.—Positions whose incumbents are appointed by the President of the United States and with the advice and consent of the Senate, the functions of which are transferred under this title, shall terminate on the date of the transfer of the functions under this title.

(d) Excepted Service.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment pursuant to the authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(e) Senior Executive Service.—A transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3332(a)(7) of title 5, United States Code).

(f) Excepted Programs.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State.

(i) Senior Executive Service.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(j) Transfer and Allocation of Appropriations and Personnel.—(1) Transferring employees shall receive notice of their position assignments no later than the date on which the reorganization plan setting forth the transfer of such employee is transmitted to the appropriate congressional committees under this title.

(2) A Foreign Service employee transferred to the Department of State pursuant to this title shall be eligible for any assignment open to Foreign Service personnel within the Department.

(k) Termination of Appropriations.—(1) Except as otherwise provided in this title, the personnel in the Department of State shall be eligible for any assignment open to Foreign Service personnel within the Department.

(l) Excepted Service.—(1) Subject to paragraph (2), in the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment pursuant to the authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred.

(m) Senior Executive Service.—A transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3332(a)(7) of title 5, United States Code).

(n) Excepted Programs.—(1) Any employee accepting employment with the Department of State as a result of such transfer may retain for 1 year after the date such transfer occurs membership in any employee benefit program of the transferor agency, including insurance, to which such employee belongs on the date of the enactment of this Act if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Secretary of State.

(2) The difference in the costs between the benefits which would have been provided by such agency or entity and those provided by this section shall be paid by the Secretary of State.

(3) Any employee elected to give up membership in the program on the date of the enactment of this Act and who does so may elect to give up membership in any other employee benefit program of the Department of State or the President of the United States or any entity at any time within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(Sen.)
the excepted service concerned shall also dis-
qualify an applicant for appointment under this subsection.

SEC. 1108. PERSONNEL AUTHORITIES FOR TRANSFERRED FUNCTIONS.

(a) APPOINTMENTS.—(1) Subject to para-
graph (2), the Secretary of State may ap-
point and fix the compensation of such offi-
cers and employees, including investiga-
tors, attorneys, and administrative law judges, as
may be necessary to carry out the respective functions transferred to the Department of State.

(2) Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(b) EXPERTS AND CONSULTANTS.—The Sec-
retary of State may obtain the services of exp-
erts and consultants in connection with func-
tions transferred to the Department of State under this title in accordance with section 3109 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rates of pay for level II of the Executive Schedule under section 5315 of such title.

The head Secretary may pay ex-
erts and consultants who are serving from time to time and are regular place of service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) In General.—The Secretary of State shall review the property and facilities of each transferor agency for purposes of de-
termining if the property is required by the Department of State or other authorized official, a court of

(b) DEADLINE FOR TRANSFER.—Not later
than March 1, 1997, all property and facilities
shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

Exclusive authority prohibited by law or otherwise provided by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function transferred or granted to the Secretary under this title before the effective date of this title to such officers and employees of the Department of State as the Secretary may designate, and
may authorize successive re-delegations of such functions as may be necessary or appro-

No delegation of functions by the Secretary under this section or under any other provision of this title shall relinquish the Secretary of responsibility for the admin-

SEC. 1111. RULES.

The Secretary of State may prescribe, in accordance with the provisions of chapters 5 and 6 of title 5, United States Code, such rules and regulations as the Secretary deter-
mins or otherwise provided or indicated by the context—

SEC. 1112. INCIDENTAL TRANSFERS.

The Director of the Office of Management and Budget may, at such time or times as the Director shall provide, make such addi-
tions to functions transferred to the Secretary of State or otherwise provided or indicated by the context—

SEC. 1113. TRANSITIONAL AND TEMPORAL TRANSFERS.

The provisions of this title shall not affect any pro-
ceedings, including notices of proposed rule-
making, applications for license, permit, certifica-
tive, or financial assistance pending before the transferor agency at the time this title takes effect for that agency, or to functions transferred under this title but such proceedings and applica-
tions shall continue. Orders shall be is-
sued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this title had not been enacted, and orders issued in such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by opera-
tions of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions
of this title shall not affect suits commenced before the effective date of this title, and in
all such suits, proceedings shall be had, ap-
ppeals taken, and judgments rendered in the
same manner and with the same effect as if this title had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit,
action, or proceeding pending before the transferor agency, or by or against the transferor agency, or by or against any individual in the official capac-
ity of such individual as an officer of the agency, shall abate by reason of the enactment of this title.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any ad-
dministrative action relating to the promul-
gation of a regulation by the transferor agency relating to a function transferred under this title or by the Secretary of State under this title may be contin-
cued in the same manner and with the same effect as if such provision were not in effect.

SEC. 1114. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DO-
CUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contract cancellations, negotia-
tions, privileges, and other administrative ac-

(b) EFFECTIVE DATE OF THIS TITLE.—If a provision of this title or its application to any person or circumstance is declared by a court to be un-
constitutional, invalid, unconstitutional, or unconstitutionality, the remainder of this title and the application of the provision to other per-
sons or circumstances shall be affected.

SEC. 1115. TRANSITION.

The Secretary of State may utilize—

(1) the services of such officers and employees of any Federal agency or official thereof, as may be necessary or appro-

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementa-
tion of this title.

SEC. 1116. ADDITIONAL CONFORMING AMEN-
DMENTS.

The President may submit a report to the appropriate congressional committees con-
taining such recommendations for such addi-
tional technical and conforming amend-
ments to the laws of the United States as may be necessary to reflect the changes made by this division.

SEC. 1117. FINAL REPORT.

Not later than October 1, 1998, the Presi-
dent shall provide by written report to the Congress a final accounting of the findings and operations of the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agen-
cy for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term ‘‘appropriate congressional committees’’ means the Committee on For-

(2) the term ‘‘Federal agency’’ has the
 meaning given to the term ‘‘agency’’ by sec-
tion 551(1) of title 5, United States Code;

(3) the term ‘‘function’’ means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program on the part of the Government of the United States, including any office, administration, agency, institute, unit, organ-
izational entity, or component thereof;
S 10993

July 31, 1995

JULY 30, 1995

CONGRESSIONAL RECORD — SENATE

SEC. 1202. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT OVERSEAS POSTS.

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980. —Section 202 of the Foreign Service Act of 1980 (22 U.S.C. 2658) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (c) the following:

'(c)(1) In carrying out subsection (b), the head of each department, agency, or other entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of mission to a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees in the executive branch of Government who are performing duties in a foreign country).'

(b) REVIEW OF PROCEDURES FOR COORDINATION. —(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation which the President may determine to be necessary.

Resolved. That:

1. The Senate supports an independent Slovak and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.

HELMS AMENDMENT NO. 1927

ORDERED TO lie on the table.

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

Whereas Slovakia has held free elections, which have achieved acceptant membership in the European Union and is an active participant in NATO's Partnership for Peace;

Whereas while the print media is free in Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition;

Whereas opposition parliamentarians have been removed from certain Parliamentary committees which are now comprised mainly of governing coalition parliamentarians and at least one Parliamentarian oversight body, that on the Slovak Intelligence Service, has no opposition representation;

Whereas the Slovak parliament has abandoned mass privatization and has declared that the value of coupons issued to Slovak citizens will now be sold at the state Property Fund rather than on shares in the companies it owns opening up the possibility that the government will now be able to sell state companies to single investors, an approach which could favor those who are supporters of the ruling coalition; and

Whereas the political battle between the Slovak President and Prime Minister has resulted in the government taking all legal means to strip the President of certain powers in an apparent attempt to intimidate the people into resigning, steps which do not indicate respect for a division of powers and representative government; Now therefore be it.

Resolved, That:

1. The Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.

Resolved. That:

1. The Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.

Resolved. That:

1. The Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.

Resolved. That:

1. The Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.

Resolved. That:

1. The Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.

Resolved. That:

1. The Senate supports an independent Slovakia and commends the people of Slovakia for the steps they have taken and their sacrifices as Slovakia moves from a devastating communist rule to a democratic and free market society.

2. Future consideration of Slovakia for accelerated NATO transition assistance should be evaluated in terms of its government's progress towards freedom of press, representative government and privatization; and

3. The Committee on Foreign Relations hereby commends the people of Slovakia, the state television and state news agency are in government hands and have been used to advance the agenda of the ruling coalition; and

The United States Information Agency and the Broadcasting Board of Governors, and at least 1 vote pursuant to section 1704.
MACK (AND OTHERS) AMENDMENT NO. 1930

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MACK, for himself, Mr. GRANN, Mr. LIEBERMAN, Mr. HELMS, Mr. DOLE, and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, S. 908, supra, as follows:

On page 12 between line 20, insert the following new section:

SEC. 61B. CONGRESSIONAL NOTIFICATION OF CONTACTS WITH CUBAN GOVERNMENT OFFICIALS.

(a) Advanced Notification Required.—No funds made available under any provision of law may be used for the costs and expenses of negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban government relating to normalization of relations between the United States and Cuba unless 15 days in advance the President has notified the Speaker of the House and the chairmen of the Committee on Foreign Relations of the Senate in accordance with procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(b) Reports.—Within 15 days of any negotiations, meetings, discussions, or contacts between United States Government officials or representatives and officials or representatives of the Cuban government relating to normalization of relations between the United States and Cuba, the President shall submit a report to the Speaker of the House and the chairmen of the Committee on Foreign Relations of the Senate detailing the matters involved, the matters discussed, and any agreements made, including agreements to conduct future negotiations, meetings, discussions, or contacts.

DeWINE AMENDMENT NO. 1931

(Ordered to lie on the table.)

Mr. HELMS (for Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

On page 12 between lines 4 and 5, insert the following new section:

SEC. 61B. REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.

(a) Reimbursement Authorized.—Of the amounts authorized to be appropriated to the Department of State for extraordinary security expenses in connection with the safety and security of Columbus, Ohio, for the costs associated with the construction of the United States Courthouse in Columbus, Ohio, and for the costs associated with the provision of protective security services to the United States Courthouse in Columbus, Ohio in accordance with section 208 of title 3, United States Code, the amount of such expenses authorized to be reimbursed is $40,000,000.

(b) General Reimbursement Authority.—If any funds are made available for extraordinary security services in connection with the safety and security of Columbus, Ohio, for the costs associated with the construction of the United States Courthouse in Columbus, Ohio, and for the costs associated with the provision of protective security services to the United States Courthouse in Columbus, Ohio in accordance with section 208 of title 3, United States Code, the amount of such expenses authorized to be reimbursed is $40,000,000.

INHOFE AMENDMENT NO. 1932

(Ordered to lie on the table.)

Mr. HELMS (for Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

At the appropriate place in the bill, insert the following:

SEC. 61D. SENATE OF CONGRESS REGARDING THE GUATEMALAN PEACE PROCESS.

(a) Findings.—The Senate finds that—

(1) the Guatemalan peace process to end 34 years of insurgency and internal armed confrontation has produced 6 agreements under the auspices of the United Nations as a result of the leadership of Guatemalan President Ramiro de Leon Carpio;

(2) the agreements include accords on—

(A) the protection of human rights;

(B) the rights of indigenous peoples;

(C) the treatment and rights of returning refugees; and

(D) the establishment of a Historical Clarification Commission to address past violations of human rights by both Guatemalan government forces and the insurgent guerilla forces in the course of the 34-year internal armed confrontation;

(3) the Government of Guatemala has begun to implement the commitments reached in the peace process, including the United National Human Rights Verification Mission to Guatemala (MINUGUA), under which more than 400 international observers today are monitoring compliance by the Government of Guatemala with the human rights accord and civilian institutions; and

(4) the government of President de Leon Carpio has taken significant steps to strengthen and restructure judicial and public safety institutions, including the election of President de Leon Carpio by the Guatemalan constitutional court, the Guatemalan military and the Guatemalan people to the absence of recount or appeal. Crawford, for support of those elements of the Guatemalan government, the Guatemalan military, and the Guatemalan society who are committed to completing the peace process and to national reconciliation now, in the time of transition, when that assistance can be greatest assistance; and

(5) all friends of Guatemala should offer support for those elements of the Guatemalan government, the Guatemalan military, and the Guatemalan society who are committed to completing the peace process and to national reconciliation now, in the time of transition, when that assistance can be greatest assistance.

MURKOWSKI AMENDMENT NO. 1933

(Ordered to lie on the table.)

Mr. HELMS (for Mr. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill, S. 908, supra, as follows:

At the appropriate place, insert the following new section:

SEC. 61E. NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA AND THE UNITED STATES-KOREA AGREEMENT FRAMEWORK.

(a) Findings.—The Congress finds that—

(1) the Korean Peninsula to end 34 years of insurgency and internal armed confrontation has produced 6 agreements under the auspices of the United Nations as a result of the leadership of Guatemalan President Ramiro de Leon Carpio;

(2) the agreements include accords on—

(A) the protection of human rights;

(B) the rights of indigenous peoples;

(C) the treatment and rights of returning refugees; and

(D) the establishment of a Historical Clarification Commission to address past violations of human rights by both Guatemalan government forces and the insurgent guerilla forces in the course of the 34-year internal armed confrontation;
Korea'' means the Democratic People's Republic of Korea, South Korea means the Republic of Korea, and the term North and South Korea means the Democratic People's Republic of Korea and the Republic of Korea by citizens of both countries.

North Korea is vital to the implementation of the Agreed Framework Between the United States and North Korea, dated October 21, 1994, which states:

(1) reconnecting railroads and roadways between North and South Korea; (2) resuming a North-South joint military discussion and taking steps to reduce tensions between North and South Korea; (3) holding a North Korea-South Korea summit; (4) establishing liaison offices in both North and South Korea; (5) expanding trade relations between North and South Korea; (6) granting freedom to travel between North and South Korea by citizens of both countries; (7) cooperation in science and technology; education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest; (8) establishing postal and telecommunication services between North and South Korea; and (9) reconnecting railroads and roadways between North and South Korea.

McCAIN AMENDMENT NO. 1935 (Ordered to lie on the table.)

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION ACT. (a) CLARIFICATION OF POLICY. --Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-180) is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "weapons of mass destruction."

(b) SANCTIONS AGAINST IRAN. --Section 1603 of such Act is amended by striking out paragraphs (1) through (4) and inserting in lieu thereof paragraphs (1) through (8). (c) SANCTIONS AGAINST CERTAIN PERSONS. --Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery, or" before "to acquire".

(b) SUBSECTION (b) OF SUCH SECTION 1605 IS AMENDED BY ADDING AT THE END THE FOLLOWING NEW PARAGRAPH:

"(6) ADDITIONAL SANCTIONS. --The sanctions against Iraq specified in paragraphs (1), (3), (4), and (5) of section 1605 of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country."

(3) SUCH SECTION 1605 IS FURTHER AMENDED BY ADDING AT THE END THE FOLLOWING NEW PARAGRAPHS:

"(B) CORPORATIONS. --In the case of a sanctioned country.

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(6) ADDITIONAL SANCTIONS. --The sanctions against Iraq specified in paragraphs (1), (3), (4), and (5) of section 1605 of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) shall be applied to the same extent and in the same manner with respect to a sanctioned country."

(3) SUCH SECTION 1605 IS FURTHER AMENDED --(A) IN SUBSECTION (a)(2), BY STRIKING OUT "THE SANCTION" AND INSERTING IN LIEU THEREOF "THE SANCTION"; AND (B) BY STRIKING OUT SUBSECTION (c) AND INSERTING IN lieu thereof the following new subsection (c):

"(c) DISCRETIONARY SANCTIONS. --The sanctions referred to in subsection (a)(2) are as follows:

"(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT. --To acquire weapons of mass destruction, or the means of their delivery, or any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities;"
‘(2) Prohibition on vessels that enter ports of sanctioned countries to engage in trade.—

(A) in general.—Beginning on the 10th day following publication in the Federal Register of a determination by the President that a vessel is operating as an agent or representative of any foreign country in violation of a provision of subsection (1), no vessel shall be permitted to engage in trade with any foreign country or its national or commercial interests.

(B) definition.—As used in this paragraph, the term `vessel' includes every description of water craft or other contrivance that is in a condition to float, but does not include aircraft.

(C) in general.—The President may prescribe such rules and regulations as the President requires to carry out the purposes of this section.


The purposes of this title are to—

(a) suspend the authority of foreign air carriers owned or controlled, directly or indirectly, by that government of any country to engage in foreign transportation to or from the United States.

(b) by striking out “For a period of two years, the United States” in paragraphs (5), (6), and (21) of section 40102 of title 49, United States Code, with respect to foreign air carriers owned or controlled, directly or indirectly, by that government of the sanctioned country in accordance with the provisions of that agreement.


The findings of this title are that—

(a) by striking out “If” in subsection (a) and inserting in lieu thereof “Subject to section 1606A, if”;

(b) by striking out “For a period of one year,” in paragraphs (1), (3), and (4); and

(c) by striking out “for a period of one year,” in paragraph (2).

2003. Reports.

Mr. HELMS (for himself, Mr. DOLE, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D’AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. BRENNER, Mr. INHOFE, Mr. BINGHAM, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. RUZBISHA, Mr. BOB, and Mr. CUNNINGHAM) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

At the end of the bill, add the following new division: “Division C—Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.”

SECTION 2001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as “Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.”

(b) TABLE OF CONTENTS.—The table of contents of this division is as follows:

SEC. 2101. Purpose.

SEC. 2102. Restrictions on assisting governments of Cuba.

SEC. 2103. Restrictions on financial institutions.

SEC. 2104. Prohibition against indirect financing of Cuba.

SEC. 2105. United States opposition to Cuban membership in international financial institutions.

SEC. 2106. United States opposition to the termination of the suspension of the Government of Cuba from participation in the Organization of American States.

SEC. 2107. Assistance by the independent states of the former Soviet Union for the Government of Cuba.

SEC. 2108. Television broadcasting to Cuba.

SEC. 2109. Reports on commerce with, and assistance to, Cuba from other foreign countries.

SEC. 2110. Importation safeguard against certain Cuban products.

SEC. 2111. Reinstatement of general remittances and travel to Cuba.

SEC. 2112. News bureaus in Cuba.

TITLE II.—SUPPORT FOR A FREE AND INDEPENDENT CUBA

The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—
(A) the reduction in subsidies from the former Soviet Union;
(B) the decay of Communist tyranny and economic mismanagement by the Castro government;
(C) the precipitous decline in trade between the United States and the countries of the former Soviet bloc; and
(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba’s economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban people and has led to the manipulation of the desire of Cubans to escape that results in mass migration to the United States. The Castro government holds hostage in Cuba innocent Cubans whose relatives have been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

The consistent policy of the United States toward Cuba begins to stress the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba and has been effective in isolating the totalitarian Castro regime.

The purposes of this division are—
(1) to assist the Cuban people in regaining their freedom as well as in joining the community of democratic countries that are flourishing in the Western Hemisphere;
(2) to strengthen international sanctions against the Castro government;
(3) to provide for the continued national security of the United States in the face of the continuing threat of the Castro Government’s policies of terrorism, theft of property from United States nationals, and political manipulation of the desire of Cubans to escape that results in mass migration to the United States;
(4) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;
(5) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government in Cuba; and
(6) to protect American nationals against confiscatory takings and the wrongful trafficking in property confiscated by the Castro regime.

As used in this division, the following terms have the following meanings—
(A) Agency or Instrumentality of a Foreign State.—The term “agency or instrumentality of a foreign state” has the meaning given that term in section 3003(b) of title 28, United States Code, except as otherwise provided for in this division under section 2004(b).
(2) Appropriation. —The term “appropriation” means any property (including patents, copyrights, trademarks and any other form of intellectual property), whether real, personal, or mixed, and of every nature or description, or contingent right, security, or other interest therein, including any leasehold interest.
(B) For purposes of Title III of this division, the term "property" shall not include real property used for residential purposes, unless, at the time of enactment of this Act—

(i) the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949;

(ii) the property is occupied by an official of the Cuban government or the ruling political party in Cuba;

(2) TRANSITION GOVERNMENT.—As used in title III, a person or entity "traffic[s]" in property if that person or entity knowingly and intentionally—

(i) sells, transfers, distributes, dispenses, brokers, manages, or otherwise disposes of confiscated property, or purchases, leases, receives, possesses, controls of, manages, uses or otherwise acquires or holds an interest in confiscated property,

(ii) engages in a commercial activity using or otherwise benefitting from a confiscated property, or

(iii) causes, directs, participates in, or profits from, trafficking (as described in clauses (i) and (ii)) by another person, or otherwise engages in trafficking (as described in clauses (i) and (ii)) through another person, without the authorization of the United States national who holds a claim to the property.

(B) The term "traffic" does not include—

(i) the delivery of international telecommunications to Cuba;

(ii) the trading or holding of securities publicly traded or held, unless the trading is with or by a person determined by the Secretary of the Treasury to be a specially designated national;

(iii) transactions and uses of property incidental to lawful travel to Cuba, to the degree that such transactions and uses of property are necessary to the conduct of such travel; or

(iv) transactions and uses for residential purposes by a person who is both a citizen of Cuba and a resident of Cuba, and who is not an official of the Cuban government or the ruling political party in Cuba, unless, at the time of enactment of this Act, the claim to the property is held by a United States national and the claim has been certified under title V of the International Claims Settlement Act of 1949.

(13) TRANSITION GOVERNMENT IN CUBA.—The term "transition government in Cuba" means a government that the President determines is a transitional government consistent with the requirements and factors listed in section 2020.

(14) UNITED STATES NATIONAL.—The term "United States national" means—

(A) any United States citizen; or

(B) any other legal entity which is organized under the laws of the United States, or of any State, the District of Columbia, or the Commonwealth of Puerto Rico, or any other territory or possession of the United States, and which has its principal place of business in the United States.


S E C. 2010. STATEMENT OF POLICY.

It is the sense of Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose at the meetings of the Security Council, a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, employing efforts similar to sanctions conducted by United States representatives with respect to Haiti;

(3) any reporting of efforts by any independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, and the continuation of international and United States targeted at the United States and its citizens will have a detrimental impact on United States and its citizens will have a detrimental impact on United States assistance to such state; and

(4) in view of the threat to the national security posed by the operation of any nuclear facility by the Castro government's continuing blackmail to unleash another wave of Cuban refugees fleeing from Castro's oppression, most of whom find their way to other resources of the United States, the President should do all in his power to make it clear to the Cuban government that—

(A) the completion and operation of any nuclear power facility, or

(B) any further political manipulation of the desire of Cubans to escape that results in mass migration to the United States

will be considered an act of aggression which will be met with a response in order to maintain the security of the national borders of the United States and the health and safety of the American people.

S E C. 2012. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) AUTHORIZATION.—The President is authorized to furnish assistance and to make available other support for individuals and organizations to support democracy-building efforts in Cuba, including the following:

(1) Published and informational material, such as books, videos, and cassettes, on transitions to democracy, human rights, and market economies to be made available to independent democratic groups in Cuba.

(2) Humanitarian assistance to victims of political repression and their families.

(3) Support for democratic and human rights groups in Cuba.

(4) Support for visits and permanent deployment of independent international human rights monitors in Cuba.

(b) DENIAL OF FUNDS TO THE GOVERNMENT OF CUBA.—In enacting this section, the President shall take all necessary steps to ensure that no funds or other assistance are provided to the Government of Cuba or any of its agencies, entities or instrumentalities.

(c) SUPERSEDING OTHER LAWS.—Assistance may be provided under this section notwithstanding any other provision of law, except for section 634(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations, export financing, and related programs Act.

S E C. 2018. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states that the President should encourage foreign countries to restrict trade and credit relations with Cuba in a manner consistent with the purposes of that Act.

(2) The Congress further urges the President to take all steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State shall consider taking all necessary diplomatic and economic measures to ensure that the United States diplomatic personnel abroad understand and, in their contacts with foreign officials are communicating the reasons for the United States economic embargo of Cuba, and are urging foreign governments to cooperate more effectively with the embargo.


(b) TRADING WITH THE ENEMY ACT.—(1) Subsection (b) of section 16 of the Trading With the Enemy Act (50 U.S.C. App. 16(b)), as added by Public Law 102-484, is amended to read as follows:

(B) A civil penalty of not to exceed $50,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this division.

(2) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation under paragraph (1) shall, at the direction of the Secretary of the Treasury, be subject to seizure and forfeiture to the United States Government.

(3) Judicial review of any penalty imposed under this subsection may be had to the extent provided in section 702 of title 5, United States Code.

(2) Section 16 of the Trading With the Enemy Act is further amended—

(A) by striking subsection (b), as added by Public Law 102-393, and

(B) by striking subsection (c);

(c) COVERAGE OF DEBT-FOR-EQUITY SWAPS UNDER THE ECONOMIC EMBARGO OF CUBA.—Section 1704(b)(2) of the Cuban Democracy Act of 1992 (22 U.S.C. 6003(b)(2)), as amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

(B) Includes an exchange, reduction, or forgiveness of Cuban debt owed to a foreign country in return for a grant of an equity interest in a property interest, investment, or operation of the Government of Cuban or a Cuban national; and.

S E C. 2024. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—With respect to any other provision of law, no loan, credit, or other financing may be extended knowingly by a United States national, a permanent resident, or a United States national for the purpose of financing transactions involving any property confiscated by the Cuban government to the claim which is owned by a United States national as of the date of enactment of this provision, except for financing by the owner of the property or the claim holder for a permitted transaction.

(b) SUSPENSION AND TERMINATION OF PROHIBITION.—(1) The President is authorized to suspend this prohibition upon a determination pursuant to section 2204(a).

(2) The prohibition in subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba, as provided for in section 2020.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the civil penalties and fines applicable to any violation of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

S E C. 2025. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTER-NATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUING OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS—
(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose the admission of Cuba as a member of such institutions until the President submits a determination pursuant to section 2203(c).

(2) Once the President submits a determination under section 2203(a) that a transition government in Cuba is in power—

(A) the President is encouraged to take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership criteria of such institutions, after a democratically elected government in Cuba is in power, and

(B) the Secretary of the Treasury is authorized to instruct the United States executive director of each international financial institution to support loans or other assistance to Cuba only to the extent that such loans or assistance contribute to a stable foundation for a democratically elected government in Cuba.

SEC. 2106. UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to the Cuban government or, in the absence of a democratically elected government in the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of such loan or assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(3) DEFINITION.—In this section, the term "international financial institution" means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Bank for Reconstruction and Development, the Inter-American Development Bank, and the Inter-American Investment Corporation.

SEC. 2107. UNITED STATES OPPOSITION TO TERMINATION OF THE SUSPENSION OF INTERGOVERNMENTAL ASSISTANCE TO CUBA FROM PARTICIPATION IN THE ORGANIZATION OF AMERICAN STATES.

The President shall instruct the United States Permanent Representative to the Organization of American States to oppose and vote against any termination of the suspension of the Cuban government from participation in the Organization of American States until the President determines under section 2203(c) that a democratically elected government in Cuba is in power.

SEC. 2108. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION FOR THE GOVERNMENT OF CUBA.—

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this division, the President shall submit to the appropriate congressional committees a report detailing progress toward the withdrawal of personnel of any independent state of the former Soviet Union (with the meaning of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cuban military and intelligence services. The report shall contain information on the number of such persons and the number of those who have left Cuba. The report shall also describe the extent to which the Russian Government has assured the United States Government that the Russian Government is not sharing intelligence data collected at the Lourdes facility with officials or agents of the Cuban Government.

(b) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this division, and by January 1 each year thereafter until the President submits a determination under section 2203(a) that a democratically elected government in Cuba is in power, the President shall submit to the appropriate congressional committees a report describing the intelligence activities of Russia in Cuba, including the purposes for which the Lourdes facility is used by the Russian Government and the extent to which the Russian Government provides payment or government credits to the Cuban Government for the continued use of the Lourdes facility.

(c) Periodic Reports.—Not later than 45 days after the date of enactment of this division, and every three years thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees describing progress made in carrying out subsection (a).

(d) TERMINATION OF BROADCASTING AUTHORITY.—Upon transmittal of a determination to the President under section 2109 that the television broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) and the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) are repealed. The Director or the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Martis Service to ultra high frequency (UHF) broadcasting.

(e) CONTENTS OF REPORTS.—Each report required by this section shall include the following:

(A) a description of Cuba's, commercial trade with the United States, including an identification of Cuba's trading partners and the extent of such trade;
(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the locations of such facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States national;

(5) a determination of the amount of Cuban debt owed to each foreign country, including:

(A) the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(B) the debt owed to the foreign country that has been exchanged, reduced, or forgiven in return for a grant by the Cuban government of an equity interest in a property, investment or operation of the Government of Cuba or of a Cuban national;

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties; and

(7) an identification of countries that purchase, or have purchased, arms or military supplies, so that otherwise they have entered into agreements with Cuba that have a military application, including:

(A) a description of the military supplies, equipment or other material sold, bartered, or exchanged between Cuba and such countries;

(B) a listing of the goods, services, credits, or other consideration received by Cuba in exchange for military supplies, equipment, or material, and

(C) the terms or conditions of any such agreement.

SEC. 2111. NEWS BUREAUS IN CUBA.

(a) E STABLISHMENT OF NEWS BUREAUS.ÐThe Congress notes that section 515.204 of title 31, Code of Federal Regulations, that prohibits the entry of, and dealings outside the United States in, any article which is the growth, produce, or manufacture of Cuba.

(1) It is the policy of the United States that:

(A) is of Cuban origin,

(B) is or has been located in or transported from Cuba, or

(C) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(2) The Congress notes that United States sanctions against Cuba, noting that the statement of administrative action accompanying that trade agreement specifically states the following:

(A) "The NAFTA rules of origin will not in any way diminish the Cuban sanctions program. . . . Nothing in the NAFTA would operate to override this prohibition."

(3) P R ODUCT OF CUBA .ÐThe term "product of Cuba" means any and all news services, news organizations that have bureaus in Cuba.

(4) Protection of essential security interests of the United States requires enhanced assurances that sugar products that are entered are not products of Cuba.

(b) I N GENERAL .Ð(1) Notwithstanding any other provision of law, no sugar or sugar product shall enter the United States unless:

(A) the exporter of the sugar or sugar product to the United States has certified, to the satisfaction of the Secretary of the Treasury, that the sugar or sugar product is not a product of Cuba.

(b) I N GENERAL .Ð(2) If the exporter described in paragraph (1) is not the producer of the sugar or sugar product, the exporter shall certify to the origin of the sugar or sugar product on the basis of:

(A) its reasonable reliance on the producer's written representations as to the origin of the sugar or sugar product; or

(B) a certification of the origin of the sugar product by its producer, that is voluntarily provided to the exporter by the producer.

(c) C E RTIFICATION .ÐThe Secretary of the Treasury shall prescribe the form, content, and manner of submission of the certification (including documentation) required in connection with the entry of sugar or sugar products. In the strict enforcement of this section. Such certification shall be in a form sufficient to satisfy the Secretary that the exporter has taken steps to ensure that it is not exporting to the United States sugar or sugar products that are a product of Cuba.

(d) P ENALTIES .Ð

(1) UNLAWFUL ACTS .ÐIt is unlawful to:

(A) enter any article or product into the United States without a written representation as to the origin of such article of product; or

(B) make a false certification under subsection (c).

(2) F ORFEEITURE .ÐAny person or entity that violates paragraph (1) shall forfeit to the United States:

(A) the subject of the violation, and

(B) any article or product involved in such violation.

The Customs Service may exercise the authorities it has under sections 581 through 641 of the Tariff Act of 1930 (19 U.S.C. 1581 through 1641) in order to carry out paragraphs (a) through (c).

(e) R EPORTS TO CONGRESS.ÐThe Secretary of the Treasury shall report to the Congress on any unlawful acts and penalties imposed under subsection (d).

(f) P UBLICATION OF L ISTS OF V IOLATORS .Ð

(1) The Secretary of the Treasury shall publish in the Federal Register, not later than March 31 and September 30 of each year, a list containing, to the extent such information is available, the name of any person or entity that has been removed from the customs territory of the United States whose acts result in a violation of paragraph (1)(A) of subsection (d) who violate paragraph (1)(B) of subsection (d).

(2) Any person or entity whose name has been included in a list published under paragraph (1) may petition the Secretary to be removed from such list. If the Secretary finds that such person or entity has not committed any violations described in paragraph (1) for a period of not less than 1 year after the date on which the name of the person or entity was so published, the Secretary shall remove such person from the list as of the next publication of the list under paragraph (1).

(g) D EFINITIONS .ÐFor purposes of this section:

(1) E NTER . ÐThe terms "enter" and "entry"—mean entered, or withdrawn from, consumption, in the customs territory of the United States.

(2) P RODUCT OF CUBA . ÐThe term "product of Cuba" means a product that—

(A) is of Cuban origin,

(B) is or has been located in or transported from Cuba, or

(C) is made or derived in whole or in part of any article which is the growth, produce, or manufacture of Cuba.

(3) S UGAR, S UGAR P RODUCT . ÐThe term "sugar" and "sugar product" means sugars, syrups, molasses, or products with sugar content described in additional U.S. note 5 to Chapter 24 of the Harmonized Tariff Schedule of the United States.
(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, subject to subsections 2203(a) and (c).

(2) EFFECT ON OTHER LAWS.—Subject to section 2203(a)(7), the President is authorized to provide such forms of assistance to Cuba as are provided for in subsection (b), notwithstanding any other provision of law, except for—

(A) this division;

(B) section 2203(a)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2370a(2)); and

(C) section 2203(d) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2394) and comparable notification requirements contained in sections of the annual foreign operations appropriation acts.

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing, to the extent possible, the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) TYPES OF ASSISTANCE.—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) TRANSITION GOVERNMENT.—(i) The plan developed under paragraph (1)(A) for assistance to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet the basic human needs of the Cuban people.

(ii) When a transition government in Cuba is in power, the President is encouraged to remove or modify restrictions that may exist on—

(I) remittances by individuals to their relatives in Cuba other than that the provision of such services and costs in connection with such travel shall be internationally competitive;

(ii) freedom to travel to visit Cuba; and

(iii) upon congressional notice of a determination under section 2203(a) that a transition government in Cuba is in power, the President is encouraged to take such other steps as will encourage renewed investment in Cuba to contribute to a stable foundation for a democratically elected government in Cuba.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—(I) The plan developed under paragraph (1)(B) for assistance for a democratically elected government in Cuba shall consist of assistance to promote free market development, private enterprise, and a mutually beneficial trading relationship with the United States and Cuba. Such assistance should include—

(I) financing, guarantees, and other assistance described in section 2302 of the Export-Import Bank of the United States;

(II) insurance, guarantees, and other assistance to the Export-Import Bank of the United States and the Trade and Development Agency for investment projects in Cuba;

(III) assistance provided by the Trade and Development Agency for infrastructure projects in Cuba;

(IV) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(V) Peace Corps assistance.

(C) INTERNATIONAL EFFORTS.—The President is encouraged to take the necessary steps to—

(I) to seek to obtain the agreement of other countries and international organizations to provide assistance to a transition government in Cuba and to a democratically elected government in Cuba;

(2) to work with such countries, institutions, and organizations to coordinate all such assistance programs.

