United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, AUGUST 2, 1995 *No. 127*

House of Representatives

The House met at 10 a.m.

PRAYER

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

As we seek to learn the details of the issues before us and as we endeavor to understand all certainties, it is our prayer, O gracious God, that we will also gain a heart of wisdom. For we know that Your spirit is working within us when we have insight and discernment and sound judgment. Remind us always, O God, that it is not wise simply to observe events or to know all the facts, for the scripture proclaims that ''the fear of the Lord is the beginning of wisdom, and the knowledge of the Holy One is insight.'' Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Kentucky [Mr. BAESLER] will lead the House in the Pledge of Allegiance.

Mr. BAESLER led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10, 1-minutes on each side.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 89. Concurrent resolution waiving provisions of the Legislative Reorganization Act of 1970 requiring adjournment of Congress by July 31.

SUPPORT H.R. 1834, THE OSHA REFORM ACT

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, yesterday the Secretary of Labor issued a so-called analysis that supposedly showed that Republican OSHA reforms would lead to more workplace injuries. This is outrageous fearmongering. Instead of playing politics, the Secretary should be finding an answer for the question we have asked: Why, after spending over $4 billion, is there so little evidence that OSHA has made a real impact on reducing injuries and deaths?

The Secretary is fond of noting that injury rates have been declining since OSHA's birth in 1970, but he rarely mentions that those rates have been dropping, indeed, since 1946. Perhaps the Secretary just does not want to consider the real world. Maybe he is just too busy trying to figure out that government can run our lives to think that OSHA really is a failure.

It is time the American taxpayer insisted that OSHA spend at least half of its funds on health and safety in the workplace, rather than hiring dictators to fine small businesses.

KEEPING THE EQUAL OPPORTUNITY PROMISE

(Mr. BAESLER asked and was given permission to address the House for 1 minute.)

Mr. BAESLER. Mr. Speaker, in 1994, the Federal Government spent less than 2 percent of the Federal budget educating the Nation's children. Now some in Congress are saying on the one hand that American children need to compete with the children of other nations—in other words that education is a national priority. On the other hand they are saying, let's spend less. I ask my colleagues, ''Is education a national priority or not?''

The overwhelming majority of Federal education spending goes toward evening the odds for disadvantaged children in America. Yet some would ask me to support a funding bill that would cut title I funding which helps students from disadvantaged backgrounds with the three R's. They ask me to support this bill even though it would deny this important funding to 19,100 Kentucky students.

I am not ready to pull the educational rug out from under these kids. I firmly believe that the promise of America is equal opportunity, not equal outcomes. But I also believe title I is the kind of program that provides such equal opportunity and puts the Nation's money where its mouth is.

EVERY AMERICAN SHOULD KNOW WHAT IS IN THE MEDICARE TRUSTEES REPORT

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute.)

Mr. WATTS of Oklahoma. Mr. Speaker, it has been said that Republicans live in paranoid fear that the American people will not discover the truth and that the Democrats live in paranoid fear that they will discover the truth.

Printed on recycled paper containing 100% post consumer waste

The current debate over Medicare clearly shows the wisdom of this statement.

Here is a copy of the Medicare trustees report. It says that immediate action is needed to save Medicare from bankruptcy. As a Republican, and as a concerned citizen, I want every American to get hold of this report. 202–224–3121 is the number for their Representative. They should ask for the Medicare trustees summary report. I want the American people to know what is in this report. It is important that the people decide for themselves if this report is valid.

If this report is true, then we need to get real serious, real quick about saving Medicare. It does not help when Democrats try to politicize and demagog this very important issue.

REPUBLICAN CUTS IN BILINGUAL EDUCATION

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute.)

Ms. ROYBAL-ALLARD. Mr. Speaker, the Republican Labor-HHS-Education appropriations bill cuts bilingual education programs by 75 percent.

This massive cut penalizes and punishes children by robbing them of their constitutional right to equal educational opportunities.

The primary objective of bilingual education is to teach children English while ensuring they do not fall behind in other basic subjects.

Numerous studies have documented that many limited English proficient students simply cannot learn and compete in the classroom without these programs.

As a result, the Republican plan will create a permanent underclass of poorly educated children who will be denied the opportunity to achieve their full potential.

We as a country cannot maintain our competitiveness in an ever-growing, highly technical global economy unless we develop the talents and abilities of all our children.

The virtual elimination of bilingual education programs works against our children and our national interests.

IT IS TIME TO END THE GOVERNMENT FREE-FOR-ALL

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, this week Congress will vote to undo some of the damage that previous Congresses caused over the last 40 years. For too long politicians here in Washington assured the American people that they had all the answers to society's problems.

Since the 1960's the Federal Government has created so many programs and so many spending plans that it is absolutely mind boggling. I think it is fair to say that there is not one accountant, not one Government bureaucrat who can name all of the programs that the Federal Government—and the American taxpayer—pays for.

And what has all this spending created?

Debt, debt, and more debt.

Mr. Speaker, it is time to end the Government free-for-all. It is time to set our priorities straight and work together to balance the Federal budget, if not for our own sake, then for our children and grandchildren.

''THE BUCK STOPS HERE'' MEANS IT STOPS WITH THE ATTORNEY GENERAL

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

Mr. TRAFICANT. Mr. Speaker, the Waco hearings are over. There are two issues. No. 1: Is Janet Reno truly responsible for the most incompetent police maneuver in American history; or is Janet Reno carrying the water, protecting Larry Potts, the FBI, and the ATF for their actions?

Quite frankly, I do not know; but if ''the buck stops here'' means anything, Janet Reno should be fired and the people of Waco, TX, should petition their county prosecutor to immediately convene a grand jury, because it appeared to me as a former sheriff that FBI and ATF agents were lying through their teeth to the U.S. Congress. ''The buck stops here'' should mean something.

LIBERAL DEMOCRATS DO NOT WANT THE PEOPLE TO SEE THE REPORT ON MEDICARE

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

Mr. HAYWORTH. Mr. Speaker, this is the report the liberal Democrats do not want the American people to see. They do not want the American people to know the truth about Medicare.

This report was signed by three of President Clinton's Cabinet members and shows clearly that unless something is done, Medicare will go bankrupt in 7 years.

Mr. Speaker, every American needs to know the truth about Medicare. I urge all Americans to call their Representative at 202–224–3121 and get a copy of this report.

The American people also need to know that the Democrats do not want to do anything. Their only strategy is to scare senior citizens and bash any attempt to save Medicare from bankruptcy.

What is so very important to Democrats that they would turn Medicare into a partisan issue. This is wrong and only hurts the millions of Americans who depend on Medicare.

FRENCH NUCLEAR TESTS

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

Mr. FALEOMAVAEGA. Mr. Speaker, one of my dear colleagues and former member from the other side of the aisle said to me, ''ENI, if you want to make a point and to make sure that an Embassy here in Washington gets your attention—just make it a point by coming to the well of this Chamber and share your concerns with your colleagues and the American people.''

Mr. Speaker, I have got good news and bad news. The good news is that the President of France and his military advisors are beginning to feel the pinch whereby consumers all over the world are refusing to purchase French goods and products to protest France's recently announced policy to explode eight more nuclear bombs in the middle of the Pacific Ocean beginning next month on the Moruroa Atoll.

The bad news is that the French Government has now announced it will explode its first nuclear bomb explosion this month because there has been such a tremendous support from ordinary people and leaders of countries throughout the world condemning French nuclear testing.

Mr. Speaker, I suggest that the charismatic and dashing President of France to quit playing God with the lives of millions of men, women, and children who live in the Pacific. President Chirac should spend more time to resolve France's serious unemployment at 12 percent, rather than proving France's nuclear capability.