(d) REPORT ON TRADE AND INVESTMENT RELATIONS.—

(1) REPORT TO CONGRESS.—The President, following the transmittal to the Congress of a determination under section 2203(c) that a democratically elected government in Cuba is in power, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees a report setting forth—

(A) acts, policies, and practices which constitute significant barriers to, or distortions of, United States trade in goods or services or foreign direct investment with respect to Cuba;

(B) policy objectives of the United States relating to trade relations with a democratically elected government in Cuba, and the reasons therefor, including possible—

(i) reciprocal extension of nondiscriminatory trade treatment (most-favored-nation treatment); and

(ii) designation of Cuba as a beneficiary developing country under part V of the Trade Act of 1974 (referred to in that Act as the "generalized system of preferences"); or as a beneficiary country under the Caribbean Basin Economic Recovery Act of 1983, each designation with respect to trade and any other country that is such a beneficiary developing country or beneficiary country or is a party to the North American Free Trade Agreement; and

(iii) negotiations regarding free trade, including the accession of Cuba to the North American Free Trade Agreement;

(C) specific trade negotiating objectives of the United States with respect to Cuba, including the objectives described in section 108(b)(5) of the North American Free Trade Agreement Implementation Act; and

(D) actions proposed or anticipated to be undertaken, and any proposed legislation necessary or appropriate, to achieve any such policy and negotiating objective.

(2) CONSULTATION.—The President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate and other appropriate committees and shall seek advice and recommendations from such committees established under section 135 of the Trade Act of 1974 regarding the policy and negotiating objectives and the legislative proposals discussed in paragraph (1).

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President is encouraged to take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date on which the President makes a determination under this section, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. 2203. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination, consistent with the requirements and factors in section 2205, that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide assistance pursuant to section 2203(b)(2)(A).

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance authorized under section 2203(b)(2)(A) to the transition government in Cuba, the types of such assistance, and the extent to which such assistance has been distributed.

(2) The President shall transmit the report no later than 90 days after the date on which the determination referred to in paragraph (1), except that the President shall consult regularly with the appropriate congressional committees regarding the development of the plan.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—Upon making a determination, consistent with section 2206, that a democratically elected government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the authorization of appropriations and the availability of appropriations, commence to provide such forms of assistance as may be included in the plan for assistance pursuant to section 2203(b)(2)(B).

(d) ANNUAL REPORTS TO CONGRESS.—Once the President has transmitted a determination referred to in either subsection (a) or (c), the President shall, not later than 60 days after the end of each fiscal year, transmit to the appropriate congressional committees a report on Ways and Means of the House of Representatives, and should, subject to the authorization of and the availability of appropriations, commence to provide such forms of assistance as may be included in the plan for assistance pursuant to section 2203(b)(2)(B).

SEC. 2204. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) PRESIDENTIAL ACTIONS.—Upon submitting a determination to the appropriate congressional committees under section 2203(a) that a transition government in Cuba is in power, the President, after consulting with the Congress, is authorized to take steps to suspend the economic embargo on Cuba and to suspend application of the right of action created in section 2302 hereof as to actions thereafter filed against the government of Cuba. Such assistance shall contribute to a stable foundation for a democratically elected government in Cuba.

(b) SUSPENSION OF CERTAIN PROVISIONS OF LAW.—In carrying out subsection (a), the President may—

(1) section 603 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370a(2)); and

(2) section 604(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370n(f)) with regard to the "Republic of Cuba."
(4) section 902(c) of the Food Security Act of 1985; and
(5) the prohibitions on transactions described in part 515 of the title 31, Code of Federal Regulations.
(c) Additional Presidential Actions.—Upon submitting a determination to the appropriate congressional committees under section 2203(c) that a democratically elected government in Cuba is in power, the President shall take steps to terminate the economic embargo of Cuba.
(d) Conforming Amendments.—On the date on which the President submits a determination under section 2203(c):
(1) section 406(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;
(2) section 601(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(d)) is amended by striking "Republic of Cuba";
(3) sections 1704, 1705(d), and 1706 of the Cuba Democracy Act (22 U.S.C. 6003, 6004(d), 6005); and
(4) section 902(c) of the Food Security Act of 1985 is repealed.
(e) Review of Suspension of Economic Embargo.—
(1) Review.—If the President takes action under subsection (a) to suspend the economic embargo, the President shall promptly notify Congress. The President shall report to Congress no less frequently than every 6 months thereafter, until the determination under section 2203(c) that a democratically elected government in Cuba is in power, on the progress being made by Cuba toward the establishment of such a democratically elected government. The action of the President under subsection (a) shall cease to be effectual upon the enactment of a joint resolution described in subsection (2).
(2) Joint Resolutions.—For purposes of this subsection, the term "joint resolution" means a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress disapproves the action of the President under section 2204(a) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995 to suspend the economic embargo of Cuba, notice of which was submitted to the Congress on [date], with the blank space filled with the appropriate date.
(f) Referral to Committees.—Joint resolutions introduced in the House of Representatives or referred to the Committee on International Relations and joint resolutions introduced in the Senate shall be referred to the Committee on Foreign Relations.
(g) Procedure.—(a) Any joint resolution shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.
(b) For the purpose of expediting the consideration and enactment of joint resolutions, a motion to proceed to the consideration of any joint resolution after it has been reported by the appropriate committee shall be in order, and shall be considered privileged in the House of Representatives.
(C) Not more than 1 joint resolution may be considered in the House of Representatives and the Senate in the 6-month period beginning on the date on which the President notifies the Congress under paragraph (1) of the action taken under subsection (a), and in addition thereto, thereafter.
SEC. 2205. REQUIREMENTS FOR A TRANSITION GOVERNMENT.
(a) A determination under section 2203(c) that a transition government in Cuba is in power shall not be made unless that government has taken the following actions—
(1) the full cooperation of the government;
(2) released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;
(3) dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades; and
(4) committed to organizing free and fair elections in Cuba—
(i) to be held in a timely manner within 2 years after the transition government assumes power;
(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including the internet (or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and
(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other election monitors;
(b) In addition to the requirements in subsection (a), in determining whether a transition government is in power in Cuba, the President shall take into account the extent to which that government—
(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;
(2) has publicly committed itself to, and is making demonstrable progress in—
(A) establishing an independent judiciary;
(B) respecting internationally recognized human rights as set forth in the Universal Declaration of Human Rights;
(C) effectively guaranteeing the rights of free speech and freedom of the press, including granting permits to privately owned media and telecommunications companies to operate in Cuba;
(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;
(E) assuring the right to private property; and
(F) allowing the establishment of independent trade unions as set forth in conventions 87 and 98 of the International Labor Organization, and allowing the establishment of independent social, economic, and political associations;
(3) has ceased any interference with broadcasts by Radio Martí or the Television Martí Service;
(4) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and
(5) permits the deployment throughout Cuba of independent and unfettered international human rights monitors.
SEC. 2206. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.
For purposes of determining under section 2203(c) of this title, a democratically elected government in Cuba is in power, the President shall take into account whether, and the extent to which, that government—
(1) results from free and fair elections—
(A) conducted under the supervision of internationally recognized observers; and
(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;
(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;
(3) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property; and
(4) is committed to making constitutional changes that would ensure regular free and fair elections and the full enjoyment of basic civil liberties and human rights by the citizens of Cuba; and
(5) is continuing to comply with the requirements of section 2205.
SEC. 2207. SETTLEMENT OF OUTSTANDING U.S. CLAIMS TO CONFISCATED PROPERTY IN CUBA.
(a) Support for a Transition Government.—Notwithstanding any other provision of this division—
(1) no assistance may be provided under the authority of this Act to a transition government in Cuba; and
(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a democratically elected government in Cuba, unless the President determines and certifies to Congress that such a government has publicly committed itself, and is taking appropriate steps, to establish a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.
(b) Support for a Democratically Elected Government.—Notwithstanding any other provision of this division—
(1) no assistance may be provided under the authority of this Act to a democratically elected government in Cuba; and
(2) the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any loan or other utilization of the funds of such bank or institution for the benefit of a democratically elected government in Cuba, unless the President determines and certifies to Congress that such a government has adopted and is effectively implementing a procedure under its law or through international arbitration to provide for the return of, or prompt, adequate and effective compensation for, property confiscated by the Government of Cuba on or after January 1, 1959, from any person or entity that is a United States national who is described in section 620(a)(2) of the Foreign Assistance Act of 1961, as amended.
(c) Report to Congress.—Not later than 180 days after the date of enactment of this title, the Secretary shall provide a report to the appropriate congressional committees containing an assessment of the property dispute question in Cuba, including—
(1) an estimate of the number and amount of claims to property confiscated by the Cuban government held by United States nationals and other persons described in section 507 of the International Claims Settlement Act of 1949;
(2) an assessment of the significance of promptly resolving confiscated property claims to the revitalization of the Cuban economy;
(3) a review and evaluation of technical and other assistance that the United States could provide to help either a transition government in Cuba or a democratically elected government in Cuba establish mechanisms to receive property claims; and
(4) an assessment of the role and types of support the United States could provide to help resolve claims to property confiscated by the Cuban government on behalf of United States nationals who did not receive or qualify for certification under section 507 of the...
International Claims Settlement Act of 1940, and
(5) an assessment of any areas requiring legislative review or action regarding the resolution of property claims in Cuba prior to a change of government in Cuba.
(d) It is the sense of the Congress that the satisfactory resolution of property claims by a Cuban government recognized by the United States remains an essential condition for the full resumption of economic and diplomatic relations between the United States and Cuba.
(e) WAIVER.—The President may waive the prohibitions in subsections (a) and (b) if the President determines and certifies to the Congress that, in the vital national interest of the United States to provide assistance to contribute to the stable foundation for a democratically elected government in Cuba.

TITLe III—ProTektion of PrOperty RIGHTS of UNIted StAtes nAtion-RAls AGAINSt confiscatory takings By The Cuban government

SEC. 2301. STATEMENT OF POLICY.
The Congress makes the following findings:

(1) Individuals enjoy a fundamental right to own and enjoy property which is enshrined in the United States Constitution.
(2) The wrongful confiscation or taking of property belonging to United States nationals by the Cuban government, and the subsequent economic exploitation of property confiscated under the pretext of the rightful owner, undermines the comity of nations, the free flow of commerce, and economic development.
(3) Since Fidel Castro seized power in Cuba in 1959—
(A) he has trampled on the fundamental rights of the Cuban people, and
(B) in this unilateral despotism, he has confiscated the property of—
(i) millions of his own citizens,
(ii) thousands of United States nationals, and
(iii) thousands more Cubans who claimed asylum in the United States as refugees because of persecution and later became naturalized citizens of the United States.
(4) It is in the interest of the Cuban people that the government of Cuba respect equally the property rights of Cuban and foreign nationals.
(5) The Cuban government is offering foreign investors the opportunity to purchase an equable share, or enter into joint ventures with property and assets some of which were confiscated from United States nationals.
(6) "Stiffing" in confiscated property provides badly needed financial benefits, including hard currency, oil and productive investment and expertise, to the current government of Cuba and thus undermines the foreign policy of the United States—
(A) to bring democratic institutions to Cuba through the pressure of a general economic embargo at a time when the Castro re
gime has proven to be vulnerable to international economic pressure, and
(B) to protect the claims of United States nationals who had property wrongfully confiscated by the Cuban government.
(7) The U.S. State Department has notified other governments that the transfer of properties confiscated by the Cuban government to third parties "would complicate any attempt to return them to their original owners."
(8) The international judicial system, as currently structured, lacks fully effective remedies for the wrongful confiscation of property and for unjust enrichment from the use of confiscated property by governments and private entities at the expense of the rightful owners of the property.
(9) International law recognizes that a nation has the ability to provide for rules of law with respect to "conduct outside its territory that has or is intended to have substantial impact on its territory."
(10) The United States Government has an obligation to its citizens to provide protection against confiscation of property by foreign nations and their citizens, including the provision of private remedies.
(11) To deter trafficking in wrongly confiscated property, United States nationals who were the victims of these confiscations should be endowed with a judicial remedy in the Courts of the United States that would allow such nationals to economically exploita
cally investing Castro's wrongful seizures.

SEC. 2302. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY HELD BY UNITED STATES NATIONALS.

(a) CIVIL REMEDY.—(1) LIABILITY OF TRAFFICKING.—(A) Except as otherwise provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that after the end of the 6-month period action is brought under subsection (b) of this provision traffics in property which was con
fiscated by the Government of Cuba on or after January 1, 1959, shall be liable to the owner of such confiscated property, or to any person or entity, for money damages in an amount equal to the sum of—
(I) the fair market value of that property, calculated as being the then current fair market value of that property, or the value of the property when confiscated plus interest, whichever is greater; and
(ii) reasonable attorney's fees.
(2) Interest under subparagraph (A)(i) shall be the interest determined under section 2303(a)(2), plus interest; or
(iii) the fair market value of that property, calculated as being the then current fair market value of that property, or the value of the property when confiscated plus interest, whichever is greater; and
(ii) reasonable attorney's fees.
(3) For all actions brought under this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, is liable under clause (i) of paragraph (1)(A) if the claimant shows that such an action involves property acquired by the Government of Cuba before the date of enactment of this division, or national economic pressure, and Cuba.
(4) It is the sense of the Congress that the transfer of properties confiscated on or after the date of the enactment of this division, no United States national may bring an action under this section.
(5) TREATMENT OF CERTAIN ACTIONS.—(A) In the case of any action brought by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied, the court shall order that the United States national shall be entitled to bring an action under this title.
(B) In the case of any other action brought under this title by a United States national whose claim in the action was timely filed with the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949 but was denied, the court may order that the United States national shall be entitled to bring an action under this title.

(a) CIVIL REMEDY.—(1) LIABILITY OF TRAFFICKING.—(A) Except as otherwise provided in this section, any person or entity, including any agency or instrumentality of a foreign state in the conduct of a commercial activity, that after the end of the 6-month period action is brought under subsection (b) of this provision traffics in property which was con
fiscated by the Government of Cuba on or after January 1, 1959, shall be liable to the owner of such confiscated property, or to any person or entity, for money damages in an amount which is the sum of the amount equal to the amount determined under paragraph (1)(A)(ii), plus the amount determined applicable compensation clause (1)(A)(i).
(2) A MOUNT IN CONTROVERSY.ÐAn action under this section may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of enactment of this division.
(3) For all actions brought under section 2302 of the Cuban Liberty and Democratic
Solidarity (LIBERTAD) Act of 1995, no judgment by default shall be entered by a court of the United States against the government of Cuba, its political subdivision, or its agencies or instrumentalities, unless a government recognized by the United States in Cuba is given the opportunity to cure and be heard thereon and the claimant establishes his claim to recovery by evidence satisfactory to the court.

(c) Certain Property Immune From Execution.—Section 1611 of title 28, United States Code, is amended by adding at the end of the following:

"(c) Notwithstanding the provisions of section 1611(a), the foreign state shall be immune from attachment and from execution in an action brought under section 1609(7) to the extent the property is a facility or installation used for non-military purposes.''.

(g) Termination of Rights.—(1) All rights created under this section to bring an action for money damages with respect to property confiscated by the Government of Cuba before the date of enactment of this division shall cease upon transmittal to the Congress of a determination of the President under section 2303(c).

(2) The termination of rights under paragraph (1) shall affect suits commenced before the date of such termination, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and subject to the same rules of procedure as if this subsection had not been enacted.

(b) Amendment of the International Claims Settlement Act of 1949—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 2303, is further amended by adding at the end the following new section:

"SEC. 2304. EXCLUSIVITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION CERTIFICATION PROCEDURE.

(A) Amendment of the International Claims Settlement Act of 1949—Title V of the International Claims Settlement Act of 1949 (22 U.S.C. 1643 and following), as amended by section 2303, is further amended by adding at the end the following new section:

"SEC. 514. Exclusivity of Foreign Claims Settlement Commission Certification Procedure.

(a) EVIDENCE OF OWNERSHIP.—(1) In any action brought by a United States national to recover property or nonmonetary compensation resulting from the confiscations of property by the Government of Cuba, the accused shall accept as conclusive proof of ownership a certification of a claim to ownership that has been made by the Foreign Claims Settlement Commission before the enactment of this division, a court may appoint a Special Master, including the Foreign Claims Settlement Commission, to make determinations regarding the amount of ownership of claims to ownership of confiscated property by the Government of Cuba. Such determinations are only for purposes of civil actions brought under this title and do not constitute certifications pursuant to title V of the International Claims Settlement Act of 1949.

(2) In determining ownership, courts shall not accept as conclusive evidence of ownership any findings, orders, judgments, or decrees from administrative agencies or courts of foreign countries or international organizations that invalidate the claim held by a United States national, unless the invalidation was obtained by having a claim certified by the Commission pursuant to section 507, nor shall any district court of the United States have jurisdiction to determine any such claim.

(b) Nothing in subsection (a) shall be construed to detract from or otherwise affect any right in the shares of capital stock of the United States-owned claims certified by the Commission under section 507."

BROWN AMENDMENT NO. 1937

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new title:

"TITLE — NATO PARTICIPATION ACT AMENDMENTS OF 1995"

SEC. 01. SHORT TITLE.

This title may be cited as the "NATO Participation Act Amendments of 1995."

SEC. 02. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO has expanded its membership on three different occasions since 1949:

(a) The sustained commitment of the member countries of NATO to mutual defense of their security ultimately made possible the democratic transformation in Central and Eastern Europe and the demise of the Soviet Union.

(b) NATO was designed to be and remains a defensive military organization whose members have never contemplated the use of, or used, military force to expand the borders of its member states.

(c) While the immediate threat to the security of the United States and its allies has been reduced with the collapse of the Iron Curtain, new security threats, such as the situation in Bosnia and Herzegovina, are emerging to the shared interests of the member countries of NATO.

(d) NATO remains the only multilateral security organization capable of conducting effective military operations to protect Western interests.

(3) NATO has played a positive role in defusing tensions between NATO members and,
as a result, no military action has occurred between two NATO member states since the inception of NATO in 1949.

NATO is also an important diplomatic forum in the resolution of disputes.

(9) America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(10) Any threat to the security of the newly emerging democracies in Central Europe would pose a security threat to the United States.

(11) The admission to NATO of Central and Eastern European countries that have been freed from Communist domination and that meet the principles of the North Atlantic Treaty Organization for membership in and support for NATO military activities, and costs of NATO membership; and political commitments embodied in the Helsinki Final Act (Security and Cooperation in Europe) and in the principles of the North Atlantic Treaty Organization for membership in and support for NATO military activities; and political commitments embodied in the Helsinki Final Act (Security and Cooperation in Europe) and the North Atlantic Treaty Organization for membership in and support for NATO military activities.

(12) A number of countries have expressed varying degrees of interest in NATO membership, and have taken concrete steps to demonstrate this commitment.

(13) Full integration of Central and Eastern European countries into the North Atlantic Alliance after such countries meet essential criteria for admission would enhance the security of the Alliance and, thereby, contribute to the security of the United States.

(14) The expansion of NATO can create the stable environment needed to successfully complete the political and economic transformation envisioned by Eastern and Central European countries.

(15) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the date for membership of each country will vary.

(16) The provision of NATO transition assistance should include those countries most ready for closer ties with NATO, such as Poland, Hungary, the Czech Republic and Slovakia, and should be designed to assist other countries meeting specified criteria of eligibility to move toward eventual NATO membership, including Lithuania, Latvia, Estonia, Ukraine, Romania, Bulgaria, and Slovenia.

(17) Lithuania, Latvia, and Estonia have made significant progress in preparing for NATO membership and should be considered for inclusion in programs for NATO transition assistance.

SEC. 203. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist European countries emerging from communist domination in their transition so that such countries may eventually qualify for NATO membership;

(3) to use the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under subsection (d) but not currently considered for inclusion in programs for NATO transition assistance;

(4) to work to define the political and security relationship between an enlarged NATO and the Russian Federation.

SEC. 204. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) Establishment of Program.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) Establishment of Program.—The President shall establish a program to assist countries designated under subsection (d) in the transition to full NATO membership."

(b) Eligible Countries.—

(1) Eligibility.—Subsection (d) of section 203 of such Act is amended to read as follows:

"(d) Eligibility of Countries.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, Latvia, and Lithuania."

(2) Eligible Countries.—Subsection (e) of section 203 of such Act is amended by adding at the end the following new paragraphs:


(F) Funds appropriated by the Congress under the "Non-proliferation and Disarmament Fund" account.

(3) Funds appropriated by the Congress under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs)."

(4) Type of Assistance.—Subsection (i) of section 203 of such Act is amended by adding at the end the following new paragraph:

"(I) immediately after "TYPE OF ASSISTANCE.—"; and

(5) Funds appropriated by the Congress under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs)."

(6) Type of Assistance.—Subsection (i) of section 203 of such Act is amended by adding at the end the following new paragraph:

"(I) immediately after "Funds appropriated by the Congress under chapter 6 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs)."

SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

The NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended—

(1) by redesignating section 205 as section 206;

(2) by inserting after section 204 the following:

"SEC. 205. PARTICIPATION IN THE NORTH ATLANTIC COUNCIL.

"(a) Establishment of Program.—The President shall, at all bilateral and international fora, use the voice and vote of the United States to urge observer status in the North Atlantic Council for countries designated under subsection (d) that are receiving assistance under that chapter."

SEC. 206. TERMINATION OF ELIGIBILITY.

Section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(d) Termination of Eligibility.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

(2) Certification.—If the President determines that the government of a country designated under subsection (d)—

"(A) poses a national security threat to the United States;

(3) Certification.—The President shall certify to the appropriate congressional committees, that such country—

"(A) has provided the Congress with a certification of its eligibility to receive assistance under that chapter.

SEC. 207. APPROPRIATIONS FOR PROGRAM.

Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) Appropriations.—(1) Of the amounts made available under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to peacekeeping operations and other programs) for fiscal years 1996 and 1997, in providing assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President shall include as an important component of such assistance the provision of sufficient language training to enable military personnel to participate further in programs for military training and in defense exchange programs.

(3) Of the amounts made available under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training), not less than $5,000,000 for fiscal year 1996 and not less than $5,000,000 for fiscal year 1997 shall be made available to—

"(A) the attendance of additional military personnel of Poland, Hungary, the Czech Republic, and Slovakia at professional military education institutions in the United States in accordance with section 544 of such Act; and

(4) the placement and support of United States instructors and experts at military educational centers within the countries designated under subsection (d) that are receiving assistance under that chapter;"
date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 17 of the Foreign Assistance Act of 1961 (22 U.S.C. 2377).

"(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

"(B) references to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Appropriations of Congress.

(c) DEFINITIONS. As used in this section:

(1) The term 'United Nations peacekeeping operations' includes any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council and that is conducted by the United Nations.

(2) The term 'appropriate committees of Congress' means—

(A) the Committee on Appropriations of Congress; and

(B) the Committee on Foreign Relations of the Senate

"SEC. 207. DEFINITIONS."

"The term 'NATO' means the North Atlantic Treaty Organization."
(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the "GATT") and the World Trade Organization (hereafter in this amendment referred to as the "WTO") is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, non-tariff barriers, and by encouraging reciprocal reductions in tariffs among members; (2) The GATT/WTO is based on the assumption that the export and import of goods are conducted by independent enterprises responding to profit incentives and market forces; (3) The GATT/WTO requires that nonmarket economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members; (4) The People's Republic of China (hereinafter referred to as "China") and the Republic of China on Taiwan (hereinafter referred to as "Taiwan") upon membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications; (5) Taiwan's membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO; (6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world; (7) Taiwan is a global national product that is the world's twentieth largest, its foreign exchange reserves are among the largest in the world and it has become that world's seventeenth brand; (8) Taiwan has made substantive progress in agreeing to reduce GATT/WTO access to the tariff level of many products, and non-tariff barriers; (9) Taiwan has also made significant progress in other aspects of international trade, such as intellectual property protection and opening its financial services market; (10) Despite some progress in reforming its economic system and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles; (11) It has an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China's tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its economic transition; (12) China continues to use direct and indirect subsidies to promote exports; (13) China often manipulates its exchange rate to the depreciation of payments adjustments and gain unfair competitive advantages in trade; (14) Taiwan and China's accession to the GATT/WTO have important implications for the United States and the world trading system. 

SENSE OF CONGRESS — It is the sense of the Congress that — 

(1) The United States should support Taiwan's application for membership in the GATT/WTO; 
(2) The United States should support Taiwan's accession to the GATT/WTO; 
(3) The United States should support the membership of China in the GATT/WTO only if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with the principles, precedents, and practices of the GATT.

BROWN AMENDMENT NO. 1943 (Ordered to lie on the table.) 

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows: 

At the appropriate place in the bill, add the following new section:

SEC. 1. REPUBLIC OF CHINA (TAIWAN)'S PARTICIPATION IN THE UNITED NATIONS.

(a) FINDINGS. — The Congress finds that — 
(1) The Republic of China was the first signatory to the Charter of the United Nations in 1945 and remained an active member of that organization until 1991; 
(2) China was represented by Taiwan in 1949, and the People's Republic of China (hereinafter cited as "Mainland China") has exercised exclusive jurisdiction over its respective areas since then; 
(3) Taiwan has the 19th largest gross national product in the world and the 15th largest foreign exchange reserves of any nation; 
(4) Taiwan has dramatically improved its record on human rights and routinely holds free and fair elections in a multiparty system, as evidenced most recently by the December 3, 1994, balloting for local and provincial level officials; 
(5) The 21 million people in Taiwan have not been represented in the United Nations since 1971 and their human rights as citizens of the world have therefore been severely abridged; 
(6) Taiwan has in recent years repeatedly expressed its strong desire to participate in the United Nations; 
(7) Taiwan has much to contribute to the work and funding of the United Nations; 
(8) Taiwan's full and democratic participation is a commitment to the world community by responding to the international disasters and crises such as environmental destruction in the Persian Gulf and famine in Rwanda by providing financial donations, medical assistance, and other forms of aid; 
(9) The world community has reacted positively to Taiwan's desire for international participation, as shown by Taiwan's continued membership in the Asian Development Bank, the admission of Taiwan into the ASEAN-Pakistan Cooperation Group as a full member, and the accession of Taiwan as the first step toward becoming a contracting party to that organization; 
(10) Taiwan and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

(b) SENSE OF CONGRESS. — It is the sense of the Congress that — 

(1) Taiwan deserves full participation, including a seat, in the United Nations and its related agencies; and 
(2) The Government of the United States should immediately encourage the United Nations to take action by considering the unique situation of Taiwan in the international community and adopting a comprehensive solution to accommodate Taiwan in the United Nations and its related agencies.

BROWN AMENDMENT NO. 1944 (Ordered to lie on the table.) 

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows: 

At the appropriate place in the bill, add the following new section:

SEC. 2. COUNTRIES IN TRANSITION TO A FREE MARKET ECONOMY.

(a) FINDINGS. — 
(i) Many of the nations of Central and Eastern Europe in transition from centrally planned economies to free market economies have made important progress in reorganizing their economic systems in a short time period; 
(ii) As these countries continue to transition, long-term economic growth for the region rests upon the successful integration of these emerging free markets into western markets and other world trading structures; 
(iii) Trade has been the key to rapid integration of the markets of countries in transition to democracy; 
(iv) The success of U.S. efforts to expand the free trade system of these nations will depend on the ability of the United States to trade with the West and has not rested solely upon traditional foreign aid programs, but has been greatly enhanced by the extension of the generalized system of preferences for these countries; 
(b) SENSE OF CONGRESS. — It is the sense of the Congress that — 

(1) United States' efforts to assist countries of Central and Eastern Europe in transition from centrally planned economies to free market economies should focus first on efforts to effectively integrate them into the world trading system; 
(2) The United States extension of trade benefits under the generalized system of preferences has been of crucial importance to the rapid economic transformation of countries of Central and Eastern Europe in transition from centrally planned economies to free market economies; and 
(3) The United States should continue to accord treatment under the generalized system of preferences (GSP) for all countries of Central and Eastern Europe in transition to a free market economy, including but not limited to Poland, Hungary, the Czech Republic, Slovakia, the Baltic countries, Romania and Bulgaria.
Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. 1121. STUDY ON THE PRIVATIZATION OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION (OPIC).**

(a) **STUDY AND REPORT.—**The Overseas Private Investment Corporation (OPIC) shall conduct a study on the feasibility of privatizing the activities of the Corporation and, not later than 180 days after the date of enactment of this Act, submit to the Congress a report on the study.

(b) **CONTENTS OF REPORT.—**The report submitted under subsection (a) shall address the following purposes of privatizing the Overseas Private Investment Corporation:

1. The projected scope and size of overseas market projects and activities for United States companies over the next twenty years.

2. An assessment of the capital required of United States companies in overseas markets and the potential sources of capital that would be willing to take a long-term, high-risk investment.

3. A determination of the need for the backstop role of the United States Government guarantee to support and foster private sector competitiveness in various overseas markets.

4. A description of any alternative ways to provide the services needed to encourage investment from the private sector in developing market economies.

5. A discussion of whether private insurance companies would be interested in entering the market and what they would charge.

6. A discussion of whether developing countries would be willing to make individual agreements with private insurance agencies to take the place of the bilateral agreements they currently have with the Overseas Private Investment Corporation and whether this would cause competition in insurance rates.

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**BROWN AMENDMENT NO. 1946**

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. 1111. SENSE OF THE SENATE CONCERNING THE FOLLOWING CONSEQUENCES OF PRIVATIZING THE OVERSEAS PRIVATE INVESTMENT CORPORATION.**

(a) **FINDINGS.—**The Congress finds that:

1. Extremists in Hamas and Islamic Jihad who reject the gains made since the signing of the Declaration of Principles have used terrorist tactics to force the closing of the territories;

2. These terrorist acts have exacerbated existing problems and Gaza and Jericho are now experiencing staggering unemployment nearing 50%, increasing hardship and dashed hopes and deepening poverty;

3. Israel's legitimate security concerns necessitate creative new methods of ensuring continued economic opportunity for the Palestinians; and

4. The development of industrial parks along the border between Gaza, the West Bank and Israel sponsored by individual nations provides an important means of promoting both development for Palestinians while maintaining border security.

(b) **SENSE OF CONGRESS.—**It is the sense of Congress that:

1. The United States should take prompt, visible action to stop the latest closing of Gaza and Jericho that promises hope and jobs to Palestinians;

2. The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

3. The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

4. The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and Jericho that promises hope and jobs to Palestinians;

5. The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of economic benefits between Israel and Gaza while increasing security between the two areas.

(c) **AUTHORIZATION.—**There are authorized to be appropriated $50,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding section 546 of the fiscal year 1995 Foreign Operations Export Financing and Related Programs and fiscal year 1994 Supplemental Appropriations Act (P.L. 103-306) or similar provisions.

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**BROWN AMENDMENT NO. 1949**

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. 1122. STUDY ON THE PRIVATIZATION OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION.**

(a) **STUDY AND REPORT.—**The Overseas Private Investment Corporation (OPIC) shall conduct a study on the feasibility of privatizing the activities of the Corporation and, not later than 180 days after the date of enactment of this Act, submit to the Congress a report on the study.

(b) **CONTENTS OF REPORT.—**The report submitted under subsection (a) shall address the following purposes of privatizing the Overseas Private Investment Corporation:

1. The projected scope and size of overseas market projects and activities for United States companies over the next twenty years.

2. An assessment of the capital required of United States companies in overseas markets and the potential sources of capital that would be willing to take a long-term, high-risk investment.

3. A determination of the need for the backstop role of the United States Government guarantee to support and foster private sector competitiveness in various overseas markets.

4. A description of any alternative ways to provide the services needed to encourage investment from the private sector in developing market economies.

5. A discussion of whether private insurance companies would be interested in entering the market and what they would charge.

6. A discussion of whether developing countries would be willing to make individual agreements with private insurance agencies to take the place of the bilateral agreements they currently have with the Overseas Private Investment Corporation and whether this would cause competition in insurance rates.

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**BROWN AMENDMENT NO. 1950**

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. 1123. AUTHORIZATION FOR AN INDUSTRIAL PARK ON THE BORDER BETWEEN THE TERRITORIES AND ISRAEL.**

(a) **FINDINGS.—**The Congress finds that:

1. The United States should take prompt, visible action to stop the latest closing of Gaza and Jericho that promises hope and jobs to Palestinians;

2. The rapid development of an industrial park, closely coordinated with private sector investors, will provide a clear sign of opportunity resulting from peace with Israel;

3. The decision to site the industrial park should give special consideration to the extremely difficult economic conditions in Gaza;

4. The President should appoint a Special Coordinator to coordinate the rapid development of an industrial park in Gaza and Jericho that promises hope and jobs to Palestinians;

5. The Secretary of State should direct a short-term review and implementation of U.S. assistance plans to assist in speeding the flow of economic benefits between Israel and Gaza while increasing security between the two areas.

(c) **AUTHORIZATION.—**There are authorized to be appropriated $50,000,000 for the rapid development of a prototype industrial park in Gaza and/or the West Bank, notwithstanding section 546 of the fiscal year 1995 Foreign Operations Export Financing and Related Programs and fiscal year 1994 Supplemental Appropriations Act (P.L. 103-306) or similar provisions.

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**BROWN AMENDMENT NO. 1951**

(Ordered to lie on the table.)

Mr. HELMS (for Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. 1124. SANCTIONS AGAINST TERRORIST COUNTRIES.**

(a) **PROHIBITION.—**In conjunction with a determination by the Secretary of State that a
nation is a state sponsor of international terrorism pursuant to 6(j) of the Export Admin-
istration Act of 1979 (50 U.S.C. App. 2404(i)) or 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371). In the event the Secretary of State, in consultation with the Secretary of Commerce, shall issue regulations prohibiting
the following:
(1) The importation into the United States, or the financing of such importation, of any goods, services originating from a terrorist country, or entities owned or controlled by the government of a terrorist country, or an entity owning or controlling such a government, or any goods, technology (including technical data or other information subject to the Export Admin-
istration Act Regulations, 15 C.F.R Parts 730-799 (1994)) or services;
(2) The reexportation to such terrorist country, its government, or to any entity owning or controlling or otherwise having a financial interest in, or any interest in, a government, or any entity owning or controlling such a government, or any goods, technology (including technical data or other information subject to the Export Admin-
istration Act Regulations, 15 C.F.R Parts 730-799 (1994)) or services;
(3) Any new investment by a United States person in a terrorist country or in property (including entities) owned or controlled by the government of a terrorist country;
(4) The approval or facilitation by a United States person of the reexportation from the United States to a terrorist country, the government of a terrorist country, or to any entity controlled by the government of a terrorist country, or the fi-
nancing of such exportation, of any goods, technology (including technical data or other information subject to the Export Admin-
istration Act Regulations, 15 C.F.R Parts 730-799 (1994)) or services;
(5) The period of time during which such waiver will be effective.

BROWN AMENDMENT NO. 1952
Ordered to lie on the table.