Mr. Speaker, I ask my colleagues and our citizens all over America to join other world citizens by refusing to buy French goods and products.

Shame on you France, shame on you for reintroducing a nuclear arms race again—we do not need it and I believe the good people of France do not want it.

SUPPORT RESOLUTION CELEBRATING SOCIAL SECURITY

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

Mr. BUNNING of Kentucky. Mr. Speaker, August 14 will mark the 60th anniversary of the signing of the Social Security Act by President Franklin Roosevelt. With his signature and the support of Congress, a new commitment was established between the American people and their Government.

To mark this anniversary of the signing of the Social Security Act, I along with my colleague, ANDY JACOBS, am introducing, today, a resolution to celebrate that landmark commitment.

This resolution will celebrate the occasion the best way possible—by letting the American people know that

the House of Representatives still honors that 60-year-old commitment to Social Security and that the House of Representatives intends to make sure that this 60-year-old commitment is honored.

I urge my colleagues to join with me and ANDY JACOBS and support this resolution.

ONLY A GOOD EDUCATION BRINGS SUCCESS TO AMERICA'S POOREST CHILDREN

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

Mr. DE LA GARZA. Mr. Speaker, I come from a very low-income area of this country, but it has an obsession with education. We have seen the education of our children, the migrant children, the children of the poor. It could not have been done without the assistance of the Federal Government.

When I came here 30 years ago, the issue was should the Federal Government be involved or not in education. The answer was yes, and I can show Members the difference. There are now doctors, lawyers, engineers, with Spanish surnames that would have never been, relying solely on the income from the local school districts or from the State.

I did not come here to dismantle the educational system of the United States, I came to enhance it. We have enhanced it. I am concerned now that there is a move to dismantle it. It should not be done. We keep hearing about not putting a burden on our children and our grandchildren. The best thing we can do for our children and grandchildren is to give them an education. If we dismantle the Federal part, we would have done wrong to future generations.

THE ISTOOK-MCINTOSH AMENDMENT WILL HALT TAXPAYERS' MONEY GOING TO POLITICAL ADVOCACY GROUPS

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

Mr. WHITFIELD. Mr. Speaker, one of the most egregious wrongs imposed on taxpayers during the past 40 years has been a policy which gives tax money to various lobby groups that advocate special programs for particular groups. The Istook-McIntosh Federal grant reform amendment to the Labor Appropriation bill would put a halt to taxpayers' money going to support political advocacy groups they may not want to support.

Thomas Jefferson said it best when he said, ''To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.'' The Government should not use taxpayers' money to strengthen special interest groups which do not reflect the views of most Americans. This is wrong, and I urge support of the Istook-McIntosh Federal grant reform amendment to the Labor-Education appropriation bill.

SACRIFICES FROM ALL AMERICANS MAKE POSSIBLE UNFAIR SUBSIDIES TO SPECIAL INTERESTS

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

Mr. MENENDEZ. Mr. Speaker, a little more than 1 week ago Members of this House came to this floor and voted in favor of continuing agriculture subsidies to farmers making over $100,000 in off-farm income and they voted to continue millions of dollars in market promotion subsidies for companies like McDonald's and Pillsbury.

Yet this week, many of these same Members will come to the floor to speak and vote in favor of $4.5 billion in cuts to education programs like student aid and safe and drug free schools. How will they justify it? They will say, ''we must make sacrifices to balance the budget'', ''for our children'' they will say, ''for our children''.

But McDonald's will continue to receive $1.2 million in market subsidies and a farmer making over $100,000 annually in off-farm income will get a $500-per-child tax break for his two children and continue to receive farm payments from the Federal Government. Apparently only your child and mine need to make sacrifices, not farmers nor big business.

GENERATIONAL EQUITY: SAVING MEDICARE AND BALANCING THE BUDGET

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

Mr. GUTKNECHT. Mr. Speaker, I would like to read from Bill Bennett's Book of Virtues a poem entitled ''The Bridge Builders'' by Will Allen Dromgoole. The poem speaks of generational equity.

An old man, going a lone highway,
Came, at evening, cold and gray,
To a chasm, vast, and deep, and wide,
Through which was flowing a sullen tide.
The old man crossed in the twilight dim;
The sullen stream had no fears for him;
But he turned, when safe on the other side,
And built a bridge to span the tide.
''Old man,'' said a fellow pilgrim, near,
''You are wasting strength with building here;
Your journey will end with the ending day;
You never again must pass this way;
You have crossed the chasm, deep and wide—
Why build you the bridge at the eventide?''
The builder lifted his old gray head;
''Good friend, in the path I have come,'' he said,
''There followeth after me today
A youth, whose feet must pass this way.
This chasm, that has been naught to me,
To that fair-haired youth may a pitfall be.
He, too, must cross in the twilight dim;
Good friend, I am building the bridge for him.''

Mr. Speaker, we owe it to our seniors to save Medicare. But, we owe it to our children to balance our budget.

MEDICARE TRUSTEES' REPORT DOES NOT RECOMMEND RAIDING MEDICARE FUNDS TO PAY FOR TAX BREAKS FOR THE WEALTHY

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

Mr. MILLER of California. Mr. Speaker, I have here a copy of the Medicare trustees report. They make it very clear that unless changes are made, Medicare will be insolvent. They also make a series of recommendations of minor extensions of current law that will make it solvent to the year 2010.

What the Medicare trustees do not recommend in this report is raiding the Medicare account to give tax breaks to the wealthy. The Medicare trustees do not recommend, as the Republicans plan to do, to take $270 billion out of Medicare and give it to the wealthiest people in this country. What the Medicare trustees recommend is that we reform the Medicare system to extend its life, not raid the system to give a handout to the wealthiest people in this country.

However, that is what the Republican plan is; not fixing Medicare, not reforming Medicare, but raiding Medicare, using the trustees' report as cover so that they can pass on a tax cut to the wealthiest people in this country. We are fully prepared to reform Medicare. We are not prepared to raid Medicare.

THE HOUSE NEEDS MORE TIME TO CONSIDER VITAL TELECOMMUNICATIONS LEGISLATION

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

Mr. HEFLEY. Mr. Speaker, tonight at about 9 p.m. we are going to begin consideration of the telecommunications bill. It is a very important piece of legislation. It affects everybody in the United States, and will for years to come. We have been working on this piece of legislation for at least 10 years, I am told, and yet somebody has decided it must be out before we leave here the first of August.

This bill passed by an overwhelming majority when it came out of committee, a bipartisan majority, and has been taken and rewritten in a back room by a handful of people, and we are going to begin debate on it tonight. Usually when something this important is rushed through in the dark of night, it is because someone does not want us to know what the real ramifications are. This is no way to do the people's business.

□ 1020

OUTRAGED AND ASHAMED OF PRIORITIES OF NEW MAJORITY

(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, as we end this session, I want to show two pictures, because pictures are worth a thousand words, so they say.

This is the picture of what we are going to be doing when we get to the Defense Department bill. Yes, it is very historic. For the first time since I can ever remember, and believe me, I am old with this gray hair, for the first time since I can ever remember, we are giving them $8 billion that even the Pentagon did not want.

Yes, the GOP elephant is carrying this pork right into the Defense Department. You do not want it, you get it. You get B–2 bombers, get all sorts of missiles, you get anything you want. Here it comes. Maybe they will even gift wrap it. Who knows?

I find that absolutely outrageous when at the very same time we are going to be taking up Labor-HHS and in there we are attacking children right and left. We are throwing 60,000 children out of Head Start. That does not make me very proud. We are taking a 60-percent cut in safe and drug-free schools. As a parent I am outraged. I could go on with the whole list. But remember these two pictures. This is the new priority of this new Congress. I am ashamed.