Mr. HELMS (for Mr. BROWN) submitted an amendment intended to be pro-
bounced by him to the bill, S. 908, supra, as follows:

SEC. 4. U.S. COMMERCIAL DISPUTES.
(a) FINDINGS.
(i) The United States and Saudi Arabia have extensive commercial relations which have proven to be important and beneficial to both parties;
(ii) In the last twenty years, increasing commercial ties have highlighted the dif-
ferences between the legal systems of our two countries and have dramatically
increased the necessity of expeditious, effective resolution of commercial disputes be-
 tween our two nations;
(b) The above-mentioned decision to join the New York Convention on Arbitral Awards is a significant contribution to the resolution of future disputes;
(c) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subse-
quent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.
(d) State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thus decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;
(e) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subse-
quent mutually satisfactory resolution of 14 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.
(f) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subse-
quent mutually satisfactory resolution of 16 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.
(g) The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subse-
quent mutually satisfactory resolution of 17 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

Establishe: Congressionally, the resolution of disputes between our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations.

A significant contribution to the resolution of future disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thus decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 14 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 16 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 17 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

Establishe: Congressionally, the resolution of disputes between our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations.

A significant contribution to the resolution of future disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thus decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 14 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 16 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 17 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

Establishe: Congressionally, the resolution of disputes between our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations.

A significant contribution to the resolution of future disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thus decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 14 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 16 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 17 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

Establishe: Congressionally, the resolution of disputes between our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations.

A significant contribution to the resolution of future disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thus decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 14 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 16 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 17 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

Establishe: Congressionally, the resolution of disputes between our two countries and have dramatically increased the necessity of expeditious, effective resolution of commercial disputes between our two nations.

A significant contribution to the resolution of future disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 15 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

State Department procedures for the espousal of claims by private companies are sometimes difficult and time-consuming, thus decreasing the likelihood that claimants will utilize existing mechanisms for the resolution of disputes;

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 14 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 16 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.

The dispute resolution mechanism established by the Saudi Arabian government to resolve outstanding claims and the subsequent mutually satisfactory resolution of 17 of the 17 claims has made a positive impact on U.S.-Saudi commercial relations.
HUTCHISON (AND OTHERS) AMENDMENT NO. 1953
(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself, Mr. GRAMM, Mr. COATS, Mr. HELMS, Mr. GRAMS, Mr. SMITH, Mr. KEMPTHORNE, Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DE VITO) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following new section:

SEC. 319. SENSE OF CONGRESS ON UNITED NATIONS WOMEN'S CONFERENCE.

It is the sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activities of men and women are equally recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to assure that positive steps are taken to reopen the Halki Patriarchal School of Theology in Turkey, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

SNOE AMENDMENT NO. 1954
(Ordered to lie on the table.)

Ms. SNOE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 331. CONCERNING THE PROTECTION AND CONTINUED LIVELIHOOD OF THE EASTERN ORTHODOX ECUMENICAL PATRIARCHATE.

(a) FINDINGS.—The Congress makes the following findings:

(1) In recent years there have been terrorist attempts to desecrate and destroy the premises of the Ecumenical Patriarchate, in the Fatih District of Istanbul (Constantinople), Turkey;

(2) terrorist activities in the Fanar area of Istanbul (Constantinople), Turkey;

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should use its influence with the Turkish Government and an permanent member of the United Nations Council to suggest that the Turkish Government—

(A) hold an appropriate ceremony for the protection of the Ecumenical Patriarchate and all Orthodox faith residing in Turkey;

(B) assure that positive steps are taken to reopen the Halki Patriarchal School of Theology;

(C) provide for the protection and safety of the Ecumenical Patriarch and the Patriarchate personnel;

(D) establish conditions that would prevent the reoccurrence of past terrorist activities and personal threats against the Patriarch;

(E) establish conditions to ensure that the Patriarchate is free to carry out its religious mission; and

(F) do everything possible to find and punish the perpetrators of any provocative and terrorist activities.

(2) The Administration should report to the Congress the status and progress of the concerns in paragraph (1) on a annual basis.

SNOE AMENDMENT NO. 1955
(Ordered to lie on the table.)

Ms. SNOE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 332. SUPPORTING A RESOLUTION TO THE UNITED NATIONS ON KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Korean units are members of the United Nations Command;

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activities of men and women are equally recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to assure that positive steps are taken to reopen the Halki Patriarchal School of Theology in Turkey, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

ORDERED TO LIE ON THE TABLE.

SNOWE AMENDMENT NO. 1956
(Ordered to lie on the table.)

Ms. SNOE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 336. SUPPORTING A RESOLUTION TO THE UNITED NATIONS ON KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Korean units are members of the United Nations Command;

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activities of men and women are equally recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to assure that positive steps are taken to reopen the Halki Patriarchal School of Theology in Turkey, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

ORDERED TO LIE ON THE TABLE.

SNOWE AMENDMENT NO. 1957
(Ordered to lie on the table.)

Ms. SNOE submitted an amendment intended to be proposed by her to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:

SEC. 337. SUPPORTING A RESOLUTION TO THE UNITED NATIONS ON KOREA.

(a) FINDINGS.—The Congress finds that—

(1) the Korean units are members of the United Nations Command;

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activities of men and women are equally recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to assure that positive steps are taken to reopen the Halki Patriarchal School of Theology in Turkey, as well as all the clergy, faculty, and students be citizens of Turkey, and the Halki School of Theology is the only educational institution for Orthodox Christian leadership;

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

ORDERED TO LIE ON THE TABLE.
(9) the United Nations Secretary General has described the militarily occupied part of Cyprus as one of the most highly militarized areas in the world; (10) the continued Turkish military presence on Cyprus hampers the search for a freely negotiated solution to the dispute regarding Cyprus; (11) the United Nations and the United States have called for the withdrawal of all foreign troops from the territory of the Republic of Cyprus; and
(12) comprehensive plans for the demilitarization of the Republic of Cyprus have been proposed.
(b) SENSE OF CONGRESS.—The Congress
(1) reaffirms that the status quo on Cyprus is unacceptable;
(2) welcomes the appointment of a Special Presidential Emissary for Cyprus;
(3) expresses its continued strong support for efforts by the United Nations Secretary General and the United States Government to help resolve the Cyprus problem in a just and viable manner at the earliest possible time;
(4) insists that all parties to the dispute regarding Cyprus agree to seek a solution based on the United Nations resolutions, including paragraph (2) of United Nations Security Council Resolution 933 of July 29, 1994; (5) reaffirms the position that all foreign troops should be withdrawn from the territory of the Republic of Cyprus;
(6) reaffirms that any proposals emanating from the government of the Republic of Cyprus that would meet the security concerns of all parties involved, would enhance prospects for a peaceful and lasting resolution of the dispute regarding Cyprus, would benefit all of the people of Cyprus, and merits international support; and
(7) encourages the United Nations Security Council and the United States Government to consider alternative approaches to promote a resolution of the long-standing dispute regarding Cyprus based upon relevant Security Council resolutions, including incentives to encourage progress in negotiations or effective measures against any recalcitrant party.
KERRY (AND PELL) AMENDMENT NO. 1957
(Ordered to lie on the table.)
Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:
On page 220, at the beginning of line 14, strike all that follows through line 25.
KERRY (AND PELL) AMENDMENT NO. 1958
(Ordered to lie on the table.)
Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:
On page 73, at the beginning of line 6, strike all that follows through page 74, line 5.
KERRY (AND PELL) AMENDMENT NO. 1959
(Ordered to lie on the table.)
Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:
On page 61, line 12, strike all that follows after the words “Peacekeeping Activities.” through page 62, line 24, and add the following:
“Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—
(1) by redesignating subsection (e) as subsection (f); and
(2) by inserting after subsection (d) the following:
‘‘(e) NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.—
(1) Except as provided in paragraph (2), at least 5 days before the date on which any action authorized to be taken by the United Nations to authorize any United Nations peacekeeping activity or any other action under the Charter of the United Nations (including any modification, suspension, or termination of any previously authorized peacekeeping activity or other action) which would involve the use of United States Armed Forces or the expenditure of United States funds, the President shall submit to the designated congressional committees a notification with respect to the proposed action. The notification shall include the following:
(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).
(B) Identification of the source of funding for the United States share of the costs of the action (including the advances and investments requested, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request).
(2)(A) If the President determines that an emergency exists which prevents submission of the 5-day advance notification specified in paragraph (1) and that the proposed action is in the national security interests of the United States, the notification described in paragraph (1) shall be provided in a timely manner but not later than 48 hours after the vote by the Security Council.
(B) Determinations made under subparagraph (A) may not be delegated.’’
KERRY AMENDMENT NO. 1960
(Ordered to lie on the table.)
Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:
Delete Section 205 and insert in lieu thereof the following:
SEC. 205. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.
(A) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:
‘‘SEC. 10. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.
(a) WITHHOLDING OF CONTRIBUTIONS.—
(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for the fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification of United States funds made available for that fiscal year has been made under subsection (b).
(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).
(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:
(1) The United Nations has an independent office of Inspector General to conduct surveillance over its operations, and investigations relating to programs and operations of the United Nations.
(2) The United Nations has an Inspector General, who was appointed by the Secretary General with the approval of the General Assembly, and whose appointment was made principally on the basis of the appointee’s integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.
(3) The Inspector General is authorized to—
(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;
(B) have access to all records, documents, and other available materials relating to those programs and operations;
(C) have direct and prompt access to any official of the United Nations; and
(D) have access to all records and officials of the specialized agencies of the United Nations.
(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.
(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other relevant reports of the Inspector General are made available to the General Assembly without modification.
(7) The United Nations is committed to providing sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.’’
KERRY (AND PELL) AMENDMENT NO. 1961
(Ordered to lie on the table.)
Mr. KERRY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:
On page 54, at the beginning of line 17, strike all that follows through line 22.
KERRY AMENDMENT NO. 1962
(Ordered to lie on the table.)
Mr. KERRY submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:
Beginning on page 125, strike line 1 and all the lines through line 15 on page 207 and insert the following:
DIVISION B—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES
SEC. 1031. SHORT TITLE.
The division may be cited as the “Foreign Affairs Reinvestment Act of 1995.”
SEC. 1032. PURPOSES.
The purposes of this division are—
(1) to reorganize and reinvent the foreign affairs agencies of the United States in order to enhance the formulation, coordination, and implementation of United States foreign policy;

(2) to streamline and consolidate the functions and personnel of the Department of State, the Agency for International Development, the Agency for International Development, the Agency for International Development, and the United States Arms Control and Disarmament Agency in order to eliminate redundancies in the functions and personnel of such agencies;

(3) to assist congressional efforts to balance the Federal budget and reduce the Federal debt;

(4) to strengthen the authority of United States ambassadors over all United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(5) to encourage United States foreign affairs agencies to maintain a high percentage of the best qualified, most competent United States citizens serving in the United States Government personnel and resources located in United States diplomatic missions in order to enhance the ability of the ambassadors to deploy such personnel and resources to the best effect to attain the President's foreign policy objectives;

(6) to ensure that all functions of United States diplomacy be subject to recruitment, training, assignment, promotion, and egress based on common standards and procedures while preserving maximum interchange among such functions.

TITLE XI—REORGANIZATION OF FOREIGN AFFAIRS AGENCIES

SEC. 1101. REORGANIZATION PLAN FOR THE DEPARTMENT OF STATE AND INDEPENDENT FOREIGN AFFAIRS AGENCIES.

(a) Submission of Plan.—Not later than 6 months after enactment of this Act, the President shall transmit to the appropriate congressional committees a reorganization plan providing for the streamlining and consolidation of the Department of State, the United States Information Agency, the Agency for International Development, and the United States Arms Control and Disarmament Agency. Such plan shall provide for—

(1) the enhancement of the formulation, coordination, and implementation of policy;

(2) the reduction to the optimum extent possible, of a United States presence abroad within budgetary constraints;

(3) a reduction in the aggregate number of independent foreign affairs agencies;

(4) the elimination in the duplication of functions and personnel between the Department of State and such other agency or agencies not abolished under paragraph (3);

(5) the reduction in the aggregate number of positions in the Department of State and the independent foreign affairs agencies which are at each of levels II, III, and IV of the Executive Schedule;

(6) the reorganization and streamlining of the Department of State; and

(7) the achievement of a cost savings of at least $2,000,000,000 over 4 years through the consolidation of agencies.

(b) Plan Elements.—The plan under subsection (a) shall—

(1) set forth a schedule for such transfers, separations, and terminations;

(2) identify the personnel and positions of the Department (including civilian service personnel, Foreign Service personnel, and detailers) that will be transferred to the Department, separated from service with the Department, and set forth a schedule for such transfers, separations, and terminations;

(3) identify the personnel and positions of the Department (including civilian service personnel, Foreign Service personnel, and detailers) that will be transferred within the Department, separated from service with the Department, and set forth a schedule for such transfers, separations, and terminations;

(4) specify the consolidations and reorganization of functions in the Department that will be required under the plan in order to permit the Department to carry out the functions transferred to the Department under the plan;

(5) specify the funds available to the independent foreign affairs agencies that will be transferred to the Department under this title as a result of the implementation of the plan;

(6) specify the Proposed allocations within the Department and to the independent foreign affairs agencies; and

(7) specify the proposed disposition of the property, facilities, contracts, records, and other assets and liabilities of the independent foreign affairs agencies resulting from the abolition of any such agency and the transfer of the functions of the independent foreign affairs agencies to the Department.

(c) Limitations on Contents of Plan.—(1) Sections 903, 904, and 905 of title 5, United States Code, apply to the plan transmitted under subsection (a).

(2) The plan may not provide for the termination of any function authorized by law.

(d) Effective Date of Plan.—(1) The plan transmitted under subsection (a) shall take effect 60 calendar days after continuous session of Congress after the date of enactment of this Act; or

(2) if the President does not implement the reorganization plan transmitted and not disapproved under this section with respect to an agency referred to in paragraph (1), the agency is abolished as of March 1, 1997.

(e) Definition.—As used in this section, the term 'independent foreign affairs agencies' means the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development.

SEC. 1102. TRANSFERS OF FUNCTIONS.

(a) Transfers.—Subject to subsection (b), there are transferred to, and vested in, the Secretary of State all functions vested by law (including by reorganization plan approved before the date of the enactment of this Act pursuant to chapter 9 of title 5, United States Code) in the head of each of the following agencies, the agencies themselves, or officers, employees, or components thereof: the United States Information Agency, the United States Arms Control and Disarmament Agency.

(b) Effective Date.—The transfers referred to in subsection (a) shall take place—

(1) if the President does not transmit a reorganization plan to Congress under section 1101(a), not later than 180 days after the date of enactment of this Act; or

(2) if the President does not transmit the reorganization plan transmitted and not disapproved under such section with respect to an agency referred to in subsection (a), not later than March 1, 1997.

SEC. 1103. VOLUNTARY SEPARATION INCENTIVES.

(a) Authority to Pay Incentives.—The head of an agency referred to in subsection (b) may pay voluntary incentive payments to employees of the agency in order to avoid or minimize the need for involuntary separations from the agency as a result of the abolition of the agency and the consolidation of the functions of the Department of State under this title.

(b) Covered Agencies.—Subsection (a) applies to the following agencies: (1) The Department of State. (2) The United States Arms Control and Disarmament Agency. (3) The United States Information Agency. (4) The Agency for International Development.

(c) Payment Requirements.—(1) The head of an agency referred to in subsection (b) may pay voluntary separation incentive payments in accordance with the provisions of section 3 of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226, 108 Stat. 111), except that an employee of the agency shall be eligible for payment of a voluntary separation incentive payment under that section if
the employee separates from service with the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

3. The Secretary may transfer funds to the account of the head of an agency as a result of the abolishment of the agency during the period beginning on the date of enactment of this Act and ending on February 28, 1997.

SEC. 1104. TRANSITION FUND.

(a) Establishment.—There is hereby established on the books of the Treasury an account to be known as the "Foreign Affairs Reorganization Transition Fund".

(b) Purpose.—The purpose of the account is to provide funds for the orderly transfer of functions to the Department of State as a result of the implementation of this title and for payment of other costs associated with the transfer of functions of foreign affairs agencies under this title.

(c) Deposits. —(1) Subject to paragraphs (2) and (3), there shall be deposited into the account the following:

(A) Funds appropriated to the account pursuant to the authorization of appropriations in subsection (d).

(B) Funds transferred to the account by the Secretary from funds that are transferred to the Secretary by the head of an agency under subsection (d).

(C) Funds transferred to the account by the Secretary from funds that are transferred to the Department of State together with the transfer of functions to the Department under this title and that are not required by the Secretary in order to carry out the functions.

(D) Funds transferred to the account by the Secretary for unobligated funds that are appropriated or otherwise made available to the Department.

(2) The Secretary may transfer funds to the account under paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A) and (B) of that paragraph is inadequate to pay the costs of carrying out this title.

(3) The Secretary may transfer funds to the account under subparagraph (D) of paragraph (1) only if the Secretary determines that the amount of funds deposited in the account pursuant to subparagraphs (A), (B), and (C) of that paragraph is inadequate to pay the costs of carrying out this title.

(d) Transfer of Funds to Secretary of State.—The head of a transferor agency shall transfer to the Secretary the amount, if any, of the unobligated funds appropriated or otherwise made available to the agency for functions of the agency that are abolished under this title which funds are not required to be transferred pursuant to subsection (b) or (c) of this section.

(e) Use of Funds. —(1) Notwithstanding any other provision of law, the Secretary shall use sums in the account for payment of the costs of carrying out this title, including costs relating to the consolidation of functions of the Department of State and relating to the termination of employees of the Department.

(b) The Secretary may transfer sums in the account to the head of an agency to be abolished under this title for payment by the head of the agency of the cost of carrying out a voluntary separation incentive program at the agency under section 1103.

(2) Funds in the account shall be available for the payment of costs under paragraph (1) without fiscal year limitation.

(3) Funds in the account may be used only for purposes of paying the costs of carrying out this title.

(c) Report of Unobligated Balances.—(1) Subject to paragraph (2), unobligated funds, if any, which remain in the account after the payment of the costs described in paragraph (1) shall be transferred to Department of State and shall be available to the Secretary of State for purposes of carrying out the functions of the Department.

(2) The Secretary may not transfer funds in the account to the Department under paragraph (1) unless the appropriate congressional committees have notified the appropriate committees of the Senate and the House of Representatives of the purpose of such transfer and of the costs to be paid.

(d) Report on Account. —Not later than October 1, 1998, the Secretary of State shall transmit to the appropriate congressional committees a report containing an accounting of—

(1) the expenditures from the account established under this section; and

(2) the difference in the costs between the new new office or new position and the old office or old position that were transferred were expended.

(e) Authority to Use Account.—The authority of the head of an agency to authorize payment of voluntary separation incentive payments under this section shall expire on February 28, 1997.

SEC. 1105. ASSUMPTION OF DUTIES BY APPOINTMENTS.

(a) Individual holding office on the date of enactment of this Act. —An individual holding office on the date of enactment of this Act shall be permitted to select an alternative federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(b) Employee Benefit Programs.—(1) Any employee accepting employment with the Department of State as a result of such transfer shall be permitted to select an alternative federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

(f) Senior Executive Service.—A transferring employee in the Senior Executive Service shall be placed in a comparable position at the Department of State.

(g) Assignments.—(1) Transferring employees shall receive notice of the position assignments not later than the date on which the reorganization plan setting forth the transfer of such employees is transmitted to the appropriate congressional committees.

(h) Rights of Employees of Abolished Agencies.—(a) In General.—Any employee otherwise provided for by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) Executive Schedule Positions.—Except as otherwise provided in this title, any person on whom the date preceding the date of transfer of such employee under this title was held in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, who is transferred to the Department of State as a result of a separation of such person in such new position.

(c) Termination of Certain Positions.—Positions to which the functions transferred under this title, subject to section 1531 of title 5, United States Code,

SEC. 1106. RIGHTS OF EMPLOYEES OF ABOLISHED AGENCIES.

(a) In General.—Any employee otherwise provided for by this title, the transfer pursuant to this title of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employee to be separated or reduced in grade or compensation for 1 year after the date of transfer of such employee under this title.

(b) Executive Schedule Positions.—Except as otherwise provided in this title, any person on whom the date preceding the date of transfer of such employee under this title was held in such an agency that was compensated in accordance with the Executive Schedule prescribed in chapter 53 of title 5, United States Code, who is transferred to the Department of State as a result of a separation of such person in such new position.

(c) Termination of Certain Positions.—Positions to which the functions transferred under this title, subject to section 1531 of title 5, United States Code,

SEC. 1107. TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.

(a) In General.—Except as otherwise provided in this title, the personnel employed in connection with, and the assets, liabilities, functions, and authorities transferred under this title shall be available to, or to be used by, the Secretary of State as a result of the abolishment of the functions under this title.
shall be transferred to the Department of State.

(b) TREATMENT OF PERSONNEL EMPLOYED IN TERMINATED FUNCTIONS.—The following shall apply to the officers and employees of a transferor agency that are not transferred under this title:

(1) Under such regulations as the Office of Personnel Management may prescribe, the head of any agency in the executive branch may appoint in the competitive service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the Office of Personnel Management may prescribe. Any person so appointed, upon completion of the prescribed probationary period, acquire a competitive status.

(2) The head of any agency in the executive branch having an established merit system in the excepted service may appoint in such service any person who is certified by the head of the transferor agency as having served satisfactorily in the transferor agency and who passes such examination as the head of such agency in the executive branch may prescribe.

(3) Any appointment under this subsection shall be made within a period of 1 year after completion of the appointee’s service in the transferor agency.

(a) APPOINTMENTS.—(1) Subject to paragraph (2), the Secretary of State may appoint and fix the compensation of such officers and employees, including investigators, attorneys, and administrative law judges, as may be necessary to carry out the respective functions transferred to the Department of State under this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

(2) A person employed under paragraph (1) may not continue in such employment after the end of the period (as determined by the Secretary) for the transfer of functions under this title.

(b) EXPERTS AND CONSULTANTS.—The Secretary of State may utilize the services of experts and consultants in connection with functions transferred to the Department of State under this title in accordance with section 3309 of title 5, United States Code, and compensate such experts and consultants for each day (including traveltime) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5305 of such title. The head Secretary may pay experts and consultants who are serving away from their homes or regular place of business for travel and other expenses incurred in lieu of subsistence at rates authorized by sections 5702 and 5703 of such title for persons in Government service employed intermittently.

SEC. 1109. PROPERTY AND FACILITIES.

(a) IN GENERAL.—The Secretary of State shall review the property and facilities of each transferror agency for purposes of determining if the property is required by the Department of State in order to carry out the functions of the Department after the transfer of functions to the Department under this title.

(b) TRANSFER OF PROPERTY.—Not later than March 1, 1997, all property and facilities within the custody of the transferor agencies shall be transferred to the custody of the Secretary of State.

SEC. 1110. DELEGATION AND ASSIGNMENT.

(a) EXCEPTED FUNTIONS.—Except where otherwise expressly prohibited by the law for the functions transferred to the Secretary of State by this title, the Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function under such other law of the United States to the moon determination of such functions and performance of such functions by the Secretary of State for the administration of such functions.

(b) ASSIGNMENTS.—The Secretary of State may assign to the head of any agency in the executive branch any functions transferred to the Secretary under this title in such manner as the Secretary may determine.

(c) OBLIGATIONS AND DEPENDENCIES.—Any obligations and dependencies of the United States with respect to functions transferred to the Secretary of State under this title shall be transferred to the Secretary of State in the same manner and with the same effect as if such title had not been enacted and obligations and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(d) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any pending proceeding, including any notice of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the effective date of this title or transferred to the Secretary of State as the Secretary may designate, with respect to functions transferred under this title but such proceedings and applications shall be continued by the Secretary of State in the same manner and with the same effect as if this title had not been enacted.

SEC. 1112. INCIDENTAL TRANSFERS.

(a) TRANSFER OF CONTRACTS OR GRANTS.—Except as provided in section 1104 of this title, the services of such officers, employees, and other personnel of the transferor agency as are necessary for the purposes of this title shall be transferred to the Secretary of State.

(b) DELEGATION AND ASSIGNMENT.—The Secretary of State may delegate any of the functions transferred to the Secretary under this title and any function under such other law of the United States to the head of any agency in the executive branch in such manner as the Secretary may determine.

(c) DEPENDENCIES.—Any obligations and dependencies of the United States with respect to functions transferred to the Secretary of State under this title shall be transferred to the Secretary of State in the same manner and with the same effect as if such title had not been enacted.

SEC. 1113. EFFECT OF CONTRACTS AND GRANTS.

(a) PROHIBITION ON NEW OR EXTENDED CONTRACTS OR GRANTS.—Except as provided in section 1104 of this title, the United States Arms Control and Disarmament Agency, the United States Information Agency, and the Agency for International Development may not—

(1) enter into a contract or agreement which will continue in force after the date, if any, of such agency under this title;

(2) extend the term of an existing contract or agreement of such agency to a date after such date; or

(3) make a grant which will continue in force after the date, if any, of such agency under this title;

(b) EXCEPTION.—Section (a) does not apply to the following:

(1) Contracts and agreements for carrying out essential administrative functions.

(2) Contracts and agreements for functions and activities that the Secretary of State determines will be carried out by the Department of State with respect to the termination of the agency concerned under this title.

(c) GRANTS RELATING TO FUNCTIONS AND ACTIVITIES.—The Secretary of State and the head of each agency referred to in subsection (a) shall—

(1) review the contracts of such agency that will continue in force after the date, if any, of the abolishment of the agency under this title in order to determine if the cost of abrogating such contracts before that date would exceed the cost of carrying out the contract according to its terms; and

(2) in the case of each contract so determined to continue in force, determine for the term of the contract in the most cost-effective manner practicable.

SEC. 1114. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, licenses, certifications, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in respect to functions transferred to the Secretary of State under this title, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this title and are to become effective on or after the effective date of this title,

shall continue in effect according to their tenor until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of State or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this title shall not affect any proceedings, including any notice of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the transferor agency at the effective date of this title taken under any law, with respect to functions transferred under this title but such proceedings and applications shall be continued by the Secretary of State in the same manner and with the same effect as if this title had not been enacted.

SEC. 1115. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 1116. TRANSITION.

The Secretary of State may utilize—

(a) the services of such officers, employees, and other personnel of the transferor agency with respect to functions transferred to the Department of State under this title;

(b) funds appropriated to such functions for such period of time as may be needed to facilitate the orderly implementation of this title.
SEC. 1117. ADDITIONAL CONFORMING AMENDMENTS.

The President may submit a report to the appropriate congressional committees containing modifications for such additional technical and conforming amendments to the laws of the United States as may be necessary to reflect the changes made by this division.

SEC. 1118. FINAL REPORT.

Not later than October 1, 1998, the President shall provide by written report to the Congress a final accounting of the finances of the United States Information Agency, the Arms Control and Disarmament Agency, the United States Arms Control and Disarmament Agency, the United States Development Cooperation Agency, and the Agency for International Development.

SEC. 1119. DEFINITIONS.

For purposes of this title, unless otherwise provided or indicated by the context—

(1) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(2) the term "federal agency" has the meaning given to the term "agency" by section 551(1) of title 5, United States Code;

(3) the term "federal employee" means any duty, obligation, power, authority, responsibility, privilege, right, activity, or program;

(4) the term "office" includes any office, agency, commission, institute, institution, organization, or component thereof;

(5) the term "foreign transferor agency" refers to each of the following agencies:

(A) the International Development Cooperation Agency;

(B) The United States Arms Control and Disarmament Agency;

(C) The United States Information Agency;

(D) The International Development Cooperation Agency; and

(E) the Department of State for the duration of such appointment.

The Department of State who is assigned to an overseas post located within any United States diplomatic mission and consular post abroad in order to carry out this section.

SEC. 1201. CONSOLIDATION OF UNITED STATES DIPLOMATIC MISSIONS AND CONSULAR POSTS

(a) CONSOLIDATION PLAN.—The Secretary of State shall develop a worldwide plan for the consolidation, wherever practicable, on a regional or areawide basis, of United States missions and consular posts abroad in order to carry out this section.

(b) CONTENTS OF PLAN.—The plan shall—

(1) identify those missions and posts at which the United States either maintained no resident official presence or maintained such a presence only at staff level;

(2) identify those missions and posts at which the resident ambassador would also be accredited to other specified states in which the United States either maintained no resident official presence or maintained such a presence only at staff level; and

(3) provide an estimate of—

(A) the amount by which expenditures would be reduced through the reduction in the number of United States Government personnel assigned abroad;

(B) through a reduction in the costs of maintaining United States properties abroad; and

(C) the amount of revenues generated to the United States through the sale or other disposition of United States properties associated with the posts to be consolidated abroad.

(c) TRANSMITTAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall transmit a copy of the plan to the appropriate congressional committees.

(d) IMPLEMENTATION.—Not later than 60 days after transmittal of the plan under subsection (c), the Secretary of State shall take steps to implement the plan unless the Congress before such date enacts legislation disapproving the plan.

SEC. 1202. DETAIL OF OTHER AGENCY PERSONNEL IN THE DEPARTMENT.

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—For each of the fiscal years 1996 and 1997, and each year thereafter, the Congress shall submit a report describing the personnel, functions, offices, and programs within and between the Department of State and the United States Arms Control and Disarmament Agency.

SEC. 1203. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State and the Director of the United States Arms Control and Disarmament Agency, in consultation with the bipartisan advisory panel, shall, in a manner consistent with the provisions of the Arms Control and Disarmament Act of 1961 and with this title, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the United States Arms Control and Disarmament Agency.

(b) REPORT.—Not later than March 31, 1996, and 180 days after the date of enactment of this Act, whichever is later, the President shall submit a report describing the personnel, functions, offices, and programs identified under subsection (a) to the Senate and the House of Representatives.

SEC. 1204. ARTICLE XII—CONSOLIDATION OF DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1205. DIPLOMATIC MISSIONS AND CONSULAR POSTS

SEC. 1206. TITLE XII—ARMS CONTROL AND DISARMAMENT AGENCY

SEC. 1207. ELIMINATIONS OF DUPLICATION.

SEC. 1208. APPROPRIATIONS FOR THE BROADCASTING BOARD OF GOVERNORS.

SEC. 1209. REPORT.

SEC. 1210. TRANSITIONAL PROVISIONS.

SEC. 1211. AUTHORITY TO TRANSFER DIPLOMATS.

SEC. 1212. DEFINITIONS.
On page 266, line 13, strike "(B)" and insert "(A)".
On page 266, line 16, strike "1701(a)(2)" and insert "1701(a)(1)".
On page 266, line 17, strike "(C)" and insert "(B)".
On page 266, line 20, strike "1701(a)(3)" and insert "1701(a)(2)".
On page 266, line 21, strike "(D)" and insert "(C)".
On page 266, line 25, strike "1701(a)(3)" and insert "1701(a)(2)".
On page 267, line 1, strike "(E)" and insert "(D)".
On page 267, line 4, strike "(F)" and insert "(E)".
On page 267, line 8, strike "(G)" and insert "(F)".
On page 267, line 12, strike "(H)" and insert "(G)".

 Amend the title so as to read: "A bill to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to the physical States Information Agency and the Agency for International Development, and for other purposes."

PELL AMENDMENT NO. 1965
(Ordered to lie on the table.)
Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . SENSE OF SENATE REGARDING RE-

On page 124, after line 20, add the follow-
ing:

PELL AND KASSEBAUM AMENDMENT NO. 1966
(Ordered to lie on the table.)
Mr. PELL (for himself and Mrs. KASSEBAUM) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

PEL AMENDMENT NO. 1967
(Ordered to lie on the table.)
Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

PELL AMENDMENT NO. 1968
(Ordered to lie on the table.)
Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. . SENSE OF CONGRESS REGARDING PAR-

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PEL AMENDMENT NO. 1967
(Ordered to lie on the table.)
Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

PELL AMENDMENT NO. 1968
(Ordered to lie on the table.)
Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

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PELL AMENDMENT NO. 1968
(Ordered to lie on the table.)
Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:
(b) PRESIDENTIAL ACTIONS.—The President should—

"(1) reject General Comment No. 24, issued by the Human Rights Committee established under the Vienna Declaration and Programme of Action, which bears no validity under international law;

"(2) reaffirm the U.S. commitment to the reservation, declarations, and provisos to the International Covenant on Civil and Political Rights agreed to by the Senate on April 2, 1992;

"(3) to implement infrastructure development activities that will facilitate participation in and support for NATO military activities.

"(4) by redesigning paragraphs (1) through (4) as subparagraphs (A) through (D), respectively; and

"(5) by adding at the end the following new paragraphs:

"(1) For fiscal years 1996 and 1997, in providing assistance under chapter 6 of part II of the Foreign Assistance Act of 1961 for the countries designated under subsection (d), the President should include as an important component of such assistance the provision of appropriate language training to facilitate participation of military personnel in programs for military training and in defense education programs.

"(2) Assistance made available under chapter 5 of part II of the Foreign Assistance Act Act of 1961 (relating to peacekeeping operations and other programs)."
of 1961 (relating to international military education and training), not less than $5,000,000 for fiscal year 1996 and not less than $5,000,000 for fiscal year 1997 should be available only for—

(1) the attendance of additional military personnel of countries eligible under section 203(d) of this Act at professional military education institutions in the United States in accordance with section 544 of such Act; and

(2) the placement and support of United States instructors and experts at military educational centers within the foreign countries designated under subsection (d) that are receiving assistance under that chapter.

SEC. 13. TERMINATION OF ELIGIBILITY. Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 2151) is amended to read as follows:

(f) TERMINATION OF ELIGIBILITY. (1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2).

(2) Whenever the President determines that the government of a country designated under subsection (d)

(A) no longer meets the criteria set forth in subsection (d)(1);

(B) is hostile to the NATO alliance; or

(C) poses a national security threat to the United States,

then the President shall so certify to the appropriate congressional committees.

(3) Nothing in this Act shall affect the eligibility of countries to participate under other provisions of law in programs described in this Act.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is further amended by adding at the end the following new subsection:

(g) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) APPLICABLE PROCEDURES.—A joint resolution of approval in paragraph (2) which is introduced in a House of Congress after the date on which a certification made under subsection (f)(2) is received by Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 806(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 99-473 (98 Stat. 1936), except that—

(A) references to the ‘resolution described in paragraph (1)’ shall be deemed to be references to the joint resolution; and

(B) references to the Committee on Appropriations of the House of Representatives and to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: ‘That the Congress disapproves the certification submitted by the President pursuant to section 203(f) of the NATO Participation Act of 1994.’

SEC. 14. REPORTS. (a) ANNUAL REPORT.—Section 206 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 2158 note), as redesignated by section 1(1) of this title, is amended—

(1) by inserting ‘annual’ in the section heading, immediately after the first word;

(2) by inserting ‘and the Secretary of State’ after ‘the United States Agency for International Development’ in paragraph (1); and

(3) in paragraph (1), by striking ‘Partnership for Peace’ and inserting ‘European’;

and

(4) by striking paragraph (2) and inserting the following new paragraph (2):

‘(2) In the event that the President determines that as of [insert date here], 1999, a country, despite a period of transition assistance under this title—

(A) has applied for and been rejected for NATO membership on the basis of not having fulfilled the criteria set out by the 1995 NATO expansion study; or

(B) has not yet applied for NATO membership,

the President shall transmit a classified report to the designated congressional committees containing the progress made by that country in meeting criteria for membership in NATO.’

(b) DESIGNATED CONGRESSIONAL COMMITTEES.—The term ‘designated congressional committees’ means—

(A) the Committee on International Relations, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(c) REPORT.—Not later than 4 months after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described in subsection (b) and the way in which duplication and waste will be avoided.