Today in my district an innovative new program is being launched to help kids and families and reduce teen violence.

Two years ago I teamed up with Attorney General Janet Reno, Colorado Gov. Roy Romer, Denver Mayor Wellington Webb and Aurora Mayor Paul Tauer to begin finding innovative solutions to urban violence in the metropolitan Denver area. The partnership is called Project PACT [Pulling America's Communities Together], an initiative being piloted by the U.S. Department of Justice.

In addition to coordinating law enforcement activities throughout the metro area, Project PACT encourages innovative preventive strategies. This summer Project PACT teamed up with Ticketmaster—the Nation's leading ticket sales outlet—and Mile High United Way to create an activities-for-kids hotline.

Starting today, Colorado parents can call the Ticketmaster/PACT safe summer hotline and get a listing of arts, sports, and recreation activities in any metro Denver neighborhood. The hotline will be piloted for the month of August and will run all next summer.

Ticketmaster is interested in replicating this hotline in other urban districts around the country. I encourage you to look into working with your local United Way, Ticketmaster and other public and private partners to create a safe summer hotline. Innovative strategies like this one need to be supported and replicated, and I am proud to have this hotline in my district.

CLINTON ADMINISTRATION ZIGS AND ZAGS ON OSHA

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I guess we all know by now that the Clinton administration has made a lot of zigs and zags and 180-degree turns. Now they are doing their famous ''now you see it, now you don't'' on OSHA reform.

Two months ago President Clinton made quite a show of going to a small business in northwest Washington and promising that his administration was going to reinvent OSHA. He said that the administration wanted OSHA to be a partner with employers in working toward safety in the workplace. ''Prevention not penalties'' was going to be the new goal for OSHA, according to the President. Last month, Assistant Secretary for OSHA, Joe Dear, made the same promises to the White House Conference on Small Business. Our goal is not to issue penalties, he said, but to work with employers and employees to improve safety.

Someone must have forgotten to get the script to Secretary of Labor Reich. Yesterday he criticized every effort Congress is making to have a more reasonable OSHA.

The Clinton administration's efforts to appeal to the small business community with promises of a reinvented OSHA are looking more and more like one more PR gimmick by this administration. Small businesses, employers, and employees, deserve better.

REPUBLICAN PRIORITIES ARE WRONG

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

Mr. OLVER. Mr. Speaker, the Republicans' defense appropriations bill earmarks $493 million to begin production of the first two unneeded B–2 bombers. But the Republicans' education appropriations bill which we debate today cuts funds for education.

Safe and drug-free schools, special education, art in schools, adult education, education for gifted children, and public library funding all will be slashed. Education for homeless children will be eliminated, gone. Dropout prevention, gone. The national writing project, gone. The teacher corps, gone. Workplace literacy programs, gone.

The irony here is that every single one of the cuts I just mentioned, plus many more, added together equals less than the startup costs of those two unneeded B–2 bombers.

Cuts in education on the one hand, more money to build unneeded B–2 bombers on the other hand. The Republican priorities are wrong.

MEDICARE

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

Mr. TATE. Mr. Speaker, it is an undisputable fact that Medicare is going broke. In fact, in this report it states very clearly that under all sets of assumptions, the trust funds are projected to become exhausted. The good news is the Republicans are willing to take this issue head on, to preserve Medicare, to protect Medicare, and to strengthen Medicare. In fact, we plan on increasing the spending from $4,800 this year for a recipient on Medicare to $6,700 per recipient on Medicare, a $1,900 increase per recipient on Medicare.

The bad news is the liberals have a plan for Medicare as well. Their plan is to do nothing, to allow Medicare to go broke within the next 7 years. Even if the budget was balanced today, we would still have this report stating very clearly that Medicare would go broke.

The Republicans have repealed the Clinton taxes on Social Security benefits, raising the senior citizen earning limit. Now we want to allow seniors to keep more of their money and to protect their Medicare. I urge support for these kind of changes.