SEC. 15. ELIMINATION OF DUPLICATION. (a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, goals, activities, offices, and programs within and between the Department of State and the Agency for International Development.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation, if additional statutory authority is required to implement subsection (a). Each report shall also include projected cost savings and personnel reductions to be achieved through implementation of subsection (a).

SEC. 16. COORDINATION OF PROGRAMS. (a) INTERNATIONAL COORDINATION AND LICENSING.—The United States shall coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the private sector, to maximize the use of resources allocated to sustainable development. The United States shall also exercise leadership in building the global commitment and cooperation necessary for countries to make significant progress toward the goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish a mechanism—

(1) to coordinate, and to eliminate duplication among, all United States policies, programs, and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of the Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments and agencies;

(2) to ensure that United States policies, programs, and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with sustainable development; and

(3) to ensure that United States policies, programs, and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Trade and Development Agency, and the Export-Import Bank of the United States, are consistent and complementary with those purposes.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, and not later than March 1 of each year thereafter, the President shall submit to the appropriate congressional committees a report explaining the way in which the responsibilities for programs are delineated and coordinated among the various agencies and departments described in subsection (b) and the way in which duplication and waste will be avoided.

SEC. 17. REFORM AND STREAMLINING OF GOALS AND PURPOSES. (a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)–(e) and (g), 105, 106, 113, 117 (a) and (b), 118, 119, 120, 125, 128, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2121) is amended to read as follows:

SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAM.

(1) The terms ‘sustainable development’ include economic development; and

(2) the term ‘sustainable development’ means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorest countries and people of the world to provide for their own economic security without further outside assistance. This purpose is to be pursued internationally by supporting the self-help efforts of people in developing countries—
GROWTH.

tems.
system; and able and resource-conserving technologies, technical and managerial knowledge and preservation; trition through sustainable improvements in national level, and sound public investments; basic needs, and that raise real incomes for poor people; and nutritional well-being, slow population growth, and increased opportunities for mutually beneficial international trade and investment. Broad-based economic growth also improves the prospects for the spread of democratic and political pluralism.

(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies---

(i) a broader role for and access to markets for both women and men through improved policies that protect and advance economic and social well-being; (ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments; (iii) security, increased access to safe food and adequate nutrition through sustainable improvements in production, in urban areas, with attention to gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people; (iv) debt relief, equity, and productive capacity; (v) investments in people’s productive capabilities, including measures to upgrade technical and managerial knowledge and skills; (vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microcredit, productive assets, techniques, training and market-related information, affordable and resource-conserving technologies, and land); and that they participate fully in the benefits of growth in employment and income; and (vii) sustainable improvements in agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

PROTECTING THE GLOBAL ENVIRONMENT.—

(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, the degradation of agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth. A broad-based economic growth that does not take account of its environmental consequences will not be economically sustainable. Improved resource management and development of indigenous, technologically sound, resource-conserving policies that protect and advance economic and social inequalities, particularly the low status of women, and patterns of resource consumption. Rapid population growth and slow progress in development and retard progress on global issues of direct concern to the United States.

(B) MEANS.—The primary means to stabilize population at a sustainable level consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female educational and economic and social status of women, and increase infant and child survival rates.

Developing human resources—

(B) MEANS.—To reduce the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international cooperation. Individuals, including women, who have access to education, skills, and institutions, including business associations and labor unions, that encourage broad participation and protecting human rights is an essential element of the ability of nations to sustain development efforts.

Supporting democratic participation—

(B) MEANS.—Programs to support democratic participation in the economic, social and political life of their country.

POPULAR PARTICIPATION.—

(A) IN GENERAL.—The success of sustainable development programs must depend on the participation of targeted communities in the identification of development needs, the design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives.

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"(1) to implement sound policies that increase self-reliance, equity, and productive capacity; (2) to invest in developing their human resources; (3) to build effective and accountable indigenous political, economic, and social institutions.

(c) PROGRAMS.—The President is authorized to provide assistance under this chapter of the following five interrelated types:

(1) ENCOURAGING BROAD-BASED ECONOMIC GROWTH.—

(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic and social well-being and the security of the United States, and among other factors, the ability of nations to protect and advance economic and social rights for all citizens without regard for gender, race, religion, language or social status, that increase self-reliance in meeting basic needs, and that raise real incomes for poor people; (ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments; (iv) debt relief, equity, and productive capacity; (v) investments in people’s productive capabilities, including measures to upgrade technical and managerial knowledge and skills; (vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microcredit, productive assets, techniques, training and market-related information, affordable and resource-conserving technologies, and land); and that they participate fully in the benefits of growth in employment and income; and (vii) sustainable improvements in agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

PROTECTING THE GLOBAL ENVIRONMENT.—

(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of United States citizens and of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, the degradation of agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth. A broad-based economic growth that does not take account of its environmental consequences will not be economically sustainable. Improved resource management and development of indigenous, technologically sound, resource-conserving policies that protect and advance economic and social inequalities, particularly the low status of women, and patterns of resource consumption. Rapid population growth and slow progress in development and retard progress on global issues of direct concern to the United States.

(B) MEANS.—The primary means to stabilize population at a sustainable level consistent with sustainable, broadly-based development and with recognized standards of human rights, are to provide women and men with the means to freely and responsibly choose the number and spacing of their children, and to contribute to improved reproductive health. This calls for a focus on enhanced access to and improved quality of voluntary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (1) and (5) to improve female educational and economic and social status of women, and increase infant and child survival rates.

Developing human resources—

(B) MEANS.—To reduce the worst manifestations of poverty through the development of human resource capacity is essential to long-term peace and international cooperation. Individuals, including women, who have access to education, skills, and institutions, including business associations and labor unions, that encourage broad participation and protecting human rights is an essential element of the ability of nations to sustain development efforts.

Supporting democratic participation—

(B) MEANS.—Programs to support democratic participation in the economic, social and political life of their country.

POPULAR PARTICIPATION.—

(A) IN GENERAL.—The success of sustainable development programs must depend on the participation of targeted communities in the identification of development needs, the design, implementation, and evaluation of projects, programs, and assistance strategies and overall strategic objectives.
To be effective, such participation must incorporate the local-level perspectives of traditionally underserved populations and communities, including women, persons with disabilities, indigenous peoples, and the rural and urban poor.

(B) NONGOVERNMENTAL ORGANIZATIONS.

Incorporation of local perspectives requires effective consultation and coordination with nongovernmental organizations, including private and voluntary organizations, cooperatives, unions, labor unions, private sector businesses and trade associations, women’s groups, educational institutions, religious organizations which represent and are knowledgeable about local people. Effective consultation and coordination requires the involvement of such organizations in the formulation of development strategies for specific countries and sectors, the development of procedures and regulations governing the implementation of programs, and the evaluation and monitoring of programs.

(C) UTILIZATION OF UNITED STATES INSTITUTIONAL CAPABILITIES.—United States institutions provide significant institutional capabilities in science, technology, business, and education. These capabilities, when used to their full extent, can provide a unique contribution to sustainable development programs. Programs that achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of United States capabilities in science, technology, business, and education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions, and through regional and sectoral activities such as the United States Information Agency.

(2) ROLE OF WO —

(A) IN GENERAL.—Women play central and productive roles throughout the world in the well-being of nations, communities and families. Recognizing women’s contributions and incorporating their perspectives, knowledge and experience is critical in developing global strategies for promoting peace, prosperity and democracy.

(B) EMPOWERMENT OF WO —To be sustain-

able, development must foster the economic and political empowerment of women. Expanding opportunities for women is essential to reducing poverty, improving health, slowing population growth and environmental degradation, and achieving sustainable development. For this to occur, women must have full and equitable access to productive resources: credit, land, technology, capital, natural and cultural extension and marketing services, training and other forms of assistance. Increased female education further empowers women by allowing their effective participation in the development process. Therefore, United States sustainable development policies and programs must be designed and implemented to fully integrate women as agents and beneficiaries.

(3) MANAGING FOR RESULTS.

(A) IN GENERAL.—Assistance cannot sub-

serve without undue constraints.

(B) NONGOVERNMENTAL ORGANIZATIONS .—

United States information agencies may bid on solicitation for Embassy guard forces in dollars, and if successful, such companies may elect to be paid in dollars at their discretion.

(C) UTILIZATION OF UNITED STATES INSTITU-

TIONS CAPABILITIES.—United States institutions provide significant institutional capabilities in science, technology, business, and education. These capabilities, when used to their full extent, can provide a unique contribution to sustainable development programs. Programs that achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and taking advantage of United States capabilities in science, technology, business, and education and training in United States colleges, universities, and technical training facilities; private sector entrepreneurial skills; and United States public sector expertise. This may be encouraged through long-term collaboration between public and private institutions, and through regional and sectoral activities such as the United States Information Agency.

(1) That the government of Guatemala has

provided assistance to the United Nations in the prominent human rights cases that were enumerated in the April 7, 1995 letter to President Clinton by twelve members of the Senate; and

(2) That the U.S. Representative to the United Nations Human Rights Commission has sought the appointment of a Special Representative for Guatemala, and that the Government of Guatemala has stated publicly that it will fully cooperate with the work of any U.N. appointed Special Rapporteur.

SARBANES AMENDMENT NO. 1971

(Ordred to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 29, at the end of line 5 insert the following:

(g) WAIVER AUTHORITY.—(1) Subject to paragraph (2), the President may waive any limitation under subsections (a) through (d) to the extent that such waiver is necessary to carry on the foreign affairs functions of the United States.

(2) Not less than 15 days before the Presi-

dent exercises a waiver under paragraph (1), the appropriate agency head shall notify the Ombudsman for Foreign Relations of the Senate and the Committee on International Rela-

tions of its intent to make such waiver.

SARBANES AMENDMENT NO. 1973

(Ordred to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

Sec. 401. Sec. 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as amended, is further amended by striking subsection (c)(4) and inserting in lieu thereof:

(DODD AND LEAHY) AMENDMENT NO. 1974

(Ordred to lie on the table.)

Mr. DODD (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill add the following new section:

At the appropriate place in the bill add the following new section:

(c) Exceptions. Notwithstanding any other provision of law, no assistance shall be provided to the government of Guatemala pursuant to this Act or any other Act until the President certifies—

(1) That the President of Guatemala and the Guatemalan Armed Forces are fully cooperating with efforts—

(A) By Jennifer Harbury to exhume the body of her husband, Efrain Bamaca Velasquez and to pursue other judicial means for bringing to justice those responsible for the death of Efrain Bamaca Velasquez;

(B) By the family of U.S. citizen Michael Devine, who was murdered in 1990, to bring to justice those responsible for the murder or cover-up of the murder; and

(C) By human rights organizations and the Guatemalan Attorney General to investigate and bring to justice those involved in the prominent human rights cases that were enumerated in the April 7, 1995 letter to President Clinton by twelve members of the Senate; and

(2) That the U.S. Representative to the United Nations Human Rights Commission has sought the appointment of a Special Representative for Guatemala, and that the Government of Guatemala has stated publicly that it will fully cooperate with the work of any U.N. appointed Special Rapporteur.

(D) DODD AND LEAHY) AMENDMENT NO. 1975

(Ordred to lie on the table.)
Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 83, beginning on line 20, strike all after the word "issued" through the period on line 14, and insert in lieu thereof the following:

"(a) Subsection (a) of section 1604 of such Act is amended by striking out "chemical, biological, nuclear," and inserting in lieu thereof "chemical, biological, nuclear," and;

(b) Subsection (b) of such section 1604 is amended by inserting "to acquire," before "acquire," in clause (8) of paragraphs (1) through (8)."

At the appropriate place in the bill, add the following new section:

SEC. 618. IRAN AND IRAQ ARMS NON-PROLIFERATION SANCTIONS.

(a) DEFINITIONS. -- Section 1602(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484; 50 U.S.CXL note) is amended by inserting "chemical, biological, nuclear," and inserting in lieu thereof "chemical, biological, nuclear," and;

(b) SANCTIONS AGAINST IRAQ. -- Section 1603 of such Act is amended by striking out "paragraphs (1) through (4)" and inserting in lieu thereof "paragraphs (1) through (8)."

(c) SANCTIONS AGAINST CERTAIN PERSONS. -- (1) Subsection (a) of section 1604 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery," before "to acquire," in clause (8) of paragraphs (1) through (8).

(2) Subsection (b) of such section 1604 is amended--

(A) in paragraph (1), by inserting "and shall revoke any license issued," after "shall not issue"; and

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

"(12) MIGRATION SANCTION. --

(A) INDIVIDUALS. -- The sanctioned person shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

(B) CORPORATIONS. -- In the case of a sanctioned person that is a corporation, partnership, or other form of association, the owner or officers of such corporation, or other form of association, shall be ineligible to receive a visa for entry into the United States and shall be excluded from admission into the United States.

(13) FINANCIAL INSTITUTIONS. -- The President shall by order prohibit any depository institution that is chartered by, or that has its principal place of business in, a State, the District of Columbia, or the United States from making any loan or providing any credit to the sanctioned person, except for loans or credits for the purpose of purchasing food or other agricultural commodities."
(5) Transiting United States territory.—(A) Notwithstanding any other provision of law (other than a treaty or other international agreement), no sanctioned person, nor any item which is the product, keeping, custody, possession, manufacturer, or control of the sanctioned person, and no technology developed by the sanctioned person may transit any territory subject to the jurisdiction of the United States.

(B) The Secretary of Transportation may provide for such exceptions from this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or a vessel, or its crew or passengers, is threatened.

(3) This section is further amended by adding at the end the following new subsection:

(c) Exception.—The sanction described in subsection (b)(1) shall not apply in the case of procurement of defense articles or defense services—

(1) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy operational military requirements essential to the national security of the United States;

(2) if the President determines that such persons or entities to which the sanctions would otherwise be applied are a sole source supplier of the defense articles or services, that the safety or services involved are integral, and that alternative sources are not readily or reasonably available; or

(3) if the President determines that such articles or services are essential to the national security under defense co-production agreements.

(d) Sanctions Against Foreign Countries.—(1) Subsection (a) of section 1605 of such Act is amended by inserting "to acquire weapons of mass destruction, or the means of their delivery," before "acquire".

(2) Subsection (b) of such section 1605 is amended by adding at the end the following new paragraph:

"(b) Sanction Against WMD Capabilities.—(1) In general.—The sanctions against WMD capabilities described in subsection (a) of section 1605 shall be imposed on any person determined by the President to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(2) In general.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port of the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load, discharge, or unload any freight at any place in the United States.

(3) By striking out “or” and inserting in lieu thereof “the”.

(b) Exception.—Subparagraph (a) does not apply with respect to urgent humanitarian assistance.

(2) Prohibition on vessels that enter ports of sanctioned countries to engage in trade.—(A) In general.—Beginning on the 10th day after a sanction is imposed under this title against a country, a vessel which enters a port of the sanctioned country to engage in the trade of goods or services may not, if the President so requires, within 180 days after departure from such port or place in the sanctioned country, load, discharge, or unload any freight at any place in the United States.

(b) Exception.—Subparagraph (a) does not apply with respect to urgent humanitarian assistance.

(f) Waiver.—Section 1605 of such Act is amended by striking out "or 1605(b)" and inserting in lieu thereof "1605(b), or 1605(d)".

(h) Definitions.—Section 1608 of such Act is amended by adding at the end the following new subsection:

"(1) in section (1)—

(A) inserting "naval vessels with offensive capabilities," after "advanced military capabilities,"

(B) by striking out "or enhance offensive capabilities in destabilizing ways" each place it appears and inserting in lieu thereof "or enhance offensive capabilities in destabilizing ways, or threaten international shipping;"

(2) in section (7), by striking out subsection (A) and inserting in lieu thereof the following new subsection:

"(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;";

and

(3) by adding at the end the following:

"(8) The term ‘goods or technology’ includes any item of the type described on the Nuclear Referral List under section 309(c) of the Nuclear Non-Proliferation Act of 1978, the United States Munitions List (established in section 38 of the Arms Export Control Act), or the MCTR Annex (as defined in section 74(4) of the Arms Export Control Act) or any item that is subject to licensing by the Nuclear Regulatory Commission.

(9) The term ‘United States’ includes territories and possessions of the United States and the customs waters of the United States, as defined in section 403 of the Tariff Act of 1930 (19 U.S.C. 1401).

(10) The term ‘weapons of mass destruction’ includes nuclear, chemical, and biological weapons or their delivery systems.

(i) Technical Amendments.—Such Act is further amended—

(1) in section 1606, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives";

(2) in section 1607, by striking out "the Committees on Armed Services and Foreign Affairs of the House of Representatives" and inserting in lieu thereof "the Committees on National Security and International Relations of the House of Representatives";

(j) Revision of Iraq Sanctions Act of 1990.—Section 588(a) of the Iraq Sanctions Act of 1990 (50 U.S.C. 1701 note) against governments that assist Iraq in improving its rocket technology or weapon systems is amended by striking out "or chemical, biological, or nuclear weapons capability" and inserting in
McCAIN AMENDMENT NO. 1983
(Ordered to lie on the table.)
Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 91, between lines 4 and 5, insert the following:

SEC. 31A. LIMITATION REGARDING ASSISTANCE FOR INTERNATIONAL EXECUTIVE SERVICE CORPS.

No department or agency of the Federal Government administering assistance programs for which appropriations are authorized under this Act may provide financial assistance for any project or activity of the International Executive Service Corps if such project or activity would provide services to an organization that, in the judgment of the administrator of such assistance, is capable of obtaining the same or similar services without such assistance and without significant financial burden to that organization.

McCAIN AMENDMENT NO. 1984
(Ordered to lie on the table.)
Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following:

SEC. 61B. SENSE OF THE SENATE ON RUSSIAN COMPLIANCE WITH THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

It is the sense of the Senate that the President should insist on the full compliance of the Russian Federation with the terms of the Treaty on Conventional Armed Forces in Europe and should reject offers by the Russian Federation to renegotiate or otherwise change the terms of the treaty.

DOLE AMENDMENT NO. 1985
(Ordered to lie on the table.)
Mr. DOLE submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. POLICY ON THE EXTENDED SUSPENSION AND TERMINATION OF SANCTIONS AGAINST SERBIA AND MONTENEGRO.

It is the policy of the United States that:

(1) the repression of ethnic Albanians must be halted and full civil and human rights must be restored to the people of Kosovo, and international human rights observers should be permitted to enter Kosovo to monitor the civil and human rights of the people of Kosovo, including institutionalized discrimination and structural repression, have ended;

(2) the elected government of Kosovo is exercising its legitimate right to democratic self-government;

(3) monitors from the Organization for Security and Co-operation in Europe, other human rights monitors, and U.S. and international relief officials are free to operate in Kosovo, and enjoy the full cooperation and support of local authorities;

(4) the political autonomy of Kosovo, as exercised prior to 1981 under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, has been restored as a first step toward self-determination;

(5) full civil and human rights have been restored to ethnic non-Serbs in Serbia, including the Serbs of Montenegro;

(6) the Federal Republic of Yugoslavia has halted aggression against the Republics of Bosnia and Herzegovina and Croatia;

(7) the Federal Republic of Yugoslavia has terminated all forms of support, including manpower, arms, fuel, financial subsidies, and war material, by land or air, for Serbian separatist and their leaders in the Republics of Bosnia and Herzegovina and Croatia;

(8) the Federal Republic of Yugoslavia has terminated all forms of support for the control and occupation by Serbian forces of any and all regions within the sovereign territories of the Republics of Bosnia and Herzegovina and Croatia;

(9) the Federal Republic of Yugoslavia has terminated all contacts between its political and military leadership and those of the Serbian separatist militants in the Republic of Bosnia and Herzegovina and the Republic of Croatia;

(10) the Federal Republic of Yugoslavia has extended full respect for the territorial integrity and independence of the Republics of Bosnia and Herzegovina, and the Republic of Croatia, and the former Yugoslav Republic of Macedonia;

(11) the Federal Republic of Yugoslavia has cooperated fully with the United Nations War Crimes Tribunal, including by surrendering all available and requested evidence and those individuals who are residing in the territory of Serbia and Montenegro.

SEC. TECHNICAL AMENDMENT.

Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) is amended by striking subsection (e) of that section.

SEC. REPORTING REQUIREMENT.

Not later than 60 days after the date of enactment of this Act, the President of the United States shall prepare and submit to the President Pro Tempore of the Senate and the Speaker of the House a detailed report on:

(1) the systematic human rights violations against the ethnic Albanian majority living in Kosovo, to include reports of "ethnic cleansing";

(2) the nature and extent of the Federal Republic of Yugoslavia's support for Serb militant separatists and their leaders in the Republic of Bosnia and Herzegovina and the Republic of Croatia, to include fuel, financial subsidies, arms, and war material, as well as the means by which these are being provided.

(3) the conduct and impact of the political, military, and economic policies of the Federal Republic of Yugoslavia's political and military leadership and the leaders of the Serb militant separatists in the Republic of Bosnia and Herzegovina and the Republic of Croatia.

SARBANES AMENDMENT NO. 1986
(Ordered to lie on the table.)
Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

SEC. 1402. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, programs, or requirements under this Act or any other Federal law, and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required.

SARBANES (AND LEAHY) AMENDMENT NO. 1988
(Ordered to lie on the table.)
Mr. SARBANES (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 222, strike lines 3 through 7.

TITLE XIV—AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 1402. ELIMINATION OF DUPLICATION.

(a) IN GENERAL.—The Secretary of State shall, in consultation with the Administrator of the Agency for International Development, identify and eliminate all duplicative, overlapping, or superfluous personnel, functions, programs, or requirements under this Act or any other Federal law, and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required.

(b) REPORT.—Not later than March 31, 1996, or 180 days after the date of enactment of this Act, whichever is later, the Secretary of State shall submit a report describing the personnel, functions, goals, activities, offices, and programs identified under subsection (a) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, together with proposed legislation if additional statutory authority is required.

SEC. 1402. COORDINATION OF PROGRAMS.

(a) IN GENERAL.—The United States shall seek to coordinate its sustainable development programs with other bilateral and multilateral donors, as well as with the sector, in order to maximize the effectiveness of resources allocated to sustainable development. The United States shall also exercise leadership in building the commitment and cooperation necessary for countries to make significant progress toward the
goals adopted at international fora relating to sustainable development.

(b) COORDINATION OF UNITED STATES PROGRAMS AND POLICIES.—The President shall establish:

(1) to coordinate, and to eliminate duplication among, all United States policies, programs and activities designed to promote sustainable development, including those that are funded or carried out by the United States Agency for International Development, the Department of State, the Department of Treasury, the Department of Agriculture, the African Development Foundation, the Inter-American Foundation, the Environmental Protection Agency, the Peace Corps, and other involved departments or agencies;

(2) to ensure that United States policies and activities at the international financial institutions and other international organizations engaged in development activities are consistent and complementary with sustainable development; and

(3) to include United States policies, programs and activities designed to promote growth through trade and investment, such as the Overseas Private Investment Corporation, the Export-Import Bank of the United States, and the various agencies and departments designated as such under subsection (b) and the way in which duplication and waste will be avoided.

SEC. 1403. REFORM AND STREAMLINING OF GOALS AND PURPOSES.

(a) REPEALS.—The following provisions of the Foreign Assistance Act of 1961 are repealed: Sections 102, 103, 103A, 104 (a)–(e) and (g), 105, 106, 113, 117 (a) and (b), 119, 120, 125, 128, 129, 206, 219, 241, and 281.

(b) SUSTAINABLE DEVELOPMENT PROGRAM.—Section 101 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152) is amended to read as follows:

"SEC. 101. SUSTAINABLE DEVELOPMENT PROGRAMS.

"(a) In General.—The promotion of sustainable development at home and abroad is in the long-term interests of the United States. Sustainable development means broad-based economic growth that protects the environment, enhances human capabilities, upholds human rights and democratic values, and improves the quality of life for current generations while preserving that opportunity for future generations.

"(b) PURPOSE.—The ultimate purpose of programs under this chapter is to enable the poorer countries and people of the world to provide for their own economic security without further outside assistance. This purpose is pursued internationally by supporting the self-help efforts of people in developing countries:

(1) to implement sound policies that increase self-reliance, equity, and productive capacity;

(2) to invest in developing their human resources; and

(3) to build effective and accountable independent political, economic, and social institutions;

(c) PROGRAMS.—The President is authorized to provide assistance under this chapter to the Department of Agriculture, the Department of International Development, the Department of Commerce, the Agency for International Development, and other relevant agencies and departments.

(1) ENHANCING BROAD-BASED ECONOMIC GROWTH.—

"(A) RATIONALE.—Broad-based economic growth means equitable and inclusive economic expansion in developing countries. Such growth is in the economic, political, and strategic interests of the United States because it permits countries to progress toward economic self-reliance, improve the living standards of their citizens, reduce the incidence of poverty, promote food security and nutritional well-being, slow population growth, and increase opportunities for mutually beneficial international trade and investment. Such growth also improves the prospects for the spread of democracy and political pluralism.

"(B) MEANS.—Broad-based economic growth requires, in addition to sound economic policies—

(i) a broader role for and access to market for both local and national enterprises, improved legislation and enforcement of competition policies, and the rule of law;

(ii) stronger and more accountable public and private institutions at the local and national level, and sound public investments;

(iii) enhanced food security, including improved access to safe food and adequate nutrition through improved market institutions and expansion of local, small-scale, food-based agriculture and post-harvest food preservation;

(iv) sound debt management, including relief debt as appropriate;

(v) investments in people’s productive capabilities, including measures to upgrade technical and managerial knowledge and skills;

(vi) measures to ensure that the poor, especially women, have improved access to productive resources (including credit for microenterprise initiatives, technical training and market-related information, affordable and resource-conserving technologies, and land) and that they participate fully in the benefits of growth in employment and income; and

(vii) sustainable improvements to agriculture, through support for agricultural research, provision of appropriate technology, outreach to farmers, and improvement of marketing, storage and transportation systems.

(2) PROTECTING THE GLOBAL ENVIRONMENT.—

"(A) RATIONALE.—The economic and social well-being and the security of the United States, indeed the health of the entire world community, depend critically on the global environment and natural resource base. Consumption patterns, systems of industrial and agricultural production, demographic trends, and the use of natural resources directly affect the sustainability of long-term development and growth and the integrity of the ecosystem. Continued rapid growth in world population and consumption of the world’s resources will not be economically sustainable. Improved resource management is a critical element of a balanced pattern of development. Both developed and developing countries share responsibility to present and future generations for the rational and sustainable management of natural resources and for the maintenance of the environment.

(b) PROGRAMS.—The ultimate purpose of sustainable development is to ensure that economic growth and the integrity of the ecosystem are sustained. The President shall pursue the following objectives:

(1) PARTICIPATION.—The President shall cooperate with the United Nations and other international organizations engaged in development activities and institutions and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain sustainable development.

(2) STABILIZING WORLD POPULATION AND PROMOTING REPRODUCTIVE HEALTH.—

"(A) RATIONALE.—Many individuals still do not have access to the full range of methods and information necessary to determine the number and spacing of their children. Rapid population growth, among other factors, aggravates poor health, perpetuates poverty, and inhibits saving and investment, particularly in people in the form of basic health and education services. Continued rapid growth in world population will undercut sustainable development efforts. Unsustainable population growth is directly tied to degradation of the natural resource base and the environment and contributes to economic and political instability. The problems associated with rapid population growth are interrelated with economic and social inequities, particularly in the lowest income groups. Therefore, environmental policies and practices and development that is environmentally, socially and culturally sound over the long-term, including programs to conserve, protect threatened and endangered species, preservation of ecosystems and natural habitats, non-polluting methods of agricultural and industrial production, preparation of environmental impact assessments, improved energy efficiency, better resource management and monitoring, and reduction and safe disposal of waste will be avoided.

(3) SUPPORTING DEMOCRATIC PARTICIPATION.—

"(A) RATIONALE.—It is in the national interest of the United States and in keeping with United States democratic traditions to support democratic aspirations and values, freedom of speech and conscience, human, and political institutions, and encourage universal respect for civil and human rights. The strengthening of civil society and non-governmental institutions, including business associations and labor unions, that encourage broad participation and protect human rights is an essential element of the ability of nations to sustain sustainable development.

(b) PROGRAMS.—Programs to support democratic participation must help to build and strengthen organizations and institutions that foster inclusion in economic and political decision-making at the local and national levels. Such programs shall include those that promote respect for human rights and the rule of law; an expanding role for nongovernmental and citizens’ organizations and their capacity to effectively participate in political and economic decision-making and management of the programs; enhanced citizen access to public information; the ability of all citizens to choose freely; the Government accountable for its actions; advancement of legal, social, and economic equality for women, workers, and minorities, including women’s rights and the protection of women and children from violence; and the elimination of discrimination against women and expanded opportunities for persons with disabilities; and strengthened principles of tolerance among and within religious and ethnic groups.
progress on global issues of direct concern to the United States.

“(B) MEANS.—The primary means to sta-

bilize population at levels that are consist-
ent with the survival and well-being of our coun-
try and with recognized standards of human right,
are to provide women and men with the means to freely and responsibly choose the number and spacing of their

children, and to contribute to improved repro-
ductive health. This calls for a focus on en-
hanced access to and improved quality of vol-
untary family planning services and reproductive health care. Such efforts should be complemented by programs carried out in accordance with paragraphs (2) and (3) to im-
prove female education, raise the economic and social status of women, and increase in-
fant and child survival rates.

(5) DEVELOPING HUMAN RESOURCES.—

(A) RATIONALE.—Reducing the worst mani-
festations of poverty through the develop-
ment of human resource capacity is essen-
tial to long-term peace and international sta-

bility. Individuals, communities, and na-
tions cannot be fully productive when im-
paired by disease, illiteracy, and hunger re-
sulting from the neglect of human resources.

While broad-based economic growth is nec-

essary for the reduction of the worst mani-
festations of poverty, such growth cannot be sustained by people, and especially by women, have the basic assets and capabili-
ties that foster the opportunity for partici-
patation in the economic, social and political life of their communities.

(B) MEANS.—To reduce the worst mani-

festations of poverty, sustainable develop-
ment programs must develop human re-

sources by securing universal access to ade-
quate food, safe drinking water, basic sanita-
tion, and basic shelter; expanding education to all children, with emphasis on basic education and particular attention to equalizing male and female literacy and schooling; providing equal access to credit; improving the coverage, quality and sustain-

ability of basic health services; preventing the spread of HIV/AIDS and other commu-
nicable diseases; reducing substantially undernutrition and malnutrition through ex-
panded nutrition education and food safety

measures, promotion of breast-feeding and sound weaving practices, and micronutrient therapy; family planning services and re-
productive health care; improving services, training and other forms of as-

sistance. Increased female education further empowers women by allowing their effective participation in the economic, social and political life of their communities.

(C) UTILIZATION OF UNITED STATES INSTITU-

TIONAL CAPABILITIES.—United States institu-
tions and programs in the fields of scien-
technology, business, and education can provide a unique contribution to sustaining development programs. Pro-

grams undertaken to achieve the sustainable development purposes of this title bring greater mutual benefit by recognizing and harnessing existing United States capabil-

ities in science and technology; access to edu-
cation and training in United States col-

leges, universities, and technical training fa-
cilities; private sector entrepreneurial skills; and United States public sector expertise.

This may be encouraged through long-term collaboration between public and private in-
stitutions. This may include, on the one hand, the "United", the "United" and all that follows through the pe-

riod on line 2 of page 265 and insert “and the United” and all that follows through the pe-

riod on line 2 of page 265 and insert “and the United States Information Agency”.

On page 266, strike lines 17 through 20.

On page 267, strike lines 4 through 7.

On page 268, line 9, insert “and” after “Service.”

On page 26, line 12, strike “;” and in-

sert a period.

On page 126, beginning on line 22, strike “the United” and all that follows through the pe-

riod on line 26 and insert “and the United States Information Agency”.

HELMS AMENDMENT NO. 1989

(Original to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 29, insert the follow-

ing:

SEC. 1. Report on enforcement of United Nations Sanctions against the Federal Re-

public of Yugoslavia (consisting of Serbia and Montenegro).

By December 31, 1995 the Secretary of State, in cooperation with the Secretary of the Treasury, shall report to the Committee on Foreign Relations in the Senate and Speaker of the House of Representatives on whether the Governments of European countries receiving assistance pursuant to Title V of the Foreign Assistance Act of 1961 or the Arms Export Control Act are taking all necessary

steps to implement effectively United Na-
tions sanctions against the Federal Repub-
lic of Yugoslavia (consisting of Serbia and Montenegro).

FEINGOLD AMENDMENT NO. 1990

(Original to lie on the table.)

Mr. FEINGOLD submitted an amend-

ment intended to be proposed by him to the bill, S. 908, supra; as follows:

At the appropriate place, insert:

SEC. 1. FINDINGS.

The amendment makes the following find-

ings: (1) The People’s Republic of China com-

promises one-fifth of the world’s population,
or 1,200,000,000 people, and its policies have a profound effect on the world economy and global security.

(2) The People's Republic of China is a permanent member of the United Nations Security Council and plays an important role in regional organizations such as the Asia-Pacific Economic Cooperation Forum and the ASEAN Regional Forum.

(3) The People's Republic of China is a nuclear power, with the largest standing army in the world, and has been rapidly modernizing its military capabilities.

(4) The People's Republic of China is currently undergoing a change of leadership which has significant implications for the political and economic future of the Chinese people and for China's relations with the United States.

(5) China's estimated $600,000,000,000 economy has enjoyed unparalleled growth in recent years.

(6) Despite increased economic linkages between the United States and China, bilateral relations have deteriorated significantly because of fundamental policy differences over a variety of important issues.

(7) The People's Republic of China has violated international standards regarding the nonproliferation of weapons of mass destruction.


(9) According to the State Department Country Report on Human Rights Practices for 1994, there continued to be "widespread and well-documented human rights abuses in China, in violation of the internationally accepted norms . . . (including) arbitrary and lengthy pre-trial detention, torture, and mistreatment of prisoners . . . The regime continued severe restrictions on freedom of speech, press, assembly and association, and tightened control on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities."

(10) The Government of the People's Republic of China continues to detain political prisoners and continues to violate internationally recognized standards of human rights, including the protection and defense of persons for the nonviolent expression of their political and religious beliefs.

(11) The Government of the People's Republic of China continues to use torture and other mistreatment of prisoners and does not allow humanitarian and human rights organizations access to prisons.

(12) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and reporters.

(13) In the weeks leading to the 6th anniversary of the June 1989 massacre, a series of petitions were sent to the Chinese Government asking for a greater tolerance for democracy, rule of law, and an accounting for the 1989 victims and the Chinese Government responded by detaining dozens of prominent intellectuals and activists.

(14) The unjustified and arbitrary arrest, imprisonment, and initiation of criminal proceedings against Harry Wu, a citizen of the United States, has greatly exacerbated the deterioration in relations between the United States and the People's Republic of China, and all charges against him should be dismissed.

(15) China has failed to release political prisoners with serious medical problems, such as Bao Tong, and on June 25, 1995, revoked his "permission to leave" for China, reimprisoning him at Beijing No. 2 Prison and Chinese authorities continue to hold Wei Jingsheng incommunicado at an unknown location since his arrest on April 1, 1994.

(16) The Government of the People's Republic of China continues to engage in illegal and immoral practices, including the exportation of products produced by prison labor, the use of import quotas and restrictions on the exportation of selected products, the unilateral increasing of tariff rates and the imposition of taxes as surcharges on tariffs, the barring of the importation of certain items, the use of excesses and testing requirements to limit imports, and the transshipment of textiles and other items through the falsification of country of origin data.

(17) The Government of the People's Republic of China continues to employ the policy and practice of controlling all trade and continues to suppress and harass members of the independent labor union movement.

(18) The U.S.-China Policy Act of 1992 states that Congress wishes to see the provisions of the joint declaration implemented, and declares that "the rights of the people of Hong Kong are of great importance to the United States. Human Rights also serve as a basis for Hong Kong's continued prosperity."

(19) The United States currently has numerous sanctions on the People's Republic of China which remain in place—export restriction, arms sales and other commercial transactions.

(20) It is in the interest of the United States to foster China's continued engagement in the broadest range of international fora and increased respect for human rights, democratic institutions, and the rule of law in China.

SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.

(1) The President shall report to Congress within 30 days after the date of enactment of the Act, and no less frequently than every 6 months thereafter, on—

(a) the actions taken by the United States in accordance with section 3 during the preceding 6-month period by—

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(c) the World Trade Organization and other international trade fora; and

(2) The plan required by paragraph (1) shall be submitted not later than 60 days after the date on which all members of the Board are confirmed.

(b) INITIATION OF BROADCASTING TO CHINA.—

(1) In the conduct of bilateral relations with China, the President shall take steps to--

(a) the United Nations and other international organizations;

(b) the World Bank and other international financial institutions; and

(c) the World Trade Organization and other international trade fora; and

(b) the World Bank and other international financial institutions; and

(c) the World Trade Organization and other international trade fora; and

(d) the World Trade Organization and other international trade fora; and

(e) the World Trade Organization and other international trade fora; and

(f) the World Trade Organization and other international trade fora; and

(g) the World Trade Organization and other international trade fora; and

(h) the World Trade Organization and other international trade fora; and

(i) the World Trade Organization and other international trade fora; and

(j) the World Trade Organization and other international trade fora; and

(k) the World Trade Organization and other international trade fora; and

(l) the World Trade Organization and other international trade fora; and

(m) the World Trade Organization and other international trade fora; and

(n) the World Trade Organization and other international trade fora; and

(o) the World Trade Organization and other international trade fora; and

(p) the World Trade Organization and other international trade fora; and

(q) the World Trade Organization and other international trade fora; and

(r) the World Trade Organization and other international trade fora; and

(s) the World Trade Organization and other international trade fora; and

(t) the World Trade Organization and other international trade fora; and

(u) the World Trade Organization and other international trade fora; and

(v) the World Trade Organization and other international trade fora; and

(w) the World Trade Organization and other international trade fora; and

(x) the World Trade Organization and other international trade fora; and

(y) the World Trade Organization and other international trade fora; and

(z) the World Trade Organization and other international trade fora; and

(aa) the World Trade Organization and other international trade fora; and

(bb) the World Trade Organization and other international trade fora; and

(cc) the World Trade Organization and other international trade fora; and

(dd) the World Trade Organization and other international trade fora; and

(3) in the conduct of bilateral relations with China, the President shall take steps to--

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(C) the World Trade Organization and other international trade fora; and
the aircraft will not be used against civilians in East Timor; and
(c) the Secretary of State has submitted a plan to the appropriate Congressional com-
mittees on how the U.S. Government will ad-
vocate for significant withdrawals of Indo-
nesian military troops from East Timor.

FEINGOLD (AND HELMS) AMENDMENT NO. 1992
(Ordered to lie on the table.)
Mr. FEINGOLD (for himself and Mr. HELMS) submitted an amendment inten-
ded to be proposed by him to the bill, S. 908, supra; as follows:
At the appropriate place in the bill, insert the following: “Notwithstanding any other provision of law, non-discriminatory treat-
ment (most-favored-nation treatment) to the products of the People's Republic of China is revoked.”

GLENN AMENDMENTS NOS. 1993-1994
(Ordered to lie on the table.)
Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 908, supra; as follows:
AMENDMENT NO. 1993
At the appropriate place in the bill, insert the following new section:
Part D of the Nuclear Proliferation Pre-

AMENDMENT NO. 1994
On page 12, between lines 4 and 5, insert the following new subsection:
(d) REIMBURSEMENT OF COLUMBUS, OHIO, FOR EXTRAORDINARY SECURITY EXPENSES.—Of the amounts authorized to be appropriated for “Protection of Foreign Missions and Offi-
cials” in subsection (a)(9), $1,500,000 is au-
thorized to be available to reimburse the City of Columbus, Ohio, for the costs associ-
ated with the provision by the city of ex-
teroidary security services in connection with the World Trade Center Efficiency, held in Columbus in October 1994, in accord-
ance with section 208 of title 3, United States Code. For purposes of making reimburse-
ments under this section, the limitations of section 202(b)(1) of title 3, United States Code, shall not apply.

PRESSLER AMENDMENTS NOS. 1995-1999
(Ordered to lie on the table.)
Mr. PRESSLER submitted five amendments intended to be proposed by him to the bill, S. 908, supra; as fol-
lows:
AMENDMENT NO. 1995
At the appropriate place in the bill, insert the following:
SEC. . CERTIFICATIVE REQUIREMENT FOR TRANSFER OF MILITARY EQUIP-
MENT.
(a) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776b(b)) is amended—
(1) in paragraph (1), by inserting after the second sentence the following: “Such num-
bered certificates shall also contain the determina-
tion specified in paragraph (6).”;
and
(2) by adding at the end the following:
“(6) The determination referred to in the third sentence of paragraph (1) is a deter-
mination by the President that the govern-
ment of the proposed recipient country, in the five years immediately prior to the date of certification, has not—
(A) engaged in cooperation with any country listed under section 620(f) of the For-
gain Assistance Act of 1961, or listed under section 6(j)(1)(A) of the Export Administra-
tion Act of 1979, for the purpose of develop-
ing any nuclear, chemical, or biological weapon, or any means of delivery for such a device; or
(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979.”.

(b) COMMERICAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776c(c)) is amended—
(1) in paragraph (1), by inserting after the first sentence the following: “Such numbered certificates shall also contain the deter-
mination specified in paragraph (6).”;
and
(2) by adding at the end the following:
“(4) The determination referred to in the third sentence of paragraph (2) is a deter-
mation by the President that the govern-
ment of the proposed recipient country, in the five years immediately prior to the date of certification, has not—
(A) engaged in cooperation with any country listed under section 620(f) of the For-
gain Assistance Act of 1961, or listed under section 6(j)(1)(A) of the Export Administra-
tion Act of 1979, for the purpose of develop-
ing any nuclear, chemical, or biological weapon, or any means of delivery for such a device; or
(B) engaged in joint military exercises with any country listed under section 6(j)(1)(A) of the Export Administration Act of 1979.”.

AMENDMENT NO. 1996
At the appropriate place in the bill, insert the following:
SEC. . PEACE AND STABILITY IN THE SOUTH CHINA SEA.
(a) FINDINGS.—The Congress finds the fol-
lowing:
(1) The South China Sea is a critically im-
portant waterway through which 25 percent of the world’s ocean freight and 70 percent of
Japan’s energy supplies transit.
(2) The South China Sea serves as a crucial
sea lane for ships moving between the Pacific and Indian Oceans, particularly in time of emergency.
(3) There are a number of competing claims to territory in the South China Sea.
(4) The 1992 Manila Declaration adhered to by the Association of South East Asian Na-
tions, the Socialist Republic of Vietnam, and the People’s Republic of China calls for all
claimants to territory in the South China Sea to resolve questions of boundaries through peaceful negotiations.
(5) The legitimate concerns of the People’s Republic of China has declared the entire South China Sea to be Chinese territorial waters.
(6) The armed forces of the People’s Repub-
lic of China have asserted China’s claim to the South China Sea through the kidnapping of
villagers of the Republic of the Philippines
and the construction of military bases on
territory claimed by the Philippines.
(7) These acts of aggression committed by
the armed forces of the People’s Republic of China are contrary to international law and to
peace and stability in East Asia.
(b) POLICY DECLARATION.—The Congress—
(1) declares the right of freedom passage
through the South China Sea to be vital to
the national security interests of the United
States, its friends and allies;
(2) declares that any attempt by a
democracy to assert, through the use of
force or intimidation, its claims to
the South China Sea to be a matter of grave concern to the United
States;
(3) calls upon the Government of the Peo-
ple’s Republic of China to adhere faithfully
to its commitment under the Manila
Declaration of 1992; and
(4) calls upon the military to review the
defense needs of democratic countries with
claims to territory in the South China Sea.

AMENDMENT NO. 1997
At the appropriate place in the bill, insert the following:
SEC. . MARTIN C. M. LEE, Q.C. OF HONG KONG.
(a) FINDINGS.—The Congress finds the fol-
lowing:
(1) Mr. Martin C.M. Lee, Q.C. is a distin-
guished barrister and a former chairman of the Hong Kong Bar Association.
(2) Mr. Lee is the Chairman of the Demo-
cratic Party of Hong Kong.
(3) In recognition of his extraordinary contributions to the causes of human rights,
the rule of law and promotion of justice, the American Bar Association has
honored him as the recipient of its 1995 International Human Rights Award.

AMENDMENT NO. 1998
At the appropriate place in the bill, insert the following:
SEC. . HUMAN RIGHTS IN BURMA.
(a) FINDINGS.—The Congress finds the fol-
lowing:
(1) The United States Department of State has declared that, “Burma is ruled by a
highly authoritarian, military regime that has been condemned for its serious human rights abuses.”
(2) Along the human rights abuses the Burmese military regime, known as the State
Law and Order Restoration Council or SLOC, has committed summary execu-
tions, rape, torture, forced labor, politically motivated arrests and detentions, and sup-
pression of minority groups.
(3) In democratic elections held on May 27, 1990 the Burmese people voted by an over-
whelming majority for a representative of the National League for Democracy led by
Aung San Suu Kyi.
(4) The Burmese military regime initiated the election and has mistreated Aung San Suu
Kyi under house arrest and jailed thousands of her sup-
porters.
(5) In 1993 Mrs. Suu Kyi was awarded the Nobel Peace Prize.

(6) In the face of a clear determination by the United States Congress to punish the SLORC, the Burmese military regime gave Mrs. Suu Kyi her unconditional release on July 10, 1995.

(7) However, the SLORC has still not released thousands of other Burmese supporters of the democracy movement and has not started a dialogue with Mrs. Suu Kyi to re-store democratic rule to Burma.

(8) Policy Declaration. — The Congress—

(1) declares the restoration of democracy in Burma to be a major foreign policy goal of the United States;

(2) declares that a failure by the Burmese State Law and Order Council to release all political prisoners and open a dialogue with Aung San Suu Kyi and other Burmese democratic leaders will lead to appropriate sanctions by the United States Congress.

**AMENDMENT NO. 1999**

At the appropriate place in the bill, insert the following:

Findings: The United States Department of State believes Iran was the greatest supporter of international terrorism in 1992, providing more than 20 terrorist groups, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

The Secretary of State has determined, under the terms of section 6(j)(1)(A) of the Export Administration Act of 1979, that Iran has repeatedly provided support for acts of international terrorism.

Credible information exists indicating that defense industrial trading companies of the People’s Republic of China have transferred ballistic missile technology to Iran.

Section 73(f) of the Arms Export Control Act states that when determining whether a foreign country is actively interfering with the arms embargo of the Government of Bosnia and Herzegovina and “the basis for his determination, and the measures that the United States has taken to minimize such interference.”

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transit of arms deliveries to the Government of Bosnia and Herzegovina, and

(b) Resumption. — The President may resume the United States arms embargo of the Government of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transit of arms deliveries to the Government of Bosnia and Herzegovina, and

(c) Definitions. — As used in this section, the terms “United States arms embargo of the Government of Croatia” and “United States arms embargo of the Government of Bosnia and Herzegovina” mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (56 FR 33322) under the heading “Suspension of Munitions Export Licenses to Yugoslavia.”

**HATCH (AND OTHERS)**

**AMENDMENT NO. 2001**

Ordered to lie on the table.

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 84, strike lines 23 and 24.

**HELMS AMENDMENTS NOS. 2002–2013**

Ordered to lie on the table.

Mr. HELMS submitted 12 amendments intended to be proposed by him to the bill, S. 908, supra; as follows:

**AMENDMENT NO. 2002**

Beginning on page 11, strike line 14 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

**SEC. 121. LEASE PURCHASE OF OVERSEAS PROPERTY.**

(A) Authority for lease-purchase. — Subject to subsections (b) and (c), the Secretary is authorized to acquire such property as he determines to be necessary for the DTS-PO and the DTS network.

(B) System configuration for the DTS network.

(C) Funding profile to achieve the system configuration.

(D) Transition strategy to move to the system configuration.

(E) A reimbursement plan to cover the direct and indirect costs of operating the DTS network.

(F) An allocation of funds to cover the costs associated with transactions for the DTS network.

**AMENDMENT NO. 2003**

Ordered to lie on the table.

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 124, after line 20, add the following:

**SEC. 638. TERMINATION OF THE UNITED STATES ARMS EMBARGO APPLICABLE TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA.**

(a) Termination. — Subject to subsection (b), the United States arms embargo of the Government of Croatia at such time the United States terminates the United States arms embargo of the Government of Bosnia and Herzegovina.

(b) Resumption. — The President may resume the United States arms embargo of the Government of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transit of arms deliveries to the Government of Bosnia and Herzegovina, and

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transit of arms deliveries to the Government of Bosnia and Herzegovina, and

(c) Definitions. — As used in this section, the terms “United States arms embargo of the Government of Croatia” and “United States arms embargo of the Government of Bosnia and Herzegovina” mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (56 FR 33322) under the heading “Suspension of Munitions Export Licenses to Yugoslavia.”

**AMENDMENT NO. 2004**

Ordered to lie on the table.

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 125, strike line 20 and all that follows through line 4 on page 12.

On page 13, strike lines 6 through 12 and insert the following:

**SEC. 122. LEASE PURCHASE OF OVERSEAS PROPERTY.**

(A) Authority for lease-purchase. — Subject to subsections (b) and (c), the Secretary is authorized to acquire such property as he determines to be necessary for the DTS-PO and the DTS network.

(B) System configuration for the DTS network.

(C) Funding profile to achieve the system configuration.

(D) Transition strategy to move to the system configuration.

(E) A reimbursement plan to cover the direct and indirect costs of operating the DTS network.

(F) An allocation of funds to cover the costs associated with transactions for the DTS network.

**AMENDMENT NO. 2005**

Ordered to lie on the table.

Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. PELL, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 908, supra; as follows:

On page 126, after line 20, add the following:

**SEC. 639. TERMINATION OF THE UNITED STATES ARMS EMBARGO APPLICABLE TO THE GOVERNMENT OF THE REPUBLIC OF CROATIA.**

(a) Termination. — Subject to subsection (b), the United States arms embargo of the Government of Croatia at such time the United States terminates the United States arms embargo of the Government of Bosnia and Herzegovina.

(b) Resumption. — The President may resume the United States arms embargo of the Government of Croatia upon—

(1) determining the Government of the Republic of Croatia is actively interfering with the transit of arms deliveries to the Government of Bosnia and Herzegovina, and

(2) reporting in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives that he has determined the Government of the Republic of Croatia is actively interfering with the transit of arms deliveries to the Government of Bosnia and Herzegovina, and

(c) Definitions. — As used in this section, the terms “United States arms embargo of the Government of Croatia” and “United States arms embargo of the Government of Bosnia and Herzegovina” mean the application to the Government of the Republic of Croatia and the Government of Bosnia and Herzegovina, respectively, of the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (56 FR 33322) under the heading “Suspension of Munitions Export Licenses to Yugoslavia.”
"(AA) without the property having been returned or adequate and effective compensation provided or in violation of the law of the place where the property was situated when the confiscation occurred; or

AMENDMENT NO. 2004

On page 47, strike line 18 and all that follows through page 49, line 15, and insert in its place:

"(ii) As used in this subparagraph:

(1) The term "confiscated" refers to (A) confiscation by any enterprise which has been confiscated; (B) confiscation by any enterprise which has been converted, or trafficked in property; or (C) confiscation by the national claims settlement agreement or national claims settlement agreement for each of the fiscal years 1996, 1997, 1998, and 1999.".

On page 50, between lines 14 and 15, insert the following:

"SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(b)(2) of the Foreign Relations Authorization Act of Fiscal Years 1994 and 1995 (22 U.S.C. 6102(b)(2)) is amended by striking "certain" and inserting the following: "confiscated; or"

"SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4581(a))), the Secretary, by and through the National Claims Settlement Agreement, shall make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world."

AMENDMENT NO. 2005

On page 50, between lines 14 and 15, insert the following new subsection:

"(c) Reporting Requirement.—(1) The United States Embassy in each country shall provide to the Secretary of State a report listing those foreign nationals who have confiscated, converted, or trafficked in property the claim to which is held by a United States national and in which the confiscation claim has not been fully resolved.

(2) Beginning six months after the date of enactment of this Act, and every year thereafter, the Secretary of State shall submit to the appropriate congressional committees a list of those foreign nationals who—

(A) have confiscated, converted, or trafficked in property the claim to which is held by a United States national in which the confiscation claim has not been fully resolved; and

(B) have been excluded from entry into the United States.

On page 58, line 10, insert "and" after "operations;"

On page 58, strike lines 13 through 15.

On page 58, line 8, insert "relevant" after "all;".

AMENDMENT NO. 2006

On page 104, between lines 16 and 17, insert the following:

"SEC. 420. MANSFIELD FELLOWSHIP PROGRAM REQUIREMENTS.

Section 253(b)(2) of the Foreign Relations Authorization Act of Fiscal Years 1994 and 1995 (22 U.S.C. 6102(b)(2)) is amended by striking "certain" and inserting the following: "confiscated; and"

"SEC. 421. DISTRIBUTION WITHIN THE UNITED STATES OF THE UNITED STATES INFORMATION AGENCY FILM ENTITLED "THE FRAGILE RING OF LIFE".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 4581(a))), the Secretary, by and through the National Claims Settlement Agreement, shall make available for distribution within the United States the documentary entitled "The Fragile Ring of Life", a film about coral reefs around the world."

On page 107, strike line 12 and all that follows through "and training authorized under this section."
fulfill its commitments, the PLO must do far more to demonstrate an irreducible denunciation of terrorism and ensure a peaceful settlement of the Middle East dispute, and in particular:

(1) submit to the Palestine National Council for formal approval the necessary changes to those articles of the Palestinian National Covenant which call for Israel’s destruction;

(2) make greater efforts to preempt acts of terror, to discipline violators, and to contribute to the peace process by redressing, in a regular manner, the grievances that have resulted in the deaths of 123 Israeli citizens since the signing of the Declaration of Principles;

(3) prohibit participation in its activities and in the Palestinian Authority and its successors by any groups or individuals which continue to promote and commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) certify to the relevant congressional committees pursuant to subparagraph (A), (B), (C), and (D) of section 3(a) of Public Law 103–125, that the PLO has not continued to comply with all the commitments described in subparagraph (D), and that the provisions that may be suspended under paragraph (1) are the following:

(i) the manner in which the PLO has committed to the relevant congressional committees pursuant to subparagraph (A), the President of the United States and its successors has not continued to comply with any of the commitments specified in subparagraph (D) of section 3(a) of Public Law 103–125, or the PLO has not continued to comply with any of the commitments specified in subparagraphs (B) and (C)(i) of the commitments made by the PLO under section 3(a) of Public Law 103–125 that are the commitments referred to in subparagraphs (B) and (C)(i) of the commitments made by the PLO under section 3(a) of Public Law 103–125;

(ii) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO, to carry out actions inconsistent with the terms of the Declaration of Principles or acts of terrorism against Israel.

(6) transfer any person, and cooperate in transfer proceedings relating to any person, accused by Israel of acts of terrorism; and

(7) respect civil liberties, human rights and democratic norms.

D) AUTHORITY TO SUSPEND CERTAIN PROVISIONS.—

(1) IN GENERAL.—Subject to paragraph (2), beginning on the date of enactment of this Act and for 18 months thereafter the President may suspend for a period of not more than 6 months at a time any provision of law specified in paragraph (4). Any such suspension shall cease to be effective after 6 months, or at such earlier date as the President may specify.

(2) CONDITIONS.—

(A) CONSULTATIONS.—Prior to each exercise of the authority provided in paragraph (1) or certification pursuant to subparagraph (A), the President shall consult with the relevant congressional committees. The President may not exercise that authority to make such a certification until 30 days after a written policy justification is submitted to the relevant congressional committees.

(B) PRESIDENTIAL CERTIFICATION.—The President shall exercise the authority provided in paragraph (1) only if the President certifies to the relevant congressional committees that it is in the national interest of the United States to exercise such authority; and

(i) the PLO continues to comply with all the commitments described in subparagraph (D); and

(ii) funds provided pursuant to the exercise of this authority and the authorities under subparagraphs (A) and (B) of section 5303(a) of Public Law 103–125 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

C) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—

(i) The President shall ensure that PLO performance is continuously monitored, and if the President at any time determines that the PLO has not continued to comply with all the commitments described in subparagraph (D), he shall so notify the appropriate congressional committees.

(ii) Beginning six months after the date of enactment of this Act, if the President on the basis of the continuous monitoring of the PLO’s performance determines that the PLO is not in compliance with the requirements described in paragraph (3), he shall so notify the appropriate congressional committees and no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) until such time as the President makes the certification required by subparagraph (A).

D) PLO COMMISSION DESCRIBED.—The commitments referred to in subparagraphs (B) and (C)(i) are the commitments made by the PLO under section 3(a) of Public Law 103–125 that:

(i) in their letter of September 9, 1993, to the Prime Minister of Israel and in its letter of September 9, 1993, to the Foreign Minister of Norway;

(ii) recognize the right of the State of Israel to exist in peace and security;

(i) accept United Nations Security Council Resolutions 242 and 338;

(iii) renounce the use of terrorism and other acts of violence;

(iv) assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(v) call upon the Palestinian people in the West Bank and Gaza Strip to take part in the steps leading to the normalization of life, rejecting violence and terrorism, and contributing to peace and stability; and

(vi) submit to the Palestine National Council for formal approval the necessary changes to the Palestinian National Covenant eliminating calls for Israel’s destruction; and

(ii) in, and resulting from, the good faith implementation of principles, including good faith implementation of subsequent agreements with Israel, with particular attention to the objective of preventing terrorism, as reflected in the provisions of the Gaza-Jericho Agreement concerning—

(i) prevention of acts of terrorism and legal measures against terrorists;

(ii) abstention from and prevention of incitement, including hostile propaganda;

(iii) operation of armed forces other than the Palestinian Police;

(iv) possession, manufacture, sale, acquisition, or importation of weapons;

(v) employment of police who have been convicted of serious crimes or have been found to be actively involved in terrorist activities subsequent to their employment;

(vi) transfer to Israel of individuals suspected of, charged with, or convicted of an offense that falls within Israeli criminal jurisdiction;

(vii) cooperation with the Government of Israel in criminal matters, including cooperation in the conduct of investigations; and

(viii) exercise of powers and responsibilities under the agreement with due regard to internationally accepted norms and principles of human rights and the rule of law.

E) POLICY JUSTIFICATION.—As part of the President’s written policy justification to be submitted to the relevant congressional committees pursuant to subparagraph (A), the President shall state—

(i) the manner in which the PLO has complied with the commitments specified in subparagraph (D), including responses to individual acts of terrorism and violence, actions to discipline perpetrators of terror and violence, and actions to preempt acts of terror and violence;

(ii) the extent to which the PLO has fulfilled the requirements specified in paragraph (3); and

(iii) actions that the PLO has taken with regard to the Arab League boycott of Israel; the status and activities of the PLO office in the United States; and the status of United States and international institutions in the areas subject to jurisdiction of the Palestinian Authority or its successors.

F) REQUIREMENT FOR CONTINUING PROVISION OF ASSISTANCE.—Six months after the date of enactment of this Act, no assistance shall be provided pursuant to the exercise by the President of the authority provided by paragraph (1) unless and until the President determines and so certifies to the Congress that—

(A) if the Palestinian Council has been elected and assumed its responsibilities, the Council has, within a reasonable time, effectively disavowed the articles of the Palestine National Covenant that call for Israel’s destruction, unless the necessary changes to the Covenant have already been submitted to the Palestine National Council for formal approval;

(B) the PLO has exercised its authority resolutely to establish the necessary enforcement institution, including police, and a judicial system, for apprehending, prosecuting, convicting, and imprisoning terrorists;

(C) the PLO has limited participation in the Palestinian Authority and its successors to individuals and groups in accordance with the terms that may be agreed with Israel; and

(D) the PLO has not provided any financial or material assistance or training to any group, whether or not affiliated with the PLO, to carry out actions inconsistent with the terms of the Declaration of Principles or acts of terrorism against Israel.

G) TRANSFERS TO ISRAEL.—The PLO has cooperated in good faith with Israeli authorities in the preemption of acts of terrorism and in the apprehension and trial of perpetrators of terrorist acts in Israel, territories controlled by Israel, and all areas subject to jurisdiction of the Palestinian Authority and its successors; and

(H) the PLO has exercised its authority resolutely to enact and implement laws requiring the disarming of civilians not specifically licensed to possess or carry weapons.

4) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of paragraph (1) are the following:

(A) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2277) as it applies with respect to the PLO or entities associated with it.

(B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the PLO or entities associated with it.


(D) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 296w) as it applies to the granting to the PLO of observer status or other official status at any meeting sponsored by or associated with International Monetary Fund. As used in this subparagraph, the term “other official status” does not include membership in the International Monetary Fund.

(E) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term “relevant congressional committees” means—

(A) the Committee on International Relations, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

AMENDMENT NO. 211
SEC. 1110. PROCEDURES FOR COORDINATION OF GOVERNMENT PERSONNEL AT GOVERNMENT BUILDINGS.
(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 207 of the Foreign Service Act of 1980—
Service Act of 1980 (22 U.S.C. 3027) is amended—
(1) by redesignating subsection (c) as subsection (e); and
(2) by inserting after subsection (b) the following:
(c) In carrying out subsection (b), the head of a department, agency, or entity of the executive branch of Government shall ensure that, in coordination with the Department of State, the approval of the chief of a foreign country is sought on any proposed change in the size, composition, or mandate of employees of the respective department, agency, or entity (other than employees under the command of a United States area military commander) if the employees are performing duties in that country.

(2) Seeking the approval of the chief of mission under paragraph (1), the head of a department, agency, or entity of the executive branch of Government shall comply with the procedures set forth in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the implementing guidelines issued thereunder.

(3) The Secretary of State, in the sole discretion of the Secretary, may accord diplomatic titles, privileges, and immunities to employees of the executive branch of Government who are performing duties in a foreign country.

(4) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings and recommendations of the Joint Committee on United States Foreign Policy and International Politics generally.

SEC. 1302. UNITED NATIONS REORGANIZATION PLAN.

(a) Requirement for Plan.—The President shall submit to Congress, together with the budget submitted pursuant to section 1105 of title 31, United States Code, for fiscal year 1997, a plan recommending a strategic reorganization of the United Nations, which shall include the elements described in section 1503 and such other recommendations as may be necessary to achieve the efficient, cost-effective conduct of the responsibilities of the United Nations.

(b) Review of Procedures for Coordination.—(1) The President shall conduct a review of the procedures contained in National Security Decision Directive Number 38, as in effect on June 2, 1982, and the practices in implementation of those procedures, to determine whether the procedures and practices have been effective to enhance significantly the coordination among the several departments, agencies, and entities of the executive branch of Government represented in foreign countries.

(2) Not later than 180 days after the date of enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report containing the findings of the review conducted under paragraph (1), together with any recommendations for legislation as the President may determine to be necessary.

AMENDMENT NO. 2012
Beginning on page 216, strike line 4 and all that follows through line 22 on page 217 and insert the following:

SEC. 1201. SENSE OF CONGRESS REGARDING UNITED NATIONS REFORM.

It is the sense of Congress that—
(1) the 50th anniversary of the United Nations provides an important opportunity for a comprehensive review of the strengths and weaknesses of the United Nations and the need for implementation of changes in the United Nations that would improve its ability to discharge effectively the objectives of the United Nations set forth in the UN Charter;

(2) the structure of the United Nations system, which has evolved over 50 years, should be subject to a comprehensive review in order to bring about a new system that will best serve the interests of the United States and of the international community;

(3) the United States, as the strongest member state of the United Nations, should lead this comprehensive review;

(4) the reduction of a smaller, more focused, and more efficient United Nations with clearly defined missions is in the interest of the United States and of the United Nations;

(5) the United States should develop a unified position in support of reforms at the United Nations that are broadly supported by both the legislative branch and the executive branch;

(6) the need for reform of the United Nations is urgent; and

(7) the failure to develop and implement promptly a strategic reorganization of the United Nations will result in a continued diminution of the relevance of the United Nations to United States foreign policy and to international politics generally.

SEC. 1503. CONTENTS OF REORGANIZATION PLAN.

(a) It is the sense of the Congress that the reorganization plan required by section 1502(a) should—

(1) constitute a comprehensive statement of United States policy toward reform of the United Nations;

(2) set forth an agenda to implement the reforms set forth in the plan in a timely manner;

(3) include specific proposals to achieve—

(A) a substantial reduction in the number of agencies within the United Nations system, including proposals to consolidate, abolish, or restructure mechanisms for financing agencies of the United Nations that have a low priority;

(B) the identification and strengthening of the core agencies of the United Nations system that most directly serve the objectives of the United Nations set forth in the United Nations Charter;

(C) the increased cooperation, and the elimination of duplication, among United Nations agencies and provisions consistent with the principle of a unitary United Nations;

(D) the consolidation of the United Nations technical cooperation between the United Nations Headquarters and the offices of the United Nations in Geneva, Switzerland, including the merger of the technical cooperation provided by the United Nations Development Program (UNDP), the United Nations Population Fund (UNFPA), the United Nations Environmental Program (UNEP), the United Nations Industrial Development Organization (UNIDO), the International Fund for Agricultural Development (IFAD), the United Nations Capital Development Fund (UNCDF), and the United Nations Development Fund for Women (UNIFEM);

(E) the consolidation of the United Nations emergency response mechanism by merging the emergency functions of the relevant United Nations agencies, including the United Nations Children’s Fund, the World Food Program, and the Office of the United Nations High Commissioner for Refugees;

(F) a substantial reduction in, or elimination of, the cost and number of international conferences sponsored by the United Nations;

(G) a significant strengthening of the administrative and management capabilities of the Secretary General of the United Nations, including a comprehensive reorganization of the Secretariat要及时 positions for citizens of particular countries;

(H) a significant increase in the openness to the public of the budget decision-making procedures of the United Nations; and

(I) the establishment of a truly independent inspector general at the United Nations;

(2) include proposals to coordinate and implement reforms for the United Nations such as those proposals set forth in the June 1995 summit of the Heads of State and Government of the seven major industrialized nations and the President of the European Commission at Halifax, Nova Scotia, dated June 15-17, 1995; and

(3) include proposals for amendments to the United Nations Charter, such as those proposed by the Halifax summit, that would promote the efficiency, focus, and cost-effectiveness of the United Nations and the ability of the United Nations to achieve the objectives of the United Nations set forth in the United Nations Charter.

SEC. 1307. MicE MANFIELD FELLOWSHIPS.


(1) by striking "Public Law 103-267" and inserting "Public Law 103-289";

(2) by striking "the United States Information Agency" each place it appears and inserting "Department of State"; and

SMITH AMENDMENT NO. 2014

(Ordred to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:
FEINSTEIN AMENDMENTS NOS. 2015±2016
Orated to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 908, supra; as follows:

AMENDMENT NO. 2015
On page 124, after line 20, insert the following new section:
SEC. 618. THE ROLE OF RUSSIA IN ENDING THE WAR IN BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—The Congress makes the following findings:
(1) since 1992, Bosnian Serbs, backed by the Government of the Federal Republic of Yugoslavia, and in particular leaders of the Bosnian Serb government, have engaged in acts of aggression and withdrawal of the Serbian Armed Forces from the areas vacated by the Serbian Army, and the convening of elections for a Palestinian Council;
(6) the issue of security and preventing acts of terrorism is and must remain of paramount importance in the Israeli-Palestinian negotiations;
(7) on October 25, 1994, Israel and Jordan signed a full peace treaty, establishing full diplomatic relations and pledging to resolve all future disputes by peaceful means;
(8) the Israeli-Iranian peace treaty has resulted in unprecedented cooperation between the two nations in security, economic development, the environment, and other areas;
(9) Israel and Syria have engaged in serious and increasingly substantive peace negotiations including discussions between their leading military officers on the security arrangements that would accompany a peace treaty;
(10) Israel now enjoys low-level diplomatic relations with Morocco and Tunisia, and Israeli officials have conducted face-to-face discussions with senior officials from Qatar, Oman, and Bahrain;
(11) the six nations of the Gulf Cooperation Council have announced their decision to end all enforcement of the secondary and tertiary boycotts of Israel; and
(12) extremists opposed to the Middle East peace process continue to use terrorism to undermine the chances of achieving a comprehensive peace, including on July 24, 1995, when a suicide bomber blew up a bus in Tel Aviv, killing five Israeli civilians.

(b) SENSE OF CONGRESS.—The Congress—
(1) welcomes the progress made toward peace between Israel and its neighbors;
(2) commends those Middle Eastern leaders who have committed to resolve their differences through only peaceful means;
(3) reiterates its belief that a comprehensive and enduring peace between Israel and all of its neighbors is in the national interest of the United States;
(4) encourages all participants in the Middle East peace process to continue working to achieve lasting peace agreements while adhering fully to all commitments made and agreements reached thus far;
(5) calls upon all Arab states to demonstrate their commitment to peace by completely dismantling the Arab boycott of Israel in its primary, secondary, and tertiary aspects;
(6) reiterates its consistent condemnation of all acts of terrorism aimed at undermining the Middle East peace process, and calls upon all parties to take all necessary steps to prevent such acts; and
(7) strongly supports the Middle East peace process and seeks to ensure policies that will help the peace process reach a successful conclusion.

HATFIELD AMENDMENT NO. 2018
(Ordred to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill, S. 908, supra; as follows:

On page 124, after line 20, insert the following new section:
SEC. . SENSE OF CONGRESS WITH RESPECT TO THE INDIAN REFUGEES.
(a) FINDING.—The Congress makes the following findings:

Federal Register — Senate
(1) A substantial but undetermined number of asylum seekers who have escaped from Vietnam, Laos, and Cambodia, and who are now detained in refugee camps throughout Asia, refugees claims are rejected because of corruption, hostility to asylum seekers, or other defects in refugee screening processes.

(2) Others have had their claims rejected because the standard which was applied did not recognize persecution on account of close association with the United States war effort as sufficient to establish refugee status.

"Provided, That of this amount, no funds shall be available for construction of the Elise project, number 96-E-310, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2023

On page 25, line 17, before the period insert "Provided, That of this amount, no funds shall be available for construction of the Center for Biomedical Technology Innovation until a fair and impartial competitive site selection process has been completed by the Department of Energy."