EDUCATION CUTS

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

Mr. MARTINEZ. Mr. Speaker, not even Head Start is safe from cuts.

Although it has enjoyed bipartisan support for years, but now the new majority is cutting $132 million from the program; 60,000 or more children will be denied services.

As you may recall, in 1989, a bipartisan group of Governors, along with President Bush, outlined the national education goals.

First and foremost was—''by the year 2000, all children will start school ready to learn.''

Does the new majority leadership no longer believe that such a goal is laudable?

We certainly have not achieved it.

Cutting Head Start is one of many steps that will undermine educational achievement in this country.

Members on the other side of the aisle continually espouse the need for parents to assume responsibility for their children—something many of us already knew was critical. Head Start, in addition to helping prepare children for schooling, encourages parents to become integrally involved in their children's educational achievement.

Do the majority leaders really care about education and parental involvement, or do they only care about tax breaks for their wealthy contributors?

PROVIDING FOR CONSIDERATION OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 208 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 208

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. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. 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 the bill shall be considered for amendment under the five-minute rule, and the first amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as pending. The reading of the bill for further amendment shall not proceed until after disposition of the amendments printed in part 1 of the report. Each amendment printed in part 1 of the report may be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of the amendments printed in part 1 of the report, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. Further consideration of the bill for amendment shall proceed by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions considered as the original bill for failure to comply with clause 2 or 6 of rule XXI are waived. It shall be in order at any time to consider the amendments printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules are waived. During further 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 in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. DICKEY). The question is on the motion offered by the gentleman from Wisconsin [Mr. OBEY].

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by election device, and there were—yeas 120, nays 289, answered ''present'' 1, not voting 24, as follows:

[Roll No 609]

YEAS—120

Abercrombie	Frost	Pallone
Ackerman	Gejdenson	Pastor
Baldacci	Gephardt	Payne (NJ)
Barcia	Gutierrez	Pelosi
Becerra	Hastings (FL)	Pickett
Bentsen	Hayes	Pomeroy
Bevill	Hefner	Rangel
Bishop	Hoyer	Reed
Bonior	Jefferson	Richardson
Boucher	Johnson (SD)	Rivers
Brown (CA)	Johnson, E. B.	Roybal-Allard
Brown (FL)	Johnston	Rush
Brown (OH)	Kaptur	Sabo
Bryant (TX)	Kennedy (MA)	Sanders
Clay	Kennedy (RI)	Sawyer
Clayton	Kildee	Schroeder
Clyburn	Lantos	Schumer
Coleman	Levin	Scott
Collins (MI)	Lewis (GA)	Serrano
Condit	Lowey	Sisisky
Conyers	Maloney	Skaggs
Coyne	Markey	Slaughter
Danner	Martinez	Stark
de la Garza	Mascara	Stenholm
DeLauro	Matsui	Stokes
Dellums	McCarthy	Studds
Deutsch	McDermott	Thompson
Dingell	McKinney	Torres
Dixon	McNulty	Torricelli
Durbin	Meek	Towns
Engel	Mineta	Velazquez
Evans	Mink	Vento
Farr	Mollohan	Visclosky
Fattah	Montgomery	Ward
Fazio	Moran	Waters
Filner	Nadler	Watt (NC)
Flake	Oberstar	Waxman
Foglietta	Obey	Woolsey
Ford	Olver	Wynn
Frank (MA)	Owens	Yates