AMENDMENT NO. 2024

On page 20, line 23, before the colon insert "Provided, That of this amount, no funds shall be available for construction of the Elise project, number 96-E-310, until a fair and impartial competitive site selection process has been completed by the Department of Energy."

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 2025

Mr. DOLE (for himself, Ms. SNOWE, Mr. LOTT, Mr. HELMS, and Mr. DAMATO) proposed an amendment to the bill S. 908, supra; as follows:

Section 2 of the act is amended by inserting at the end of fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

AMENDMENT NO. 2027

On line 17, line 2, before the period insert "Provided further, That none of the funds appropriated under this heading shall be made available for the construction of the Animas-La Plata project, Colorado and New Mexico, until the Secretary of the Interior reports to Congress regarding the feasibility of the Animas-La Plata project and completes a study and reports to Congress regarding feasible alternatives that may be available to fulfill the water rights of affected Indian tribes and the reasonably foreseeable water needs of communities in southwestern Colorado and northwestern New Mexico (including the feasibility of assigning water rights held in trust by the Secretary for New Mexico beneficiaries to appropriate New Mexico entities for their own use and development)."

AMENDMENT NO. 2028

At the appropriate place, insert the following:

SEC. . ENERGY SAVINGS AT FEDERAL FACILITIES.

(a) REDUCTION IN FACILITIES ENERGY COSTS. The head of each agency for which funds are provided under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS. An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, and shall be available for use by the agency for such purposes as are designated by the head of the agency.

(1) CONSERVATION MEASURES. Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES. Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in
KASSEBAUM) proposed an amendment follows:

SEC. 2001. SHORT TITLE.

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,300 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who live in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to the current economic recovery and hourly wages have grown at a below average rate;

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

NICKLES (AND KASSEBAUM) AMENDMENT NO. 2029

Mr. NICKLES (for himself and Mrs. KASSEBAUM) proposed an amendment to amendment No. 1977 proposed by Mr. KENNEDY to the bill S. 908, supra; as follows:

Strike all after the word "that" and insert in lieu thereof the following: "that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress."

KERRY AMENDMENT NO. 2030

Mr. KERRY proposed an amendment to amendment No. 1977 proposed by Mr. KENNEDY to the bill S. 908, supra; as follows:

"SEC. .

It is the sense of the Senate that:

(1) the current economic recovery has generated record profits for industry, but hourly wages have grown at a below average rate;

(2) the minimum wage has not been raised since April 1, 1991, and has lost more than 10% of its purchasing power since then;

(3) the average minimum wage worker provides 50% of her family's weekly earnings;

(4) nearly two-thirds of minimum wage workers are adults, and 60% are women;

(5) a full-time, year-round worker who is paid the minimum wage earns $8,300 a year, less than a poverty level income for a family of two;

(6) there are 4.7 million Americans who live in poverty, and 4.2 million families live in poverty despite having one or more members in the labor force for at least half the year;

(7) the 30% decline in the value of the minimum wage since 1979 has contributed to the current economic recovery and hourly wages have grown at a below average rate;[...]

HELMS AMENDMENT NO. 2031

Mr. HELMS proposed an amendment to the bill S. 908, supra; as follows:

At the end of the bill, add the following new division:

DIVISION C—FOREIGN AID REDUCTION

SEC. 2001. SHORT TITLE.

This division may be cited as the "Foreign Aid Reduction Act of 1995". 

(b) Availability of Appropriations.—Sec-

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the fac-

ilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the re-

ductions.
CHAPTER 3—PEACE CORPS
SEC. 233L. PEACE CORPS.
Section 3(b) of the Peace Corps Act (22 U.S.C. 2292b) is amended to read as follows:
"(b) There shall be appropriated to carry out purposes of this Act $234,000,000 for each of the fiscal years 1996 and 1997."

CHAPTER 4—INTERNATIONAL DISASTER ASSISTANCE PROGRAMS
SEC. 234L. INTERNATIONAL DISASTER ASSISTANCE.
Section 121 of the Foreign Assistance Act of 1961 (22 U.S.C. 2252a) is amended to read as follows:
"(a) There shall be appropriated to carry out section 401, in addition to funds otherwise available for such purposes, $200,000,000 for fiscal year 1996 and $200,000,000 for fiscal year 1997."

TITLE XV—PEACE AND SECURITY IN THE MIDDLE EAST
SEC. 240L. ECONOMIC SUPPORT FUND ASSISTANCE FOR ISRAEL.
(a) Minimum Allocation.—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund) for fiscal years 1996 and 1997, not less than $1,200,000,000 for each such fiscal year shall be available only for Israel.
(b) Terms of Assistance.—The total amount of funds appropriated for Israel each fiscal year under section 2401 shall be made available as a cash transfer on a grant basis. Such transfer shall be made on an expedited basis within 60 days of the beginning of the fiscal year or the date of enactment of the Act appropriating such funds, whichever is later. In exercising the authority of this subsection, the President shall ensure that the level of cash transfer made to Israel does not cause an adverse impact on the total level of non-military exports from the United States to Israel.

SEC. 2402. FOREIGN MILITARY FINANCING FOR ISRAEL.
(a) Minimum Allocation.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $1,800,000,000 for each such fiscal year shall be available only for Israel.
(b) Terms of Assistance.—(1) Grant Basis.—The assistance provided for Israel for each fiscal year under section 2401 shall be on a grant basis.
(2) Expeditious Disbursement.—Such assistance shall be disbursed—
(A) with respect to fiscal year 1996, not later than 30 days after the date of enactment of the Appropriations Act, 1996, and
(B) with respect to fiscal year 1997, not later than 30 days after the date of enactment of the Appropriations Act, 1997, or on October 31, 1996, whichever is later.

TITLE XVI—FOREIGN MILITARY FINANCING FOR EGYPT.
(a) Minimum Allocation.—Of the amounts made available for fiscal years 1996 and 1997 for assistance under the "Foreign Military Financing Program" account under section 23 of the Arms Export Control Act (22 U.S.C. 2763), not less than $3,000,000,000 for each such fiscal year shall be available only for Egypt.
(b) Terms of Assistance.—The assistance provided for Egypt for each fiscal year under section 2401 shall be provided on a grant basis.

TITLE XVII—INTERNATIONAL ORGANIZATIONS AND PROGRAMS
SEC. 250L. VOLUNTARY CONTRIBUTIONS; UNITED NATIONS ORGANIZATIONS AND PROGRAMS.
Section 302(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2222(a)) is amended to read as follows:
"(a) The authority provided by paragraph (1) shall be authorized to remain available until expended."

SEC. 2502. REPLENISHMENT OF THE ASIAN DEVELOPMENT BANK.
The Asian Development Bank Act (22 U.S.C. 285±285a) is amended by adding at the end the following new section:
"SEC. 31. FURTHER REPLENISHMENT.
(a) Subscription Authority.—(1) In general.—The United States Governor of the Bank may, on behalf of the United States, subscribe to 276,105 shares of the capital stock of the Bank.
(2) Limitations on Authorization of Appropriations.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.
(b) Subject to Appropriations.—The authority provided by paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.
(c) Limitations on Authorization of Appropriations.—For the subscription authorized by subsection (a), there are authorized to be appropriated to the Secretary of the Treasury $13,320,000 for each of the fiscal years 1996 and 1997.

TITLE XVIII—EFFECTIVE DATE
SEC. 260L. EFFECTIVE DATE.
Except as otherwise provided, this division, and the amendments made by this division, shall take effect on October 1, 1995.

BOXER (AND FEINSTEIN) AMENDMENT NO. 2032
Mr. KERRY (for Mrs. BOXER, for herself and Mrs. FEINSTEIN) proposed an amendment to the bill S. 908, supra; as follows:

Strike all page 1, line 6 through page 2, line 2-3 and insert the following new section.
(a) The Senate finds that—
(1) Peter H. Wu, known as Harry Wu, attempted to enter the People's Republic of China on June 19, 1995,
Congressional Record – Senate
July 31, 1995

S 11036

Mr. INHOFE, Mr. LOTT, Mr. NICKLES, and Mr. DEWINE) proposed an amendment to the bill S. 908, supra, as follows:

On page 91, between lines 4 and 5, insert the following new section:

SECTION 319. SENSE OF CONGRESS ON UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN IN BEIJING, CHINA.

It is the Sense of the Congress that—

(1) the United Nations Fourth World Conference on Women in Beijing, China, should promote a representative American perspective on issues of equality, peace, and development; and

(2) in the event the United States sends a delegation to the Conference, the United States delegation should use the voice and vote of the United States—

(A) to ensure that the biological and social activity of motherhood is recognized as a valuable and worthwhile endeavor that should in no way, in its form or actions, be demeaned by society or by the state;

(B) to ensure that the United States Congress the practice of using prison labor to produce products for export from China to other countries;

(C) to define or agree with any definitions that define gender as the biological classification of male and female, which are the two sexes of the human being.

AUTHORITY FOR COMMITTEE TO MEET
COMMITTEE ON FINANCE

Mr. PELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Monday, July 31, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare fraud and abuse.

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

ADDITIONAL STATEMENTS

THE SITUATION ON CYPRUS

Mr. STEVENS. Mr. President, the fall of communism and the reunification of Europe makes it easy to forget that there is still one country in the world that remains artificially divided. I am speaking of Cyprus, which has been divided since 1974, when the Turkish military intervened on the island to stop a bloody coup that was threatening to become an all-out attack against the smaller Turkish Cypriot community there.

There is now some movement in the effort to find a solution to the Cyprus issue that has lingered for so long; longer, in fact, than the 21 years which have passed since the Turkish military action. The truth is that the physical partition of the island is the logical result of the de facto partition that occurred in the early 1960’s, when Greek Cypriot extremists began a campaign to drive the Turkish Cypriots off the island forever. That is why U.N. peacekeepers have been on Cyprus since 1963—more than a year prior to the intervention of 1974.

Brian Crozier, a contributing editor at the National Review, has recently written an article for the magazine entitled “The Forgotten Republic,” which provides an excellent review of the situation on Cyprus. I commend it to anyone interested in Cyprus, and submit it for publication in the Congressional Record.

[From the National Review, June 12, 1995]

THE FORGOTTEN REPUBLIC

(By Brian Crozier)

Lidice is remembered with sorrow and anger: the Czech village razed by the Nazis, its inhabitants massacred. I was unaware of the similar fate of Safi Island, or even in the Turkish Republic of Northern Cyprus. There is not much to see: a few burnt-out houses, and two simple monuments to the innocent. The dead numbered 89, including some old people and a baby of four months. The toll at Attiliar was 37, including two babies, in 16 days old, the other 15 months.

The Greeks who carried out the massacres included a few uniformed members of the National Guard, armed with machine-guns, and civilians who knew the Turks and called them out by name to meet their fate.

The date is important. The deeds were done on August 14, the month after a Turkish force of six thousand troops and forty tanks had landed near Kyrenia. Was it an invasion? Or a rescue operation? Or a move to neutralize the island, just a legal move, all depends on who you are, and where you stand.

A backward look is necessary. This was not my first visit to this beautiful Mediterranean island, only 40 miles from Turkey (and 560 miles from Greece). I had gone there 39 years ago, when the Greek Cypriot terrorist movement, EOKA, led by a political bandit called George Grivas, had one simple aim: Enosis, or union with Greece.

At that time, in 1956, Cyprus was still a British colony, and Britain was not eager to hang onto it. The dismantling of the British Empire was already well under way, but Cyprus was a tough case with some 300,000 Turkish Cypriots, scattered in vulnerable enclaves, and perhaps five times as many Greeks.

EOKA’s initials were designed to confuse: they stood for National Organization for the Cyprus Struggle, but meant in reality, “for Greek Cypriots and union with Greece.” There was no room in EOKA for Cypriots of Turkish origin.

Cyprus, indeed, was a fully qualified member of the New World Disorder before History began again after the collapse of the Soviet system. Cyprus reminds me of Ireland: two ethnic and religious communities living on the same island, the majority wanting to control the minority, and the minority looking to a nearby ancestral homeland for protection.

During the EOKA terror campaign (1955-58), hundreds of Turks were killed and more than 30 villages destroyed (logically, one might say, since Grivas was committed to eliminating all “traitors,” defined as opponents of Enosis).

The British achieved their aim of getting out of Cyprus in 1959 after meetings with the Greek and Turkish governments, which resulted in the London Two Agreements, specifying that the two Cypriot communities would be the founding partners of the forthcoming republic. As for Enosis, it was outlawed; and so, to be fair, was the Turkish (partition); which is what the Turks wanted.

The new Republic that emerged in 1960 was, however, virtually stillborn. The president, Greek Cypriot Makarios, is often described as a “moderate,” but the facts are otherwise. He gave
the Interior Ministry to a known EOKA killer, Polycarpos Yorgadjis, and similar appointments followed. At the end of 1963, he moved closer to the Grivas model, unleashing a trained army of Greeks, and Greek Cypriot irregulars against the Turkish community. The Turks hit back, reportedly with arms from Turkey.

Making the Agreements null and void and expelled Turkish members of his government. By late 1963, the small British peace force was out of its depth, and in mid February, Britain referred the Cyprus problem to the U.N. Security Council. The outcome was another set of initials: UNIFICEP, or the United Nations Peace-Keepers. It came in May and is still there, more than thirty years on. Before flying from London to Kyrenia this time, I watched a relevant installment of a documentary television series titled “Soldier’s Peace,” in which the Canadian Major-General Lewis MacKenzie summed up the decades of U.N. peacekeeping in a telling phrase: “It fails even when it succeeds.”

The long-drawn-out conflict came to a climax on July 15, 1974, when an ex-EOKA terrorist, Grivas, with the backing of the Colonels’ regime then in power in Greece, overthrew Archbishop Makarios and took over. But not for long. There was an element of farce in Sampson’s coup, which put him in power for not quite a week—one of the shortest-lived takeovers in history. Within days (on July 23) the Greek Colonels decided it was all over and handed the country over to civilian politicians.

There was, however, drama as well as farce, for the Turkish military landing had started earlier, on July 20. Of the questions I put to President Rauf Denktash on my recent visit, the key one, to me, was whether the Turkish government had decided unilaterally to intervene. A long time passed before I was able to get an answer. His reply was frank. He had been in constant touch with the then premier of Turkey, Bulent Ecevit, and had pleaded with him to rescue the heavily outnumbered Turkish minority.

The Turkish operation was followed by a massive transfer of populations, obligatory for the Greeks in the north, voluntary for the Turks from the south, in fear of a Greek backlash. And in a sense backward. On my visit in 1956, Denktash had called to see me at my hotel in Nicosia. Denktash has not changed very much—a short, now even broader man than in 1956, with the training of anti-Turkish, Leninist terrorists of the PKK (Kurdish People’s Party) in the south.

Meanwhile, Turkey’s military presence in the north has officially grown from 6,000 to 30,000. Unconfirmed figures put the total at closer to 130,000. Reminder: Greece and Turkey are both members of NATO. In February 1975, the U.S. Congress imposed an arms embargo on Turkey, which closed 25 U.S. defense installations. President Gerald Ford partially lifted the embargo in October 1975 and under a new agreement, the Turks took over control of the installations and received substantial grants and credits from the United States.

Time to declare? In my view, the Turkish intervention of 1974 was not an invasion, as widely accepted, but a morally justified rescue operation. I understand the Greek ancestral memories of Ottoman oppression, but I do not think they justify Greek Cypriot repression of the peaceful Turkish minority. I regret the Greek rejection of a federal solution, which alone makes sense to me. Still more do I regret the international failure to recognize the independence of northern Cyprus. As Ataturk was wrong to reunite Cyprus, sponsored by the U.S. and Britain, opened in London on May 20. This encourages me (but only just) to end on a note of hope, though not of optimism.

THE 100TH ANNIVERSARY OF ALBERT BROS., INC.

Mr. LIEBERMAN. Mr. President, I rise today to honor one of Connecticut’s oldest businesses which will celebrate its century this year: Albert Bros., Inc. In 1891, Nathaniel and Lewis Albert came to Waterbury, CT from their native home of Vilna, Lithuania. Traveling by horse and wagon through Connecticut, Nathaniel and Lewis began their livelihood by selling tin goods and buying scrap metal. In 1895, with the opening of their own scrap yard, Albert Bros., Inc. began.

The Albert brothers moved the location of their business several times, finally settling on Judd Street in 1917. One year later, Lewis left the company to manage his own coal and oil business. Spending over 50 years on Judd Street, the company survived the Depression and a flood in 1955 and continued to prosper at that location for over three decades. In 1971, the company outgrew the Judd Street location and moved to its present location on East Aurora Street.

The Albert Bros., Inc. welcomed the fourth generation of Albert’s into the business. With this came yet another prosperous expansion for the company.

Currently, Albert Bros., Inc. is one of the largest scrap metal recyclers/processors in New England, operating on both a national and an international level. Albert Bros. has received numerous awards for the quality of its processed scrap, and a variety of awards from the State of Connecticut for its excellence in workplace safety. The success of Albert Bros. can be seen by recognizing its commitment to the people.

Therefore, in this year of the 100th anniversary of Albert Bros., Inc., I wish to commend the company for their hard work and dedication.

BEATRICE KAHAN

Mr. LEVIN. Mr. President, I would like to take a moment to remember a woman who spent her life striving to improve her community, Beatrice Kahan of Kalkaska. She passed away earlier this month.

A long-time resident of Kalkaska, Beatrice Kahan held many public positions. For her many contributions to the community she was selected as the Kalkaska Citizen of the Year and was recognized as one of the top 10 Women of the Year by the Zonta Club of Michigan.

Beatrice Kahan served on the Kalkaska Village Council, the Cosmetology Board, the Probe Court Advisory Commission, the Trout Memorial Board, and as president of the Kalkaska Chamber of Commerce. Her contributions to the community include spearheading the effort to build sewers in Kalkaska, founding the International Dog Races, restoring the downtown Kalkaska Trout Memorial, and identifying problems of elderly abuse.

Mr. President, it is an honor for me to pay tribute to Beatrice Kahan, a caring educator who established the K-Kan Tennis Club and the Traverse City. Many of her former students remember her as the person who gave their lives direction and the skills they needed to compete in the marketplace. She will be remembered warmly by her family, friends, and the entire community.

BEN ALEXANDER: I’LL BE LOST WITHOUT HIM

Mr. HOLLINGS. Mr. President, one of the greatest joys of being a U.S. Senator is the opportunity to work with the brightest, most talented young people in the country. Inevitably, it is
with a mixed sense of sadness and pride that one watches them mature and then move on to the next aspect of their career. That certainly describes my feelings today as my upstate director, Ben Alexander, leaves to go to law school.

There are quite a few things that anyone who has any contact with Ben will ascertain immediately—he is smart, he is conscientious, he is tireless, and he is relentlessly good natured. If one talks to Ben a little longer, one will find that he has a voluminous knowledge of South Carolina’s upstate. He can tell you the economic statistics, election results, business prospects and wedding announcements for every town in 10 counties. And he is as proficient at expediting a Social Security case as helping industry and government build the infrastructure necessary to a healthy business climate. In addition, he began an intern program that has been a boon to both my office and many fine universities found in the upstate. In short, Ben can do it all and do it all well.

Despite all this obvious talents, I had some reservations about giving a 22-year-old primary responsibility for the most populous area of the State when he began nearly 7 years ago. On my first visit to the Greenville area after Ben had taken over, he picked me up at the airport and proceeded to reinforce all my worst fears by getting lost. Well, we eventually got where we were going. I later learned that Ben was famous for his hard work but infamous for his sense of direction. But there turned out to be no need to worry. Ben learned to read a road map just as well as he could read a political map. And I can assure you that my office never took a wrong turn under Ben’s stewardship.

Mr. President, I rise today to say thanks to Ben Alexander for all he has done for me and for the people of South Carolina. As he heads off to law school, he will remain a member of the extended Hollings family. I appreciate this opportunity to thank him for a job well done and to wish him every success in the years ahead.

DISTRICT OF COLUMBIA
EMERGENCY HIGHWAY RELIEF
Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of H.R. 2017, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2017) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Mr. President, I ask unanimous consent the bill be considered and deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2017) was deemed read three times and passed.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. DOLE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider all the nominations placed on the secretary’s desk in the Marine Corps. I further ask unanimous consent the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate’s action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE MARINE CORPS
Marine Corps nominations beginning Anthony T. Alvaria, and ending Thomas S. Woodyson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 3, 1995
Marine Corps nominations beginning David V. Adamik, and ending John G. Zuppan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of May 11, 1995.

LEGISLATIVE SESSION
The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, AUGUST 1, 1995
Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, August 1, 1995, that following the prayer the JOURNAL of proceedings be deemed approved to date, the time for the leaders be reserved for their use later in the day; and that there be a period for the transaction of routine morning business until 10 a.m. with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senator Steinberg, 10 minutes; Senator Glenn, 15 minutes.

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

The bill (H.R. 2017) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

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

Mr. DOLE. Mr. President, I ask unanimous consent that at the Senate begin a 15-minute cloture vote on the State Department reorganization and the mandatory quorum under rule XXII be waived.

ORDER FOR FILING OF FIRST-DEGREE AMENDMENTS
Mr. DOLE. Also, Mr. President, I ask unanimous consent the first-degree amendments may be filed up to 12:30 p.m. on Tuesday and second-degree amendments may be filed for the first cloture vote by 10 a.m. and for the second cloture vote by 2:15 p.m., in order for them to qualify postcloture.

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

Mr. DOLE. Mr. President, I understand the Senator from California wishes to speak, and the Senator from Rhode Island. So, if I can just take a few minutes and I will sort of put us on automatic.

A FINAL TRIBUTE TO GEORGE ROMNEY
Mr. DOLE. Mr. President, in describing the State of Michigan, the author John Steinbeck wrote, “It seemed to me that the Earth was generous and outgoing here in the heartland, and perhaps the people took a cue from it.”

One person who Steinbeck may have been thinking of when he wrote those words was George Romney. And today Governor Romney’s family and friends...
gathered in Bloomfield Hills, MI, to pay a final tribute to one of America's most generous and outgoing public servants.

An innovative businessman, an effective Governor, a dedicated Secretary of Housing and Urban Development, a committed member of his church, a loving husband and father, George Romney was all of this and more.

But perhaps the title that Governor Romney cherished above all was the simple title of American.

During his remarkable life and career, George Romney was always fighting for his country, and for the values that make it great.

He knew that the free enterprise system was the engine that moved our economy forward, and, as a pioneering businessman, he introduced the compact car to Americans.

George Romney also believed in democracy, and he chose to leave a very lucrative career for the opportunity to make a difference for all Michigan citizens.

And some three decades before "Reinventing Government" became a national fad, George Romney fought to reduce the bureaucracy, and to see that Government remained close to the people.

George Romney also was an advocate for the uniquely American tradition of neighborhood, and after leaving public service, he founded The National Center, which was devoted to increasing voluntarism in America, and which will stand as one of his legacies.

Another legacy is his family. Governor Romney understood that there is no institution more vital to America's survival than the family. He fought for policies that strengthened all America's families, and he took great pride in the many accomplishments of his kids.

I know all Senators join with me in sending our condolences, to Lenore, his wife of 64 years, and to his four children, 23 grandchildren, and 33 great-grandchildren.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as I understand it, the Senator from California wishes to speak for 10 minutes and the Senator from Rhode Island for 10 minutes.

So I ask unanimous consent that if there is no further business to come before the Senate, the Senate stand in recess under the previous order after the completion of the remarks by the Senator from California, Senator BOXER, and the remarks of the Senator from Rhode Island, Senator PELL.

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

Under the order, the Senator from California is recognized.

Mrs. BOXER. Thank you very much, Mr. President.

FOREIGN RELATIONS REVITALIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2033

Mrs. BOXER. I am sorry that the Senator from Texas left the floor. I understand the basic premise of her amendment, which says that the U.N. Fourth World Conference on Women in Beijing should promote an authentic American perspective on issues of equality, peace, and development. Absolutely that is correct.

But there are a couple of things here that are just odd, which does not necessarily mean that I will not support this. But I find it odd that in a resolution coming before the Senate that the Senate has to state and go on record that there are only two genders, male and female. That is what the facts of life are. And I just find it kind of odd to have to say that there are two genders. So I was going to ask her why she feels we have to say that.

The other thing I thought was kind of unusual here is that she implies this—and I know that she could straighten it out for me—that single people are not entitled to protection by society in this country. That concerns me because what she says is to ensure that the traditional family is upheld as the fundamental unit of society upon which healthy cultures are built and, therefore, receives esteem and protection by society in the State. Of course, our families and the people in them should receive full protection of society and the country in America. But are we implying here that if we are not married, if we are single, you do not deserve to have those protections? I hope not.

So I wanted to ask her about that. But we will put that to the side. Perhaps some member from the Senate in the morning, she will be able to explain why we have to have the Senate vote that there are two genders.

ACTION OF THE ETHICS COMMITTEE

Mrs. BOXER. Mr. President, I was disappointed to learn that the Ethics Committee has voted 3 to 3 and is deadlocked on the issue of public hearings in the Packwood case, with three Republicans voting against public hearings and three Democrats voting in favor of public hearings.

I have stated oftentimes on this floor that if that was the case, I was going to offer the amendment, and I will do that. I will do that because not holding open public hearings in a case that has reached this serious a level would be the first time in history that the Senate has failed to do so.

And, Mr. President, I have just read what is it about this case that should give a Senator the right to have his case behind closed doors? The only thing I can come up with is the more embarrassing you make your transgressions, the more likely you are to get to be heard behind closed doors. That is a horrible message. Or, if it involves sexual misconduct, sexual misconduct, mistreatment of women, or, if this is done by a woman toward men, misconduct of women, that you get to have those hearings behind closed doors. What an incredible message the Republican members of the Ethics Committee have sent to the American people today. I cannot fathom any other reason.

I think it is important to note that the Senate in question got his opportunity to appear before a committee in person to talk about what he thought discrepancies might be in the case and to look at those Senators eye to eye. But the women, 17 of them in 18 different cases, do not get that chance.

I hope the American people are following this saga. It is extraordinary. The women do not have a chance to come before that committee and look in their eyes and talk about their humiliation and their pain.

I have to tell you something. When it comes to this issue, and men and women who have had this experience tell you, you will forget it whether it was 3 days ago or 30 years ago. It is that humiliating. You remember every single detail. You remember how you felt. And it stays with you for your whole life.

These women do not have the same chance that this privileged Senator did to look in the eyes of the Ethics Committee members and tell them from their heart what transpired. I think this is wrong.

Now, on the bright side, the committee voted 6 to 0 to distribute all the documents related to the case. That is my understanding, all the depositions. That is a good sign. We can at least see what the depositions say, what the documents say, about the sexual misconduct, about the allegations of tampering with evidence, about the allegations of trying to get a spouse a job related to lower alimony payments. We will get to see the documents.

It is a good thing because I heard directly one of my Republican colleagues that he was able to see some of the documents, and he is not even on the committee. It is a good thing we are all getting a chance to see the documents before the conclusion of their sexual misconduct.
the honor of the Senate. It is about the traditions of the Senate. It is about a signal we will send if we allow this deadlock to continue.

Mr. President, I will not take any more of the Senate's time on this matter. That will be the end of it. I will at this time yield my time to the Senator from Rhode Island if he wishes to take advantage of the little extra time.

I yield the floor.

Mr. PELL. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Rhode Island.

IN DEFENSE OF THE UNITED NATIONS

Mr. PELL. Mr. President, I wish to take a moment to outline some of the concerns I have about the provisions pertaining to the United Nations in the bill we have been considering, the State Authorization bill.

Titles II and III of the bill, in my opinion, amount collectively to an assault on U.S. participation in the U.N. system. I know that some Americans have questioned the effectiveness of the United Nations in certain peacekeeping operations, such as those in Somalia and Bosnia, and that there are lingering concerns about the ability of the United States to expend resources on foreign affairs in general.

That being said, I think it is fair to say there is evidence that a majority of Americans support U.S. participation in the U.N. system—particularly when it comes to U.N. peackeeping. To paraphrase former Secretary of State James Baker, U.N. peackeeping is a pretty good bargain. For every dollar the United States spends on U.N. peackeeping, we save many more by preventing conflicts in which we would otherwise become involved unilaterally.

I am therefore distraught and distressed by this bill's obvious anti-U.N. course. If adopted in its present form, this bill could well establish the foundation for an eventual U.S. withdrawal from the U.N. system. I think that would be a disastrous outcome, and one to which the American public would strenuously object. As Secretary of State Christopher noted in a recent letter to me, "I am turning our back on the U.N. would increase the economic, political, and military burden on the American people."

There are a number of troublesome sections in this bill relating to the United Nations. Section 201 authorizes a reduction of more than $157 million from the President's request for the U.S. assessed contributions to the United Nations and related agencies. From there, the fiscal year 1997-99 recommendations are straightlined—frozen, to be precise—at the fiscal year 1996 levels.

That is a mistake. If we enact this provision, the Congress will force the United States to default on treaty obligations and fall further into arrears on our payments to the United Nations. I remember how hard I tried to work with the Bush administration to bring the United States back from its deadbeat status at the United Nations; what a shame it would be for us to fall behind once again.

Section 203, in a misguided effort to save the United States money at the United Nations, calls for the U.N. General Assembly to reformulate the percentages of assessed contributions, and upon base its assessment upon each nation's share of the world's total gross national product. If we were to follow these guidelines, however, the U.S. share of total assessed contributions to the United Nations would easily exceed our current mandated ceiling of 25 percent. In other words, we would achieve the exact opposite of what this section probably intends.

Section 205 is probably the most problematic of all the U.N. provisions. This section would have the United States withhold 50 percent of its assessed contributions and 20 percent of its regular contributions, and would bar payment of all voluntary peackeeping contributions, unless the President were able to certify certain conditions with regard to the U.N. inspector general's office.

While U.N. reform is a good idea, this provision sets unworkable standards for an effective U.N. inspector general. In other words, the President would never be able to certify the conditions set forth in this legislation, nor in many cases would he want such conditions to arise. In my opinion, by setting such impossible certification requirements, this section is but a thinly veiled attempt to cut off enormous percentages of U.S. funding for the United Nations. It would be to modify or, better yet, deleted.

There are other sections that also should be revised. I know that Senator Kerry and I have had discussions with our Republican counterparts to express concerns about section 206, a so-called whistle-blower provision; section 212, which increases advance notification requirements for U.N. Security Council votes; section 217, which creates exceptions for U.S. enforcement of U.N. sanctions regimes; section 220, which redefines the U.S. concept of a peacekeeping operation; and finally, sections 313, 316, and 317, which would prohibit certain U.S. contributions to the ILO and other international organizations.

Having returned just a short time ago from the 50th anniversary celebration of the foundation of the United Nations, I am convinced more than ever of the usefulness and necessity of U.S. participation in the United Nations. It is often repeated—and with good reason—that if the United Nations did not exist, the world would need to invent it. I think it is high time that the Congress recognized the good and positive value we get for spending at the United Nations, and make the correct decision to reject the troublesome provisions in this bill.

Mr. President, on July 26, former Deputy Secretary of State John C. Whitehead, who is now Chair of the U.N. Association, wrote to me to outline the Association's position on the U.S. stake in the United Nations. It is an important statement and offers a clear and concise argument for continued U.S. participation in the United Nations.

Secretary Whitehead's letter prompted me to recall my own personal involvement with the United Nations having been present at its creation. To be precise, I was an Assistant Secretary of Committee on United Nations Enforcement Arrangements Committee—and worked specifically on what became articles 43, 44, and 45 of the charter. These articles are as relevant now as they were 50 years ago.

Of course, why the League was more than mere words and paper, more than a blueprint of an organizational structure. To me, the charter is a vibrant and dynamic force, willed into being by the collective hopes and dreams of the participants in the San Francisco conference. Although experience has proven that the charter has not always lived up to such high expectations, the last 50 years have proven that collective security is a pretty sound concept for relations between states. It therefore pains me to see this debate in Congress over the future of U.S. participation in the U.N. system.

If the United States abandons the United Nations, the United Nations could well meet the same fate as the League of Nations. I think our interest lies in remaining solidly behind the United Nations. The U.S. failure to support the League of Nations is precisely why the League failed. We should not let the same thing happen to the United Nations. In the coming years, I can easily foresee that the United States will need the United Nations to intervene in areas of conflict, to tackle issues such as the international environment, world hunger, and refugee crises.

It is unfair and shortsighted to judge the United Nations solely on its success or failure in dealing with an intractable, longstanding conflict such as that in the former Yugoslavia. Rather, we should look at its 50-year worth of experience in promoting collective security, humanitarian assistance and international cooperation in the environment, and other areas.

The record, I would argue, has been good, and with a little work, the future holds real promise. My hope is that 50 years from now, when the United Nations celebrates its anniversary, our children will look back and remember this time as the turning point.

I ask unanimous consent that Secretary Whitehead's letter be printed in the RECORD.

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

It is a serious yet succinct statement on an issue of considerable importance, with major implications for the Congress. We hope you will find it of interest. UNA-USA is eager to make a constructive contribution to the policy debate.

We would be pleased to share any reactions with UNA-USA’s 25,000 members.

Sincerely,

J. John C. Whitehead, Chairman of the Association.

Enclosure.

FINANCING THE UNITED NATIONS

The greatest threat today to the U.S.’s effectiveness and even survival is the cancer of financial unreliability. American and other members slow to pay their share include many that are small. But it is the massive delinquencies of the United States that have plunged the Organization into chronic crisis and sapped its capacity to respond to emergencies and new needs.

The services provided by international organizations are, objectively, quite cheap—especially in comparison with the sums we spend on other dimensions of national security, such as the military, as backup in the event that diplomacy and the U.N. machinery fail. For example, U.S. assessments for peacekeeping worldwide are less than the police budget for the nation’s largest city. Total American contributions, voluntary as well as obligatory, for all agencies of the U.N. system amount to $7 per capita (compared to some $1,000 per capita for the Defense Department).

Some object that U.N. peacekeeping costs have exploded over the past decade, from a U.S. share of $53 million in 1985 to $1.08 billion projected for 1995. But the end of the Cold War that sparked that increase, by freeing the U.N. to be an effective agent of conflict management, also allowed for far larger reductions in U.S. security spending.

Over the same decade, Pentagon budgets have fallen $34 billion. Increased reliance on U.N. collective security operations necessarily erodes our defense savings. Moreover, U.N. costs are spread among all member states, and constitute a truly cost-effective bargain for all.

Yet it is one of hard budget choices, many national politicians see U.N. contributions as an easy target. They are misguided. Many national politicians see U.N. contributions as an easy target. They are misguided. They reaffirm it consistently, along with calls for unilateral, go-it-alone policies. Developments in many national political circles reflects, in large measure, the hostility to U.N. peacekeeping in some political circles.

In this 50th anniversary year, America’s leaders should reeducate the nation to the promise of a more peaceful and prosperous world contained in the U.N. Charter. In that spirit, the United Nations Association of the United States calls on the people and government of the United States, and those of all other U.N. member states, to join in strengthening the United Nations system for the 21st century.

In particular, we call for action in five areas which will be the top policy priorities of UNA-USA as we enter the U.N.’s second half-century:

Reliable financing of the United Nations system.

Strong and effective U.N. machinery to help keep the peace.

Promotion of broad-based and sustainable world economic growth.

Vigorous defense of human rights and protection of displaced populations.

Contribution, reduction or elimination of highly destructive weaponry.

I yield the floor.

RECESS UNTIL 9:30 A.M.

TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m., August 1, 1995.
Thereupon, at 8:07 p.m., the Senate recessed until Tuesday, August 1, 1995, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31, 1995:

IN THE MARINE CORPS


MEDICINE AT MARSHALL: CARING FOR WEST VIRGINIANS

HON. NICK J. RAHALL II
OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. RAHALL. Mr. Speaker, sometimes it is said that people do not appreciate what is in their own backyard. It then becomes even more important to recognize the outstanding accomplishments of the hard-working people of southern West Virginia. The case in point? Marshall's medical school in Huntington.

In the past 10 years, 42 percent of Marshall University School of Medicine graduates have entered primary care practice. This gives Marshall the distinction of having the second highest rate of primary care graduates in the Nation—which is at least 3 times the national average.

National recognition of this kind is impressive. But what it says is something even more important, both for Marshall and for West Virginia. Primary care—namely family practice, general internal medicine, and general pediatrics—is what West Virginia needs the most. And people at Marshall are deeply dedicated to providing it.

The medical school at Marshall has two goals: providing students a top-quality education and improving health and health care delivery in West Virginia. Besides providing excellent classroom instruction, a medical education at Marshall emphasizes work in clinical settings, far beyond what most medical schools offer.

Unlike what is found at most medical schools, the focus at Marshall is on situations common to generalists rather than narrow subspecialists dealing in highly technical areas. Dr. Bob Walker, the chairman of family and community health at Marshall, is dedicated to the community-integrated approach of Marshall's program. All students are required to spend at least 1 month in a rural practice, a requirement which often leads students to want to continue learning preparation in primary care in rural areas.

One of the choices available is the rural physicians associate program, in which selected third-year students are placed in rural clinics for up to 9 consecutive months. Other programs include the accelerated residency in family practice program at Marshall, which lets some medical students combine their fourth year of medical school and the first year of a family practice residency, and Marshall's fellowship program in rural family practice, which matches family physicians with nonprofit health agencies in rural communities.

The medical students are taught by dedicated physicians, who often teach on a volunteer basis. These professionals believe in what they do and are deeply committed to seeing that more students become primary care providers. With mentors like these, it is no wonder that Marshall students quickly catch the enthusiasm primary care providers have for their field.

Although one-quarter of all Americans live in rural areas, only 6 percent of medical school graduates go to rural areas to practice. At Marshall, people are well aware that it is the primary care provider who best serves the needs of a rural area. Marshall graduates leave West Virginia having learned how to apply what they are learning in real-life situations. This is important to West Virginians. Those who study at Marshall are prepared to bring their skills to the people of southern West Virginia. This is an excellent example of the quality endeavors of people in our State, who work every day to improve the quality of life for West Virginians. Marshall's medical school is training people to be doctors in West Virginia, and doing a very good job of it.

SAVE THE HEADWATERS FOREST

HON. FORTNEY PETE STARK
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. STARK. Mr. Speaker, for 117 years, family-operated Pacific Lumber Co. was a model corporation. As owners of the Headwaters Forest in Humboldt County, CA, Pacific Lumber's conservation logging practices left their forests healthy long after other timber companies had liquidated. Corporate raider, Charles Hurwitz, recognized Pacific Lumber Co. as an undervalued asset and with his friends Michael Milken and Ivan Boesky orchestrated a takeover of Pacific Lumber primarily through high interest, high risk, junk bonds. In the wake of the takeover, Hurwitz's United Savings Association of Texas failed, costing the taxpayers $1.6 billion. It was the sixth largest savings and loan failure in U.S. history.

Hurwitz has been logging the Headwaters Forest at an unprecedented rate so that he can pay off his debts. He has tripled the logging of redwood, especially old growth and since 1986 has cut in excess of 40,000 acres of redwood and Douglas fir. The company has cut only 6,000 acres of virgin redwood and 5,000 acres of virgin Douglas fir left. However, Hurwitz's debts from various ventures are so massive that no amount of logging will help him balance his accounts. By logging at such a furious pace, Hurwitz has nearly exhausted the resources of the forest which will devastate the local timber industry and mean the loss of hundreds of jobs from the region.

Several court decisions have kept Hurwitz from logging even further. Still, Hurwitz has been logging previously restricted parts of the forest since March and has indicated that he will log the Headwaters Grove, home of the last stand of privately owned ancient redwoods in the world, in September. He has already violated State and Federal endangered species law and is clearly not afraid of punishment. Mr. Hurwitz needs to know that the taxpayers will not stand idly by and watch him break the law time after time, avoid his massive public debt and cut down an ancient grove of 2,000-year-old redwood trees. Unfortunately, it appears that Hurwitz will break the law once again, but this time he will also completely ruin one of nature's greatest treasures.

The Federal Deposit Insurance Corporation [FDIC] is investigating Hurwitz for his role in the 1988 savings and loan failure. If prosecuted, the FDIC on behalf of the taxpayers could force Hurwitz to pay back $550 million, which ironically, conveniently, or justly approximates his price tag for the Headwaters Forest. A debt for nature swap is the best way for the taxpayers to recover their debt from Mr. Hurwitz and also save the Headwaters Forest from destruction.

If the public is interested in saving the Headwaters Forest redwoods from the chainsaws, then this deed for nature proposal is our best hope. Voters should let their Members of Congress know—and all concerned taxpayers should urge the FDIC to pursue aggressively its investigation of the failure of United Savings Association of Texas.

OPM PRIVATIZATION: CONTRACTING OUT TRAINING

HON. CARDISS COLLINS
OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, the Office of Personnel Management [OPM] has become the proving ground for the administration's privatization efforts. The types of business organizations which OPM has utilized thus far to spin-off two of its major functions, training and investigations, have generated controversy because they do not fit the traditional mold of a private sector enterprise. But OPM's willingness to be innovative in an effort to ensure that agencies continue to receive quality services and that its separated employees have bona fide job opportunities is commendable.

Last month, the subcommittee held a hearing on one of OPM's first privatization initiatives—the proposed formation of an employee stock ownership plan [ESOP] to conduct background investigations needed for Federal employment. Several important issues were examined, including the viability of the new entity, the amount of savings to be realized, and whether a private firm could do better or more cost effective work.

Today, the subcommittee examines OPM's decision to transfer its nonresidential training activities to the USDA Graduate School, a non-appropriated fund instrumentality [NAFI]. The very same issues raised at the earlier hearing need to be addressed by the each of the witnesses.

Mr. Chairman, since you made known your belief that more than 50 percent of the services and activities of the Federal Government ought to be contracted out, privatization has become an issue dominating much of the time.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
of this subcommittee. While I do not oppose privatization, I believe that each proposal calling for it must be subjected to an exhaustive and deliberative review.

TRIBUTE TO ROLAND DAVID DEL CID

HON. JULIAN C. DIXON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. DIXON. Mr. Speaker, I rise to pay special tribute to a young man in my district, Roland David Delcid, who will be honored by the Boy Scouts of America on August 21, 1995. On that day, Troop 113 will bestow upon Roland the highest honor of Eagle Scout at his honor court ceremony.

An honor graduate of Culver City High School, Roland has demonstrated dedication to athletics and academics. He was a varsity starting player on the Culver City High School football and baseball teams. Additionally, Roland maintained a 4.2 GPA and is ranked in the top 10 of his graduating class of 270. Roland has been recognized as a scholar-athlete by the National Football Foundation and College Football Hall of Fame, and he has received several other honors for his scholastic and athletic accomplishments. This fall, he will enter the Wharton School of Business at the University of Pennsylvania where he plans to major in economics.

During his career in the Boy Scouts, Roland has continued to dedicate himself to the improvement of his community and his troop. He has held several positions in the troop, including scribe, patrol leader, assistant patrol leader, senior patrol leader, and troop guide. Roland is also known to be active in recruiting and training younger scouts. Together with the rest of Troop 113, Roland has volunteered at homeless shelters, worked on food drives, and planted trees.

Roland’s commitment to volunteerism is best exemplified by his Eagle project, in which he organized a highly successful blood drive. Culminating 3 months of organization and planning, the blood drive collected over 60 pints of blood which was donated to the American Red Cross. I commend his dedication to this project and community service.

Mr. Speaker, Roland is an exemplary young man who has shown great commitment to his family, community, and education. I urge my colleagues to join me, Troop 113, and Roland’s friends and family in congratulating him on earning the rank of Eagle Scout, and in extending our best wishes for continued success in the future.

FOOZE OF THE WEEK AWARD

HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mrs. SCHROEDER. Mr. Speaker, I confer the “Fooze of the Week” award on my colleague, Mr. Hefley. Mr. Hefley has earned this award by giving his “Porker of the Week” award to the National Institutes of Health [NIH] for its $5.5 million grant to the University of Colorado. He claimed that the grant will merely fund research on “why people get fat.” Hardly the case.

The NIH grant will establish the Colorado Clinical Nutrition Research Unit (CNRU), the only regional research unit of its kind between Chicago and Los Angeles. CNRU will study three areas: obesity, diabetes, pediatric nutrition, and trace mineral metabolism. The grant will also support a project on nutrition and premature infants that will help determine the best diet for the first days of life, as well as a study on proper nutrition and fitness for schoolchildren. Roland’s commitment to volunteerism, his eating habits key to a healthy life, but their emphasis is still lacking in medical training.

Contrary to what my colleague has stated, obesity is not a problem that can be solved by simply eating properly and exercising regularly. Medical experts will tell you that there is no known, definitive cause of obesity.

Mr. HEFLEY also claimed that the NIH money will not be used for research on cancer, AIDS, or juvenile diabetes. The truth is that obesity is associated with diabetes and certain types of cancer as well as with heart disease, atherosclerosis, hypertension, strokes, and many other illnesses that cost our Nation millions of dollars in health care every year.

The CNRU project brings Colorado into the forefront of national research in nutrition. My colleague says that a Colorado university does not need to study obesity, since obesity is not a major Colorado problem. That is like saying that we should only study skin cancer in California, or that we should restrict study of gerontology to Florida. The Colorado delegation should be proud that the University of Colorado has consolidated nutritional research in the Rocky Mountain region and is on its way to becoming a national leader in health research. I know that I am.

PORKER OF THE WEEK AWARD

Mr. HEFLEY. Madam Speaker, I would like to tell you about the National Institutes of Health and its multimillion-dollar grant to the University of Colorado. This multimillion-dollar grant is not for cancer research, or for AIDS research, or for the search, or aid to children in developing countries, or for juvenile diabetes, or any of the things you might think this kind of money would go for. What is it for is to study why people get fat.

Now, it does not take this kind of money, it does not take any money, to figure out what will result from too many trips to the refrigerator. In fact, you could spend a fortune just buying the magazines and books that contain the already countless studies on this subject. Thousands of them have been done.

Sure, it does appear that there is a certain medical explanation for some obesity, but most of the studies seem to indicate that the way you eat and the way you exercise explain most of the problem.

It is ironic that this study is being done in Colorado, which has the lowest percentage of overweight people in the Nation.

So the National Institutes of Health gets my porker of the week award this week.

The University of Colorado Center for Human Nutrition has received a five-year, $5.5 million grant from the National Institutes of Health, establishing a regional nutrition research unit, the only one of its kind between Chicago and Los Angeles.

The Colorado Clinical Nutrition Research Unit (CNRU), one of 10 in the country, will focus on research in three areas: obesity and diabetes, pediatric nutrition and trace mineral metabolism. It will fund pilot research projects and several “core labs” to support research already funded from other sources.

This award launches Colorado into the forefront of national research in nutrition,” said Michael K. Hambidge, MD, professor of pediatrics and director of the CU Center for Human Nutrition. The Center, established in 1988, is part of the University of Colorado Health Sciences Center.

One project that could benefit from the grant is a three-year weight control program that focuses on nutrition and fitness for students at Lincoln High School.

"One third of American adults are inactive and overweight, and rates in adolescents are at least that high," said James Hill, PhD, associate professor of pediatrics and program director, "Inactive, overweight teens often become inactive, overweight adults, and they can develop a number of serious health problems, including cardiovascular disease and diabetes."

Students in the program take 2 classes three times a week in nutrition and "lifestyle" activities such as rollerblading, bicycling, walking and aerobics. They will also undergo a number of measurements several times during the year, including underwater weighing to determine body composition and a stationary bike riding to measure aerobic capacity.

"We hope to prove that an intervention program like this can have a positive health impact on adolescents," Dr. Hill said. "Hopefully, it can also be adapted to other schools."

The CNRU grant will also support a pilot project on nutrition and premature infants, directed by Patti Thureen, MD, associate professor of pediatrics. Dr. Thureen is studying protein utilization in extremely low birth-weight infants to determine the best diet for their first days of life.

"There is already some evidence that what you feed larger premature babies in their first month of life may affect their long term developing," she said. "We think the same may be true for tinier babies. Her patients weigh less than 1,000 grams, or approximately two pounds, and are 10 to 15 weeks premature.

Premature infants are traditionally fed a mixture of water and glucose intravenously for the first two to three days after birth. Dr. Thureen and her colleagues think that the infants may grow better if they are fed a diet closer to that which they receive from the placenta in utero—a mixture of water, protein, fat, vitamins and minerals.

The CNRU will conduct nutrition research in the Rocky Mountain region, helping others extend their research beyond what they can do for themselves, said Dr. Hambidge. The Center already coordinates research with Colorado State University through the CU-CSU Nutrition Consortium, and Dr. Hambidge hopes to form similar partnerships with other universities in the region.

COMMENDATION FOR COL. JAY MCNULTY

HON. G.V. (SONNY) MONTGOMERY
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. MONTGOMERY. Mr. Speaker, August 31 will mark the end of a very distinguished
career in the U.S. Army with the official retirement of Col. Jay McNulty. It also will mean the House of Representatives will lose the services of an individual who is the epitome of professionalism.

For slightly over 28 years, Jay has served in the Nation’s uniform with great distinction. He served two tours of duty in Vietnam, first with the 11th Armored Cavalry Regiment (Blackhorse) and then the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). As a former armored officer myself in World War II and during Korea, I feel a special kindredship with Jay because of our similar military duty.

Since 1993, Colonel McNulty has served as Chief of Army Liaison to the U.S. House of Representatives. I am sure my colleagues will join me in commending Jay for the many times he has been of help to them and their constituents. He has served the Army well in this position.

On a more personal note, I appreciate the excellent job Jay did in planning and making arrangements for our trip to observe the 50th anniversary of D-day in England and Normandy. I believe we had the largest congressional delegation to ever attend a single event, not to mention the many other delegations from other countries. The trip was a logistical nightmare, but thanks to Colonel McNulty and his dedicated staff it was one of the smoothest I have ever been on.

Jay, we will miss you and certainly wish you well in the future as you take on new challenges. We thank you for your service to the House and the Nation. You truly have been a credit to the uniform you wear.

THE IMPORTANCE OF SECTION 29 TO LANDFILL GAS PROJECTS

HON. NANCY L. JOHNSON
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, July 31, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am introducing today a bill to extend a tax credit in section 29 of the Internal Revenue Code for producing gas from biomass or synthetic fuels from coal. The credit expires at the end of next year. My bill would extend it for another 4 years through the year 2000.

This tax credit was originally enacted in 1980 in the aftermath of the oil embargo as an inducement for Americans to look for fuel in unusual places. The country had just gone through oil shortages, long lines at gasoline stations, spiralling inflation, and record-high interest rates driven by the increase in energy prices, followed by a deep recession. We were determined not to be held hostage again. To this end, Congress enacted a series of measures intended to use what fuel we have more efficiently and to give business incentives to tap sunlight, wind, geothermal fluid, biomass, and similar resources for fuel.

The section 29 tax credit was part of the strategy. It was a credit of $3 for the equivalent of each barrel of oil in energy content produced from a list of unconventional fuels. The list included gas from Devonian shale, tight sand formations, coal seams, geopressured brine and biomass, and synthetic fuels from coal. None of these fuels could be economically produced without the credit. Congress provided for a phaseout of the credit if oil prices ever reached high enough levels again so that the market would produce them on its own. Both the amount of the credit and the phaseout prices are adjusted each year for inflation. The credit was originally scheduled to expire in 1984. It has been extended three times. The last time—in 1992—Congress drastically cut back the list of fuels that qualify to only two: gas from biomass and synthetic fuel from coal. An example of gas from biomass is methane produced by decomposing garbage at landfills.

To a degree, the logic for continuing the credit shifted by 1992. In the case of landfill gas, the credit produced important environmental benefits by collecting a dangerous greenhouse gas that might otherwise be released into the atmosphere. This was on top of tapping a potentially useful fuel that was otherwise going to waste. In the case of synthetic fuels from coal, the country has tremendous coal reserves, but coal can be a dirty fuel and there was a desire to continue efforts to develop coal-based fuels as an alternative to burning straight coal.

Why extend the credit again? My main interest is in seeing an incentive remain on the books to tap methane gas at landfills. We still are not doing enough in this area.

Methane gas at landfills is a serious health and safety hazard. It must find an outlet or it can explode. During the 1980’s, there were more than two dozen life-threatening explosions and at least three deaths in U.S. landfills.

There are two possible outlets for landfill gases. Gas can migrate underground to adjoining properties, where it can kill or stunt vegetation by displacing oxygen from the ground. Alternatively, it can escape into the atmosphere. Contaminants in the gas contribute to air pollution and mix with sunlight to create smog.

Landfill operators control the gas either by installing so-called passive systems, like trenches, barriers and vents to prevent gas from migrating underground and to give it an outlet into the atmosphere, or by installing so-called active systems where the gas is pumped to the surface and either flared, vented, or collected for use as a fuel.

Use as fuel is still rare. There are approximately 6,000 landfills in the United States. At the end of 1990, gas was being collected for fuel at just 97. In 1995, the figure is still only 143.

Last year, the U.S. Environmental Protection Agency created a special Landfill Methane Outreach Program in an effort to encourage more collection of landfill gas for use as fuel. It has been extended three years through the current expiration date, 2007. My bill would push back the expiration date by 4 years through 2011.

Third, my bill would eliminate a complication concerning expiration dates. There are two different expiration dates in the statute currently. The credit expires for pre-1993 projects in 2002. It expires for more recent projects in 2007. My bill would collapse these dates into a single expiration date of 2011 for all projects. There is a misconception that having multiple expiration dates for a gas project off the ground, the developer will continue producing gas after the credit expires. Many projects will not. Landfill gas production is not economic at most sites without the credit. Production will cease, notwithstanding the capital investment the developer made to get the project going initially, because he cannot afford to operate at a loss. In addition, there are continuing capital costs that must be made to keep a project operating. Landfills expand. Garbage shifts underground. Pipes that have been put underground to collect the gas break or bend and new ones must be installed.

Finally, my bill would make a technical change in section 29 that, at a 1994 House Ways and Means Committee hearing, the Treasury Department said it does not oppose. To qualify for section 29 tax credits today, the person producing the gas must sell it to an unrelated party. The reason for this requirement is obscure. Most landfill gas is used to generate electricity for sale to the local utility. Landfill gas projects are structured currently so ownership of the equipment is in different hands than the electric generating equipment. It would be simpler if the producer of the gas could use it himself to generate the electricity. My bill would allow him to do just that. The bill would treat the unrelated-party sale requirement as having been met in cases where the producer uses the gas to generate electricity which is sold to an unrelated party.

The Ways and Means Oversight Subcommittee, which I chair, held a hearing on May 9, 1995, to consider whether to extend certain expiring tax benefits, including the section 29 credit. I look forward to extending the credit later this year before work on new landfill gas projects

Air pollution officials—not just at EPA but also at the State and local levels—are eager to see the tax credit extended. The credit is just starting to have an effect at landfills. Most landfill owners have only recently become aware of it, and the pace of landfill gas development is increasing noticeably. It took almost 15 years to get the record of talk. There was almost a 50-percent increase in landfill gas projects in the last 5 years. The credit needs more time to reach its potential.

AFA estimates that approximately 750 of the 6,000 landfills in the United States are candidates for landfill gas production. The experts believe it will not happen without the credit.

My bill would do four things. First, it would extend the credit. The credit is currently scheduled to expire for projects placed in service after December 1996. Under the bill, this deadline would be pushed back 4 years through the year 2000.

Second, it would push back the so-called expiration date for the credit by a commensurate number of years. Under current law, landfill gas projects must be in service by next year, but if they meet this deadline, then they qualify for tax credits for the gas produced through the current expiration date, 2007. My bill would push back the expiration date by 4 years through 2011.

Finally, my bill would make a technical change in section 29 that, at a 1994 House Ways and Means Committee hearing, the Treasury Department said it does not oppose. To qualify for section 29 tax credits today, the person producing the gas must sell it to an unrelated party. The reason for this requirement is obscure. Most landfill gas is used to generate electricity for sale to the local utility. Landfill gas projects are structured currently so ownership of the equipment is in different hands than the electric generating equipment. It would be simpler if the producer of the gas could use it himself to generate the electricity. My bill would allow him to do just that. The bill would treat the unrelated-party sale requirement as having been met in cases where the producer uses the gas to generate electricity which is sold to an unrelated party.

The Ways and Means Oversight Subcommittee, which I chair, held a hearing on May 9, 1995, to consider whether to extend certain expiring tax benefits, including the section 29 credit. I look forward to extending the credit later this year before work on new landfill gas projects.
H.R. 2142, THE DEPARTMENT OF ENERGY LABORATORY MISSIONS ACT

HON. STEVEN SCHIFF OF NEW MEXICO IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. SCHIFF. Mr. Speaker, today I am joining my colleague Mr. GOREN in introducing legislation which will begin to establish the missions for the Department of Energy's national laboratories in the post-cold war Federal scientific establishment. Specifically, my legislation will establish a procedure for defining and assigning missions to the Department's laboratories which take into account the historic role the laboratories have played, and continuation planning for the defense of this Nation and in its scientific and technological success. I am introducing this legislation in response to recent studies of the national laboratories, which clearly show the need for better defined roles and management. Through their unique historical missions, DOE's national laboratories have developed core competencies and scientific capabilities that have contributed and continue to contribute technology to ensure the maintenance of the nuclear deterrent and other elements of our national security. These laboratories collectively represent an extensive scientific and technological resource of people, facilities, and equipment. The national laboratories have established successful collaborative relationships with other Federal agencies, universities, and private industry that have allowed each partner to share and leverage their capabilities. Their contributions to energy-related and basic science, environmental restoration and waste management, and other emerging scientific fields are internationally significant.

Over the years, however, the missions of the national laboratories have become diffuse. Congress is now in the process of rethinking the infrastructure which supports research by the Federal scientific establishment. I believe it is, therefore, vital that the laboratories' preeminence as research facilities and their contributions to the Nation's overall national security, scientific and industrial well-being be recognized, defined, and focused. Whatever the final form of our Federal research support infrastructure, the national laboratories will have a prominent role within it.

My legislation defines a three step public process by which the Secretary of Energy, working with all stakeholders, including Congress, first defines the criteria, then the missions, and then streamlines, if necessary, the labs to carry out those missions. H.R. 2142, the Department of Energy Laboratory Missions Act, also directs the DOE to close internal health, safety, and environmental regulation of the labs and to transfer those responsibilities to other appropriate Federal regulatory agencies. Recent reports to the Secretary of Energy indicate this will substantially improve management of the labs and release scarce resources to accomplish the labs' missions.

As chairman of the Subcommittee on Basic Research of the Committee on Science, I intend to hold hearings on this legislation, and other related pending legislation this September. I am open to improving the mission-definition process and management at the Department and look forward to hearing from all interested parties at that time.

Thank you, Mr. Speaker, I look forward to working with you and the Members of this House on this legislation. A section-by-section summary of the legislation is attached.

Section 1. Short Title. "Department of Energy Laboratory Missions Act".


Title I. Mission Assignment

Section 101. Findings.

1. Labs have developed core missions;
2. Labs need to continue to contribute to national security;
3. Labs have helped maintain the peace;
4. Labs represent extensive science and technology resources that contribute to national technology goals;
5. Labs have established successful collaborative relationships;
6. Partnerships and cooperative agreements should be encouraged;
7. Labs need well defined and assigned missions.

Section 102. Missions.
The DOE may maintain labs to advance the following core missions:

1. To maintain the national security.
   - A. By providing to nuclear weapons stockpile.
   - B. By assisting with dismantlement of nuclear weapons and working to curb proliferation.
   - C. Advancing science and technology in the development of nuclear and conventional weapons.
   - 2. To ensure the Nation's energy supply.
   - 3. To conduct basic research in energy-related science and technology in emerging scientific fields.
   - 4. To carry out research and development for the purpose of minimizing environmental impacts of the production and use of energy, nuclear weapons, and other activities.
   - 5. To carry out additional missions as assigned by the President.

To further its core missions the DOE may establish mutually beneficial collaborative partnerships.

Section 103. Procedure for Laboratory Mission Assignment and Streamlining.

   1. The Secretary shall publish in the Federal Register, not later than 3 months after enactment, the criteria for the assignment of missions to, and streamlining if necessary of departmental laboratories. The public shall have 30 days to respond. In developing the criteria, the Secretary shall consider the following:
      a. The unique technical and experimental capabilities of each lab;
      b. Unnecessary duplication of effort at the labs;
      c. Cost savings or increases due to streamlining;
      d. Appropriateness of research done at the labs;
      e. Expert advice from outside individuals.
   2. Five months after enactment, Secretary shall publish in the Federal Register and transmit to Congress the final criteria.

b. Secretary's Proposals.
   1. Not later than 1 year after enactment the Secretary shall publish in the Federal Register and transmit to Congress the Secretary's proposals for mission assignments and streamlining.
The Secretary shall include a summary and justification of the process used.
   c. Availability of Information.
The Secretary shall make all information available to the Comptroller General.
Fifteen months after enactment the Comptroller General shall report to Congress on the Secretary's proposals.

Section 104. Assignment of Missions and Streamlining of Labs.
The Secretary shall:
1. assign the missions as proposed in the report;
2. streamline the labs as proposed;
3. complete process in 4 years after date report is transmitted.

Section 105. Reports.
Each fiscal year the Secretary shall transmit to Congress:
1. a schedule of mission assignments;
2. any transfers of functions between labs.
Title II. Governance

Section 201. Findings.
1. inordinate internal focus at DOE on compliance issues;
2. too much emphasis at DOE on oversight and compliance roles;
3. costs of review groups interferes with research operations;
4. too much influence has been ceded by DOE to nonregulatory advisory boards;
5. enforcement of environment, safety, and health rules and regulations is a function of other government agencies.

Section 202. Elimination of Self-Regulation.
The Department shall implement, but shall not be the agency of enforcement of, Federal, State, and local environment, health, and safety rules and regulations, unless the Secretary certifies a particular action is unique to DOE and is necessary to maintain human health and safety.

Section 203. Effective Date.
Title II shall take effect October 1, 1996.

RECOGNITION OF PROFESSOR SUNG-HOU KIM AND PROFESSOR CARL HUFFAKER

HON. BILL BAKER OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Monday, July 31, 1995

Mr. BAKER. Mr. Speaker, recently two outstanding citizens of my district of San Francisco's East Bay region have been recognized for their outstanding achievements in the field of science.

Professor Sung-Hou Kim of the University of California at Berkeley is one of the newest inductees of the prestigious National Academy of Science. A resident of Moraga, CA, Professor Kim is the first American of Korean ancestry to obtain membership in this exclusive organization, whose 1,700 members represent the finest in American science.

As Director of the Lawrence Berkeley National Laboratory's Biodynamics and Structural Biology Division, Professor Kim addresses questions relating to molecular communication and structure. His expertise in x-ray beams and molecular research is enabling him to make an important contribution in the development of cancer-fighting drugs, chemicals to
break-down oil spills, and the formulation of a drug for the HIV virus.

The significance of Professor Kim's work is self-apparent. He richly deserves the signal honor he has received for his valuable efforts.

In addition, another UC-Berkeley professor (emeritus) has been recognized by the Government of Israel for his work in enhancing the world's agriculture. The Israeli-based Wolf Foundation gave Professor Carl B. Huffaker the Wolf Prize in Agriculture for his groundbreaking research in integrated pest management. This international prize, presented to Professor Huffaker in March by Israeli President Ezer Weizman, is awarded to individuals who use their disciplines to benefit humanity.

This major international award is being shared by Professor Huffaker and Professor Perry L. Adkisson of Texas A & M University for their efforts to combat crop-destroying insects not with pesticides, but other insects. This innovative, environmentally safe way of preventing crop devastation has had a major impact on crop protection worldwide.

Professor Huffaker, who lives in Lafayette, CA, first came to UC-Berkeley in 1946 as an assistant entomologist, after which he joined the faculty. He was director of the university's International Center for Integrated and Biological Control from 1970–1983.

These two remarkable men are living evidence that uniting one's gifts with dedication and perseverance can make a true difference in the way we live our lives. Professor Kim and Huffaker have done this for the good of people throughout the world, and merit our thanks for their noble work.

TRIBUTE TO TARA SALLEE

HON. EARL F. HILLIARD
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Monday, July 31, 1995

Mr. HILLIARD. Mr. Speaker, I come before you today to pay tribute to a young lady from my office, Ms. Tara Sallee. Ms. Sallee is my Washington, DC scheduler and special assistant.

At the end of this month, Ms. Sallee will be going back to Alabama to continue her studies at the University of Alabama at Birmingham. She has received a full scholarship so she may study and receive a master's degree in health care administration.

Ms. Sallee is one of the most dedicated workers that I have ever employed. She has a work ethic which is second to none. She not only does a great job at work, but she is also one of our most popular staff members. Everyone in our office regards her as one of their friends. She has an excellent attitude which this House of Representatives could use more of in our day to day dealings with one another. Needless to say, we will all miss her very much.

Although we will all miss her, I congratulate her for continuing her education. My congratulations go to Tara, as well as to her mother, Ms. Daisy Sallee of Montgomery, Alabama.

TRIBUTE TO THE OTTERBEIN-LEIPSCI RETIREMENT COMMUNITY

HON. PAUL E. GILLMOR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Monday, July 31, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's Fifth Congressional District. On August 1, 1995, the Otterbein-Leipsic Retirement Community will break ground for its new assisted-living wing.

The center serves residents from Findlay, Defiance, Paulding, Napoleon, Fostoria, and Ottawa. Founded in 1888, it provides a wide variety of retirement services and living arrangements. The assisted-living project has been many years in the making and everyone is very excited about its ground-breaking.

The original Otterbein Home was established in 1912. The facility was purchased from the Shakers at Union Village by the United Brethren Church. Since its humble beginnings it has grown to include five campuses across the State of Ohio.

Selecting a retirement facility can be an extremely difficult decision for anyone. Otterbein has been successful because the dedicated staff at Otterbein-Leipsic understands this and strives to make the decision-making process as smooth and gentle as possible.

Mr. Speaker, it is obvious that the Otterbein-Leipsic Retirement Community has benefited the residents of northwest Ohio. I ask my colleagues to join me today in recognizing the achievements of the center and encouraging them to continue to uphold what has become the standard for service in Ohio.

INTRODUCTION OF A BILL TO AMEND THE FEDERAL CROP INSURANCE ACT

HON. PAT ROBERTS
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Monday, July 31, 1995

Mr. ROBERTS. Mr. Speaker, today I am introducing legislation that would eliminate the requirement that all agricultural producers must buy a Federal crop insurance policy if they are to retain their eligibility for USDA programs. In return for this flexibility, producers will give up any possible Federal assistance for weather-related losses.

The one problem with the new catastrophic crop insurance program is that it imposes a government program on someone who doesn't want it. Because any person who receives a USDA payment must purchase a catastrophic policy, we have seen landlords with a minimal interest in a farming operation faced with buying insurance coverage they do not want and do not need. As I cited in Subcommittee hearings recently, nine persons with an interest in three crops in two counties were required to buy three policies in the two counties costing $2700. This figure does not include the costs to the tenant farmer. I can assure my colleagues this implementation of crop insurance reform was not what the Committee intended and needs to be fixed.

The bill I am introducing will strike this onerous requirement and instead require the producer to sign a waiver acknowledging his refusal of crop insurance with the understanding there will be no disaster assistance provided in the event the producer suffers a weather-related disaster. In addition to the commonsense this brings to the program, the Congressional Budget Office estimates this provision will save nearly $180 million during the period 1996 through 2002. That is good news during these times of budget cuts.

Finally, Mr. Speaker, the bill also deals with a problem summer-fallow farmers experienced this spring with failed wheat acres. Current law restricts a producer who intends to plant a substitute crop to do so only on those acres where the failed crop was planted. This does not work in high plains winter wheat country where a substitute crop will not grow on ground where the failed crop was growing. There is insufficient moisture to grow a substitute crop. The amendment I am introducing today would allow the crop to be planted on summer fallow ground where there would be moisture sufficient to grow a substitute crop so long as the producer maintained compliance with his conservation plan.

These amendments are necessary for the credibility of the crop insurance program and the flexibility producers need in order to plant substitute crops. Thank you, Mr. Speaker.

INTRODUCING THE MARKEY-MORAN-BURTON-SPRATT AMENDMENT ON PARENTAL BLOCKING OF TV SHOWS THAT HARM CHILDREN

HON. EDWARD J. MARKEY
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Monday, July 31, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing into the RECORD the Markey-Moran-Burton-Spratt amendment on parental blocking of TV shows that harm children as submitted to the House Rules Committee. We are introducing this amendment on behalf of a diverse coalition of parents, teachers, elementary school principals, school psychiatrists, church leaders, pediatricians, doctors, and civic organizations working to combat violence in our homes, our schools, and on the streets.

Our request is their request—that the rule for consideration of H.R. 1555 make in order the Markey-Moran-Burton-Spratt amendment to promote the health and welfare of children by including in TV sets technology that parents can use to manage and reduce the flood of violent, sexual and indecent material delivered to young children over the television set.

This request is bipartisan, as you will note from today's witnesses and from the signatures on the letter we have delivered to you, Mr. Chairman, in support of this amendment's consideration by the full House of Representatives.

The subject of this amendment has received this House and the Committee of the Whole's interest in a legislative defense against TV violence in 1993. I introduced a bill with the support of 4 Republicans and 10 Democrats.
When Mr. MORAÑO, Mr. BURTON, and Mr. SPRATT and I introduced a new bill in this Congress, 4 Republicans and 25 Democrats joined us.

When a similar proposal was offered by Senator CONRAD in June as an amendment to the Senate companion to H.R. 1555, it received the support of 32 Republicans and 41 Democrats, passing 73-26.

On July 10, the President of the United States endorsed this approach, calling the V-chip a "little thing but a big deal".

As you know, the letter we delivered today includes 19 Republicans and 23 Democrats.

So this is a subject of intense interest receiving broad support from both parties. It is supported by huge majority of the American public, with polls and reader surveys putting support as high as 90 percent.

Mr. Chairman, its time has come.

The average American child has seen 8,000 murders and 100,000 acts of violence by the time he or she leaves elementary school.

Parents have lasted five hearings over the last 2 years on the subject of children and televised violence. In every hearing I have heard both compelling testimony about the harmful effects of negative television on young children, and about the efforts of industry to reduce gratuitous violence. But parents don't care whether the violence is gratuitous or not. When you have young children in your home, you want to reduce all violence to a minimum.

That's why parents are not impressed with the temporary promises of broadcast executives to do better. Parents know that the good deeds of one are quickly undermined by the bad deeds of another.

The pattern is familiar. Parents plea for help in coping with the sheer volume and escalat- ing graphics of TV violence and sexual mate- rial. Congress expresses concern. The industry screams first amendment. The press says they're both right, calling on Congress to hold off and calling on industry to tone things down. Meanwhile, parents get no help.

Until parents actually have the power to manage their own TV sets using blocking technology, parents will remain dependent on the values and programming choices of executives in Los Angeles and New York who, after all, are trying to maximize viewership, not meet the needs of parents.

Mr. Chairman, here is what the amendment would do:

First, we will give the industry a year to develop a ratings system and activate blocking technology on a voluntary basis. If they fail to do so, we will take time for enough new sets to be purchased to have an impact on the Nielsen ratings and, therefore, an impact on advertisers. But its introduction in the cable world through set-top boxes is likely to be much more rapid. The cable industry has said that it is prepared to move forward with a V-chip approach as long as broadcasters move forward as well.

And the Electronic Industries Association has already agreed to introduce the technology into sets that would allow up to four levels of violence or sexual material to be rated.

Only the broadcasters have remained adamant in their opposition. They are opposed because the V-chip will work so well, not because it won't work. It will take only a small number of parents in key demographic groups using the V-chip to test the willingness of advertisers to support violent programming.

Parents will have the capacity to customize their own sets—to create their own private safe harbor—to protect their own children. Only that is what we are asking for. I urge my colleagues to support this important initiative.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF
HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
FRIDAY, JULY 28, 1995

The House in Committee of the Whole on the State of the Union had under consideration the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes:

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Stokes/Boehlert amendment.

The VA-HUD bill drives a stake through the heart of our Nation's environmental laws. The new majority apparently doesn't think cutting EPA's budget by 34 percent is enough—they've weakened the bill down with restrictions on EPA spending which ties their hands in implementing and enforcing critically important programs for the protection of the American people.

The riders on the bill would prohibit EPA from spending any monies on programs which protect our health and control polluted runoff, prevent raw sewage from being discharged into our waters, implement the 1990 Clean Air Act amendments, and then proceed with new standards for arsenic and radioactive pollutants in our drinking water.

Mr. Chairman, more than 35 million people would be exposed to significant levels of arsenic in their drinking water, heightening cancer risks across our Nation.

And while the Republicans are proposing that EPA's ability to protect the health of American citizens be decimated, they are giving special favors and granting exemptions to environmental laws to their friends in the oil and gas industry and cement kiln operators.

The Stokes/Boehlert amendment stops the appropriations bill of these legislative riders and enables the EPA, with the limited resources it has left, to implement the laws that the American people want, need and support which protect their air, water, and overall health.

I thank the gentlemen for offering this amendment and urge my colleagues to support it.

HONORING THE 100TH ANNIVERSARY OF LONG BEACH POLYTECHNIC HIGH SCHOOL

HON. STEPHEN HORN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
MONDAY, JULY 31, 1995

Mr. HORNE. Mr. Speaker, I rise today to salute the 100th anniversary of Long Beach Polytechnic High School—a much-loved, venerable institution in Long Beach, CA, which has been producing scholars and champions for the past century.

Poly high, as it affectionately known, had humble beginnings in the chapel of a local church, but a strong—for the time—starting enrollment. At that time, 1895, Long Beach was a modest village of approximately 2,000 residents. The Federal census counted 2,252 in 1900. Though small in number, these early citizens saw learning as a large part of their children's lives. The first school had begun in 1885, with under a dozen students in a tent loaned by the local postmaster, when the community numbered 12 families. Ten years later, with over 100 elementary school students studying in their own building, an election was held on September 3, 1895, to determine whether a high school district should be formed in Long Beach. The vote in favor was unanimous. Two weeks later—in an era when education beyond the eighth grade was not the norm—43 9th, 10th, and 11th graders began classes with a faculty of two: Professor Walter Bailey and Mrs. Hattie Mason Willard. The presence of the community's strong desire for a high school education for one and all supported the opening of a separate high school building—the first in Los Angeles County outside of the city of Los Angeles. They even levied a special tax on themselves to raise the $10,000 to cover the city's part of the construction costs.

The new high school was known as American Avenue High School for its location and offered a strong, but limited program primarily aimed at preparing students for college. The quality of instruction was so high that 6 years after opening its doors, the high school was accredited by the University of California, thus permitting its graduates to enter the university without passing special examinations.
By 1910, Long Beach had rapidly grown into a city of 18,000, and its high school was overflowing with students. Residents not only saw a need for a larger high school, but also for an expanded curriculum that would offer technical-vocational courses in addition to the college preparatory classes. They wisely knew that such a need would appeal to many young people who had not been interested in the more traditional type of educational program.

That year, a $240,000 bond issue was passed to build a new type of high school that would offer technical-vocational courses as well as a college preparatory curriculum. In 1911, it opened its doors at the corner of 16th Street and Atlantic Avenue in Long Beach and has stood there ever since as Long Beach Polytechnic High School. In 1910, the site was considered so far on the outskirts of town that “only jack rabbits were out there.” This somewhat derogative comment led to the selection of Poly’s mascot, the jack rabbit. Bearing the deceptively benign title of the Mighty Jack Rabbits, Poly High’s athletic teams have gone on to win numerous championships, and produce many professionals and Olympic athletes.

In addition to offering a well-rounded, polytechnic curriculum designed to meet the needs of the community’s young people, Poly High has also provided experiences in self-governing for its students. In the early part of this century, student government was not a common activity in high schools. But a Poly teacher during this era, Miss Jane Harnet, worked to add this important learning activity into the school’s course of study. In Poly’s student yearbook, the Cerulea—from the adjective meaning of the color sky blue—student Stanley Harvey wrote: “The students of the Long Beach Polytechnic High School have a privilege not generally accorded in most high schools, in that they have an organized student body with both elective and appointive offices who have charge of all assemblies, entertainments, literary activities, etc., provided that they pass the two faculty members of the Commission.”

The Long Beach community’s commitment to the finest educational experiences for all students also extended to students of varied backgrounds. Poly High has long-served as a model for providing a first-rate education for a multi-ethnic student body. The student body has been integrated from the school’s first days, and Poly High has a decades-long tradition of educating young people to appreciate and respect those of differing backgrounds and cultures. In the years following the Second World War, Japanese-Americans returning from the relocation camps sent their children back to a school that they had attended in the 1920’s and 1930’s. Those Japanese-American sons and daughters who enrolled in the 1940’s and returned to Long Beach saw their children later join a large, racially mixed student body of African-Americans, Anglos, and Latinos. With over 40,000 students, Poly High has a decades-long tradition of educating young people to appreciate and respect those of differing backgrounds and cultures.

In many ways, alumni from Poly High follow their school’s motto: Enter to learn, go forth to serve. From celebrities such as Van Johnson, Billie Jean King, Marilyn Horne, and young film star Cameron Diaz; to countless community activists to heroes of the First and Second World Wars; to students from the Persian Gulf war; students from Poly have made their mark. One graduate, Lorraine Miller Collins, became Long Beach’s major philanthropist—funding the Miller Children’s Hospital, a rare book room in the public library, and an international house and Japanese garden at California State University, Long Beach.

I am pleased that my two children are Poly graduates, as are three of my staff members. My wife, Nini, served as president of the parent-teacher association and, for many years, was also a member of the Poly High Community Interfacial Committee. The PACE program at Poly has attracted bright students of all ethnicities and races from all parts of the city. The number of college acceptances is proof that this fine high school is truly producing scholars and champions.

Beginning near the end of the 19th century in a small building on the outskirts of town, Poly High has grown through the 20the century to become a leading urban educational institution. Its history is one of community commitment to education, to students, and to education. Its graduates are models of the value a community receives in return for an early investment in and commitment to education. Today, Long Beach Polytechnic High School stands as testimony to the importance placed on education by the citizens—then and now—of Long Beach, CA.

Congratulations again on your 100th birth-day, Poly High, may you have many more years of service to our community, our State, and our Nation.

**NASA: LOOKING TO SPACE**

**HON. WAYNE ALLARD**

**OF COLORADO**

**IN THE HOUSE OF REPRESENTATIVES**

**Monday, July 31, 1995**

Mr. ALLARD. Mr. Speaker, I would like to take a minute to show my support for NASA and the space station. NASA is a critical investment in America’s future. The contributions made by NASA have provided major breakthroughs in science and technology, which in turn, have contributed to long-term economic growth and provided opportunities for future generations.

Technology is rapidly changing, and NASA has been a major part of that change, with its long range research focus. While the private sector has played a role in developing new and improved technologies, many of NASA’s investments have led to spinoffs which have been successfully incorporated into the marketplace—for example: Virtual reality, color and 3-dimensional graphics, language translators, compact discs, heat rate monitors, water purification and filters, breast cancer detection, microlasers, fireman’s air tanks, and emission tests.

Even with these innovations, NASA has remained focused on its one core mission: Space exploration. NASA’s mission does not stop with space exploration. NASA stands as a strong example of how government research can compliment private industry research.

I have always had the utmost respect for the research by NASA but in the past I have not always been their strongest ally. I have voted against the NASA budget the space station when I believed NASA was wasting resources and moving away from their core mission. Though it took much prodding from Congress to get the budget, I strongly believe NASA is now one of the leanest and most productive agencies of the Federal Government.

Earlier this year, the Budget Committee held hearings on corporate downsizing. At these hearings, we heard from General Electric and Kodak. They told the committee how they successfully downsized their companies while producing more. With their reduced budget, this is exactly what NASA has accomplished. NASA’s budget has already been reduced by 36 percent since fiscal year 1993 and has reduced its work force to its lowest level since 1961. The agency has stepped up to the challenge and is accomplishing more while spending less. For example, NASA’s new mission control saved millions of dollars by buying and upgrading software.

Since I have been in Congress, the space station has been extensively debated. Today, the redesignated station is less expensive and more capable. The new design saves $5 billion in developmental costs, reduces annual operating costs by half, and expands the station’s research capabilities. The space station will conduct valuable medical and technological research which can have great benefits for the future. In addition, the station is a cooperative project with Canada and member nations of the European Space Agency. This project brings together the world’s best and brightest scientists to work for solutions to problems here on Earth.

Congress should not turn its back on the future. It is imperative that America remains first in technological advancements. We need technology to move this country forward. NASA is a sound investment which can help facilitate new technological innovations and discoveries that will lead America into the 21st century.

**SPEECH OF**

**HON. LOUIS STOKES**

**OF OHIO**

**IN THE HOUSE OF REPRESENTATIVES**

**Wednesday, July 26, 1995**

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes: Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2076. Making Appropriations for the Department of Commerce, Justice, and the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes: Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2076. Making Appropriations for the Department of Commerce, Justice, and the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.
Mr. Speaker, as I mentioned before, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies appropriation bill allocates a total of $27.6 billion in fiscal year 1996. Excluding the money from the violent crime control trust fund, established in the 1994 Crime Control Act (PL 103-322), this bill appropriates 13 percent less than requested by the Clinton administration. This legislation also cuts the Commerce Department by 17 percent, and the State Department and the Judiciary by 9 percent.

In addition to these overall reductions the bill eliminates funding for many governmental programs that have proven to be excellent investments of Federal dollars. H.R. 2076, eliminates the advanced technology program that has created thousands of jobs across this Nation. The bill also eliminates the State Justice Institute, which provides assistance to State justice programs and the Small Business Administration Office of Advocacy to name just a few.

In the justice portion of the bill, the Committee has failed to follow through with the President's unprecedented efforts to fight crime. The bill provides for $816.5 million less than requested by the Clinton administration for the Department of Justice. This substantial slashing of funds for many programs which have played an essential role in protecting our citizens is myopic, and detrimental to our society.

Crime control measures supported by the administration to prevent crime, hire more police officers and fight the scourge of drugs, will be substantially cut or eliminated as a result of this legislation. H.R. 2076, would eliminate the highly successful and popular COPS Program that responds to the public's desire for an increased police presence in our communities.

In addition to damaging our policing efforts this bill harms our mothers, daughters, and sisters by slashing funding for the Violence Against Women Act. H.R. 2076, removes over $100 million from this important program to help protect women from violence.

Mr. Speaker, the appropriation for the Department of Commerce was devastatingly reduced by $1.2 billion below the amount requested by the administration. As a result of the cut to the Department of Commerce contained in H.R. 2076, our Government's efforts to promote economic development and technology advancement will be drastically hindered. The draconian cuts in this legislation includes a 21-percent cut for the Economic Development administration. This program includes many successful programs that have helped our Nation's businesses create jobs for thousands of Americans. The Small Business Administration allocation will also be reduced by 36 percent, and the Office of Advocacy which represents the interests of small businesses within the Federal Government will be eliminated. Small business owners all across this Nation will be hurt by this extreme cut to the SBA. Economic opportunities for women and minorities will also be dramatically curtailed by the legislation we are considering today. The Minority Business Development Agency will be cut by over 33 percent. This irresponsible and unjust slashing of the budget for this important agency will lead to the foreclosing of economic opportunities for many Americans who must also endure the ravages of exclusion and discrimination.

Our efforts to fight systematic discrimination will be substantially reduced. Civil rights and equal opportunity are treated as a low priority by H.R. 2076. The Commission on Civil Rights will be cut by $2.9 million and the Equal Employment Opportunity Commission will receive a staggering $35 million less than what was requested by the President. The EEOC has been significantly cut in this bill despite the fact that the EEOC has a massive backlog of cases. In addition the EEOC plays an essential role in our Nation's efforts to fight employment discrimination against all Americans. This disregard for the protection of the constitutionally protected rights of all Americans is unwarranted and irresponsible.

Next, the Legal Services Corp., that provides vital legal assistance to poor Americans who can not afford an attorney has also been targeted for substantial cuts. In addition to eliminating $137 million in requested funding, this appropriations bill prohibits attorneys receiving Federal assistance from representing illegal aliens, initiating class action suits or participating in litigation involving prisoners or abortion. There are few more sacred rights possessed by Americans than the their right to seek redress in the courts. This attack on the Legal Service Corporation is yet another attempt by the new Republican majority to weaken programs which are politically unpopular with conservatives.

Mr. Speaker, I would also like to add that the attempt by the majority to curtail essential governmental services to the American public is clearly inappropriate. This action circumvents the appropriate authorizing committees that should consider the proposed elimination or weakening of so many important laws. With limited opportunity for debate and hearings this "legislation" in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the United States House of Representatives. This attempt to short circuit the process can only have one result, the compromise of vital services affecting the poor, minorities and women and Americans overall.

It is my belief that H.R. 2076 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of crime, discrimination and poverty, the solution to these problems will not be found in quick fixes by slashing programs unpopular with Republican majority. The American people elected us to act in their best interest, not compromise their welfare because government services to the American public is clearly inappropriate. This action circumvents the appropriate authorizing committees that should consider the proposed elimination or weakening of so many important laws. With limited opportunity for debate and hearings this "legislation" in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the United States House of Representatives. This attempt to short circuit the process can only have one result, the compromise of vital services affecting the poor, minorities and women and Americans overall.

Mr. Speaker, in closing, I would again like to express my opposition to the misguided priorities this bill represents. I strongly encourage all of my colleagues to vote against H.R. 2076.
SENATE COMMITTEE MEETINGS
Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This rule requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week. Meetings scheduled for Tuesday, August 1, 1995, may be found in the Daily Digest of today’s Record.

MEETINGS SCHEDULED

AUGUST 2

9:00 a.m.

Governmental Affairs
To hold hearings on the nominations of Jacob J. Lew, of New York, to be Deputy Director of the Office of Management and Budget; Jerome A. Stricker, of Kentucky, and Sheryl R. Marshall, of Massachusetts, each to be a Member of the Federal Retirement Thrift Investment Board; William H. LeBlanc III, of Louisiana, to be a Commissioner of the Postal Rate Commission; and Beth Susan Slavet, of Massachusetts, to be a Member of the Merit Systems Protection Board.

SD–342

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior; to be followed by hearings to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production; and the inclusion of the leasing revenues in the Budget Reconciliation.

SD–366

Finance
Social Security and Family Policy Subcommittee
To hold hearings on the impact of privatization proposals on the Social Security Old Age and Survivors Insurance Trust Fund.

SD–215

Governmental Affairs
Post Office and Civil Service Subcommittee
To hold hearings to review the annual report of the Postmaster General.

SD–342

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on proposed legislation authorizing funds for the Administrative Conference.

SD–226

Labor and Human Resources
Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers, S. 903, to authorize the export of new drugs, and proposed legislation to authorize funds for programs of the Substance Abuse and Mental Health Services Act.

SD–430

Indian Affairs
To hold oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).

SR–485

Select on Intelligence
To hold hearings to examine war crimes in the Balkans.

SD–106

Special on Special Committee
To investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine issues relative to the President’s involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH–216

10:00 a.m.

Environment and Public Works
Business meeting, to consider pending calendar business.

SD–406

2:00 p.m.

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To resume oversight hearings on implementation of section 404 (relating to wetlands) of the Clean Water Act.

SD–406

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine Iraqi atrocities against the Kurds.

SD–419

2:30 p.m.

Banking, Housing, and Urban Affairs
International Finance Subcommittee
To hold hearings to examine the D«el Use Export Control Program.

SD–538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).

SR–253

3:30 p.m.

Appropriations
Transportation Subcommittee
Business meeting, to mark up H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.

S–128, Capitol

AUGUST 3

9:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Jull L. Long, of Indiana, to be Under Secretary of Agriculture for Rural Economic and Community Development, and to be a Member of the Board of Directors of the Commodity Credit Corporation.

SR–332

Environment and Public Works
Drinking Water, Fisheries, and Wildlife Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, focusing on incentives for the conservation of endangered species and the role of habitat.

SD–406

Special on Aging
To hold hearings to examine Medicare health maintenance organization (HMO) programs and whether the Health Care Financing Administration is doing enough to ensure that patients receive high quality care when they enroll in such programs.

SD–628

Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine issues relative to the President’s involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH–216

10:00 a.m.

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine United Nations sanctions and Israeli compliance.

SD–419

Judiciary
Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.

Judiciary
To hold hearings on pending nominations.

SD–226

AUGUST 4

9:30 a.m.

Joint Economic
To hold hearings to examine the employment-unemployment situation for July.

SD–562

10:00 a.m.

Appropriations
Business meeting, to mark up H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.

SD–192

AUGUST 9

9:30 a.m.

Energy and Natural Resources
To hold hearings on S. 1054, to provide for the protection of Southeast Alaska jobs and communities.

SD–366

Indian Affairs
Business meeting, to consider pending calendar business.

SR–485

AUGUST 10

2:00 p.m.

Judiciary
To hold hearings to examine United States Sentencing Commission’s cocaine sentencing policy.

SD–226

POSTPONEMENTS

AUGUST 1

2:00 p.m.

Foreign Relations
To hold hearings on the drug trade in Mexico and implications for U.S.-Mexican relations.

SD–419
Monday, July 31, 1995

Daily Digest

HIGHLIGHT

House passed VA-HUD appropriations bill.

Senate

Chamber Action

Routine Proceedings, pages S10911-S11042

Measures Introduced: Five bills were introduced, as follows: S. 1094-1098.

Measures Passed:

District of Columbia Transportation Projects: Senate passed H.R. 2017, to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, clearing the measure for the President.


Department of State Authorizations: Senate resumed consideration of S. 908, to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the United States Information Agency, the United States Arms Control and Disarmament Agency, and the Agency for International Development, taking action on amendments proposed thereto, as follows: Pages S10929-59, S10961-66

Adopted:

Helms Modified Amendment No. 1914, to improve and modify the bill.

By 94 yeas to 2 nays (Vote No. 343), Helms Modified Amendment No. 2026 (to Amendment No. 2025), to cut $10,000,000 in funds for the United Nations if the U.N. Secretary General does not help resolve the overdue debts owned U.S. citizens by diplomats and missions accredited to the United Nations.

Rejected:

Kennedy Amendment No. 1977, to express the sense of the Senate that the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress. (By 49 yeas to 48 nays (Vote No. 344), Senate tabled the amendment.)

Nickles/Kassebaum Amendment No. 2029 (to Amendment No. 177), to express the sense of the Senate that the Senate should debate and vote on comprehensive welfare reform before the end of the first session of the 104th Congress. (The amendment fell when Amendment No. 1977, listed above, was tabled.)

During earlier consideration of this amendment today, Senate had agreed to Amendment No. 2029.

Kerrey Amendment No. 2030 (to Amendment No. 1977), to express the sense of the Senate that the Senate should debate and vote on whether to raise the minimum wage before the end of the first session of the 104th Congress. (The amendment fell when Amendment No. 1977, listed above, was tabled.)

Pending:

Dole Amendment No. 2025, to withhold certain funds for international conferences if funds were expended for U.S. participation in the United Nations Fourth World Conference on Women while Harry Wu was being detained in China.

Helms Amendment No. 2031, to authorize reduced levels of appropriations for foreign assistance programs for fiscal years 1996 and 1997.

Kerry (for Boxer) Amendment No. 2032 (to Amendment No. 2025), to express the sense of the Senate regarding the arrest of Harry Wu by the Government of the People's Republic of China.

Hutchison Amendment No. 2033 (to Amendment No. 2025), to express the sense of the Congress that the United Nations Fourth World Conference on Women, to be held in Beijing, China, should promote a representative American perspective on issues of equality, peace and development.
During consideration of the bill today, the following also occurred:
   A second motion was entered to close further debate on the bill and, by unanimous-consent agreement, a vote on the motion will, if necessary, occur at 2:15 p.m., on Tuesday, August 1, 1995.

Senate will resume consideration of the bill on Tuesday, August 1, 1995, with a vote on the first cloture motion to occur at 10 a.m.

Nominations Confirmed: Senate confirmed the following nominations:
   - Routine lists in the Marine Corps.

Messages From the House:

   Senate confirmed the following nominations:

Medicare Fraud and Abuse

Committee on Finance Committee held hearings to examine proposals to reduce fraud, waste and abuse in the Medicare program, including S. 1088, to provide for enhanced penalties for health care fraud, receiving testimony from Senator Cohen; June Gibbs Brown, Inspector General, Department of Labor and Human Services; Sarah F. Jaggar, Director, Health Financing and Policy Issues, Health, Education and Human Services Division, General Accounting Office; Charles L. Owens, Financial Crimes Section, Federal Bureau of Investigation, Department of Justice; and Paul N. Van de Water, Assistant Director, Budget Analysis Division, Congressional Budget Office.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 6 public bills, H.R. 2142-2147; and 1 resolution, H. Con. Res. 89 were introduced.

Reports Filed: Reports were filed as follows:
   - H.R. 701, to authorize the Secretary of Agriculture to convey lands to the City of Rolla, Missouri, amended (H. Rept. 104-215);
   - H.R. 74, to modify the boundaries of the Talladega National Forest, Alabama, amended (H. Rept. 104-216);
   - H.R. 1675, to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, amended (H. Rept. 104-217, Part 1); and

Recess: Senate convened at 12:30 p.m., and recessed at 8:07 p.m., until 9:30 a.m., on Tuesday, August 1, 1995. (For Senate's program, see the remarks of the Majority Leader in today's RECORD on page S11038.)

Committee Meetings

(Committees not listed did not meet)

Medicare Fraud and Abuse

Committee on Finance Committee held hearings to examine proposals to reduce fraud, waste and abuse in the Medicare program, including S. 1088, to provide for enhanced penalties for health care fraud, receiving testimony from Senator Cohen; June Gibbs Brown, Inspector General, Department of Labor and Human Services; Sarah F. Jaggar, Director, Health Financing and Policy Issues, Health, Education and Human Services Division, General Accounting Office; Charles L. Owens, Financial Crimes Section, Federal Bureau of Investigation, Department of Justice; and Paul N. Van de Water, Assistant Director, Budget Analysis Division, Congressional Budget Office.

Hearings were recessed subject to call.

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Everett to act as Speaker pro tempore for today.

Recess: House recessed at 10:48 a.m. and reconvened at noon.

Committees To Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on International Relations, Government Reform and Oversight, and the Judiciary.


Agreed to the committee amendment in the nature of a substitute, as amended by the Emerson technical amendment.
Rolla Ranger District Land Conveyance: House passed H.R. 701, to authorize the Secretary of Agriculture to convey lands to the city of Rolla, Missouri. Pages H8001-02

Agreed to the committee amendment in the nature of a substitute. Page H8002

Talladega National Forest: House passed H.R. 1874, to modify the boundaries of the Talladega National Forest, Alabama. Pages H8002-04

Agreed to the committee amendment in the nature of a substitute. Page H8004

Recess: House recessed at 1:28 p.m. and reconvened at 2 p.m. Page H8010


Recess: House recessed at 4:30 p.m. and reconvened at 6:02 p.m. Page H8031

VA-HUD Appropriations: By a yea-and-nay vote of 228 yeas to 193 nays, Roll No. 607, the House passed H.R. 2099, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996. Pages H8015-22, H8031-34, H8038-52

By a yea-and-nay vote of 198 yeas to 222 nays, Roll No. 606, rejected the Stokes motion to recommit the bill to the Committee on Appropriations with instructions to report it back forthwith containing an amendment that provides limitations placed on EPA activities would not apply when it is made known that the limitation would restrict the ability of EPA to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen. Pages H8050-51

On a demand for a separate vote, rejected the Stoke amendment that sought to strike language that prohibits or limits EPA's ability to promulgate, enforce, implement, or take certain actions authorized under environmental laws and food safety laws (rejected by a yea-and-nay vote of 210 yeas to 210 nays, Roll No. 605). This amendment had been agreed to in the Committee of the Whole on Friday, July 28, by a recorded vote of 212 ayes to 206 noes, Roll No. 599). Pages H8049-50

Rejected:

The Durbin amendment that sought to provide that any limitation on use of EPA funds would not apply to the Agency's environmental programs and compliance provisions when it is made known that the limitation would restrict the Agency's ability to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen (rejected by a recorded vote of 188 ayes to 228 noes, Roll No. 602); Pages H8045-46

The Dingell amendment that sought to increase funding for the Superfund program by $440 million and reduce funding for FEMA disaster relief by $186 million (rejected by a recorded vote of 155 ayes to 261 noes, Roll No. 603); and Pages H8016-20, H8046-47

The Ensign amendment that sought to increase VA medical care to $16.961 billion, reduce NASA's human space flight by $89.5 million, and reduce the National Science Foundation research and related activities by $235 million (rejected by a recorded vote of 121 ayes to 296 noes, Roll No. 604). Pages H8031-34, H8047-48

A point of order was sustained against the Weldon of Florida amendment that sought to transfer $154.7 million from the FEMA disaster relief account to the VA major project construction account for a medical facility in Brevard County. Pages H8044-45

The Dornan amendment was offered but subsequently withdrawn that sought to prohibit use of funds for the Senior Environmental Employment Program. Pages H8038-40

Defense Appropriations: House completed all general debate and began reading for amendment on H.R. 2126, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996; but came to no resolution thereon. Reading for amendment under the 5-minute rule will resume on Tuesday, August 1. Pages H8052-60

Agreed To:

The Neumann amendment that reduces the operational support aircraft program by $50 million; Pages H8057

The Obey amendment that reduces by $50 million the Defense-wide operation and maintenance account; and Pages H8057-58

The Furse amendment that reduces the Air Force aircraft procurement account by $21.9 million. Pages H8059-60

The Skaggs amendment was offered but subsequently withdrawn that sought to reduce the Defense-wide operations and maintenance account by $5 million and add $5 million to the Intelligence Community Management account. Pages H8058

H. Res. 205, the rule under which the bill is being considered, was agreed to earlier by a yea-and-nay vote of 409 yeas to 1 nay, Roll No. 601. Pages H8034-38

Senate Messages: Message received from the Senate today appears on page H7995.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H8063–68.

Quorum Calls—Votes: Four yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H8037–38, H8046, H8046–47, H8047–48, H8049–50, H8051, and H8051–52. There were no quorum calls.

Adjournment: Met at 10:30 a.m. and adjourned at 10:17 p.m.

Committee Meetings

OVERSIGHT—WACO
Committee on Government Reform and Oversight; Subcommittee on National Security, International Affairs, and Criminal Justice and the Subcommittee on Crime of the Committee on the Judiciary continued joint oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas. Testimony was heard from the following officials of the Department of Justice: Edward S.G. Dennis, Jr., former Assistant Attorney General, Criminal Division; Jeffery Jamar, former SAC in San Antonio, Dick Rogers, former Head of Hostage Rescue Team, R.J. Craig, Special Agent, James McGee, Special Agent, John Morrison, Special Agent and Byron Sage, SSRA in Austin, all with the FBI; and Ambassador H. Allen Holmes, Assistant Secretary, Special Operations and Low Intensity Conflict, Department of Defense.

Will continue tomorrow.

POLITICAL AND SOCIAL CHANGE IN NEW ZEALAND
Committee on International Relations; Subcommittee on Asia and the Pacific held a hearing on Political and Social Change in New Zealand. Testimony was heard from Sandra O'Leary, Deputy Assistant Secretary, East Asian and Pacific Affairs, Department of State, and public witnesses.

COMMUNICATIONS ACT OF 1995
Committee on Rules; Heard testimony but took no action on H.R. 1555, Communications Act of 1995. Testimony was heard from Chairman Bliley, Representatives Fields, Oxley, Barton of Texas, Paxon, Crapo, Cox, Chairman Hyde, and Representatives Goodlatte, Wolf, Burton of Indiana, Morella, Shays, Manzullo, Bunn, Frelinghuysen, Dingell, Markey, Wyden, Hall of Texas, Towns, Stupak, Conyers, Lofgren, Spratt, Mfume, Kanjorski, Moran, Orton, and Underwood.

NEW PUBLIC LAW
(For last listing of Public Laws, see DAILY DIGEST p. D941)
S. 523, to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of imperial dam in a cost-effective manner. Signed July 28, 1995. (P.L. 104–20)

COMMITTEE MEETINGS FOR TUESDAY, AUGUST 1, 1995
(Committee meetings are open unless otherwise indicated)

Senate
Committee on the Budget, to hold hearings to review the Office of Management and Budget at mid-session, 10 a.m., SD–608.
Committee on Commerce, Science, and Transportation, to hold hearings to examine the future of the Department of Commerce, 9:30 a.m., SR–253.
Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold oversight hearings on title V of the Clean Air Act (relating to permitting), 2 p.m., SD–406.
Committee on Finance, Subcommittee on International Trade, to hold hearings to examine various trade issues, including granting most-favored-nation (MFN) tariff status to Cambodia and the permanent extension of MFN tariff status to Bulgaria, the renewal of the Generalized System of Preferences, and the Administration's fiscal year 1996 budget requests for the Office of the United States Trade Representative, the United States International Trade Commission, and the United States Customs Service, 10 a.m., SD–215.
Committee on Foreign Relations, to hold hearings on the nominations of William H. Courtney, of West Virginia, to be Ambassador to the Republic of Georgia, James F. Collins, of Illinois, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States, Joseph A. Presel, of Rhode Island, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh, and Stanley T. Escudero, of Florida, to be Ambassador to the Republic of Uzbekistan, 9 a.m., SD–419.
Full Committee, to hold hearings on the nominations of Lee F. Jackson, of Massachusetts, to be United States Director of the European Bank for Reconstruction and Development, 11 a.m., SD–419.
Committee on the Judiciary, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings on H.R. 660, to amend the Fair Housing Act to modify the exemption from certain familial status discrimination
prohibitions granted to housing for older persons, 9 a.m., SD-226.

Subcommittee on Immigration, to hold hearings to examine annual refugee admissions, 11 a.m., SD-226.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to resume hearings to examine issues relative to the President’s involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster, 9:30 a.m., SH-216.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E1569 in today’s RECORD.

House

Committee on Commerce, Subcommittee on Health and Environment, to continue hearings on the Transformation of the Medicaid Program, 10 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, to continue hearings on the Implementation and Enforcement of the Clean Air Act Amendments of 1990, 10 a.m., 2322 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information, and Technology, oversight hearing on the Inspector General Act, 2 p.m., 2247 Rayburn.

Subcommittee on Human Resources and Intergovernmental Relations and the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, joint oversight hearing on FDA’s Regulation of Medical Devices, including the Status of Breast Implants, 9:30 a.m., 2154 Rayburn.

Committee on House Oversight, hearing on Government Printing Reforms, 10 a.m., 1310 Longworth.

Committee on International Relations, Subcommittee on Western Hemisphere Affairs, hearing to examine the Cienfuegos Nuclear Plant in Cuba, 3 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime and the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight, to continue joint oversight hearings on Federal Law Enforcement Actions in Relation to the Branch Davidian Compound in Waco, Texas, 10 a.m., 2141 Rayburn.

Committee on National Security, to mark up reconciliation recommendations, 10 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on National Parks, Forests and Lands, hearing on H.R. 2032, to transfer the lands administered by the Bureau of Land Management to the State in which the lands are located, 10 a.m., 1334 Longworth.

Committee on Rules, to consider the Conference Report to accompany H.R. 1854, making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, 2 p.m., H-313 Capitol.

Committee on Standards of Official Conduct, executive, to continue to take testimony regarding the ethics investigation of Speaker Gingrich, 10 a.m., and 2 p.m., HT-2M Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, to mark up Ocean Shipping Reform Act of 1995, 9:30 a.m., and to hold a hearing on the Coast Guard Drug Interdiction Mission, 10 a.m., 2167 Rayburn.
Next Meeting of the SENATE
9:30 a.m., Tuesday, August 1

Senate Chamber

Program for Tuesday: After the recognition of two Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will vote on a motion to close further debate on S. 908, Department of State Authorizations, following which Senate will resume debate on S. 908, Department of State Authorizations.

At 2:15 p.m., Senate will proceed to a second cloture vote, if necessary, on a motion to close further debate on S. 908, Department of State Authorizations, and if cloture is not invoked, Senate may resume consideration of H.R. 1905, Energy and Water Development Appropriations, 1996, or begin consideration of S. 1026, DOD Authorizations.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
9:00 a.m., Tuesday, August 1

House Chamber

Program for Tuesday: Consideration of S. 21, Bosnia and Herzegovina Self-Defense Act of 1995 (modified closed rule, 3 hours of general debate); and Complete consideration of H.R. 2126, Defense Appropriations for fiscal year 1996.

Extensions of Remarks, as inserted in this issue

Gillmor, Paul E., Ohio E1565
Hilliard, Earl F., Ala. E1565
Horn, Stephen, Calif. E1566
Johnson, Nancy L., Conn. E1563
Markey, Edward J., Mass. E1565
Montgomery, G.V. (Sonny), Miss. E1562
Rahall, Nick J., Ill., W. Va. E1561
Roberts, Pat., Kans. E1565
Schiff, Steven, N. Mex. E1564
Schroeder, Patricia, Colo. E1562
Stark, Fortney Pete, Calif. E1561
Stokes, Louis, Ohio E1567