NAYS—289

Allard	Berman	Burton
Archer	Bilbray	Buyer
Armey	Bilirakis	Callahan
Bachus	Bliley	Calvert
Baesler	Boehlert	Camp
Baker (CA)	Boehner	Canady
Baker (LA)	Bonilla	Cardin
Ballenger	Bono	Castle
Barr	Borski	Chabot
Barrett (NE)	Brewster	Chambliss
Barrett (WI)	Browder	Chenoweth
Bartlett	Brownback	Christensen
Barton	Bryant (TN)	Chrysler
Bass	Bunn	Clement
Beilenson	Bunning	Clinger
Bereuter	Burr	Coble
Coburn	Hinchey	Parker
Collins (GA)	Hobson	Paxon
Collins (IL)	Hoekstra	Payne (VA)
Combest	Hoke	Peterson (FL)
Cooley	Holden	Peterson (MN)
Costello	Horn	Petri
Cox	Hostettler	Pombo
Cramer	Houghton	Porter
Crane	Hunter	Portman
Crapo	Hutchinson	Poshard
Cremeans	Hyde	Quillen
Cubin	Inglis	Quinn
Cunningham	Istook	Radanovich
Davis	Jackson-Lee	Rahall
Deal	Johnson (CT)	Ramstad
DeFazio	Johnson, Sam	Regula
DeLay	Jones	Roemer
Diaz-Balart	Kanjorski	Rogers
Dickey	Kasich	Rohrabacher
Dicks	Kelly	Ros-Lehtinen
Doggett	Kennelly	Rose
Dooley	Kim	Roth
Doolittle	King	Roukema
Dornan	Kingston	Royce
Doyle	Kleczka	Salmon
Dreier	Klink	Sanford
Duncan	Klug	Saxton
Dunn	Knollenberg	Scarborough
Edwards	Kolbe	Schaefer
Ehlers	LaFalce	Schiff
Ehrlich	LaHood	Sensenbrenner
Emerson	Largent	Shadegg
English	Latham	Shaw
Ensign	LaTourette	Shays
Eshoo	Laughlin	Shuster
Everett	Lazio	Skeen
Ewing	Leach	Skelton
Fawell	Lewis (CA)	Smith (MI)
Fields (LA)	Lewis (KY)	Smith (NJ)
Fields (TX)	Lightfoot	Smith (TX)
Flanagan	Lincoln	Solomon
Foley	Linder	Souder
Forbes	Lipinski	Spence
Fowler	Livingston	Spratt
Fox	LoBiondo	Stearns
Franks (CT)	Lofgren	Stockman
Franks (NJ)	Longley	Stump
Frelinghuysen	Lucas	Stupak
Frisa	Luther	Talent
Funderburk	Manzullo	Tanner
Furse	Martini	Tate
Gallegly	McCollum	Tauzin
Ganske	McCrery	Taylor (MS)
Gekas	McDade	Taylor (NC)
Geren	McHale	Tejeda
Gibbons	McHugh	Thomas
Gilchrest	McInnis	Thornberry
Gillmor	McIntosh	Thornton
Gilman	McKeon	Tiahrt
Gonzalez	Meehan	Torkildsen
Goodlatte	Menendez	Traficant
Goodling	Metcalf	Upton
Gordon	Meyers	Vucanovich
Goss	Mica	Walker
Graham	Miller (FL)	Walsh
Green	Minge	Wamp
Greenwood	Molinari	Watts (OK)
Gunderson	Moorhead	Weldon (FL)
Gutknecht	Morella	Weldon (PA)
Hall (OH)	Murtha	Weller
Hall (TX)	Myers	White
Hamilton	Myrick	Whitfield
Hancock	Neal	Wicker
Harman	Nethercutt	Wise
Hastert	Neumann	Wolf
Hastings (WA)	Ney	Wyden
Hayworth	Norwood	Young (FL)
Hefley	Nussle	Zeliff
Heineman	Ortiz	Zimmer
Herger	Oxley	
Hilleary	Packard	

ANSWERED ''PRESENT''—1

Blute

NOT VOTING—24

Andrews	Miller (CA)	Smith (WA)
Bateman	Moakley	Thurman
Chapman	Orton	Tucker
Hansen	Pryce	Volkmer
Hilliard	Reynolds	Waldholtz
Jacobs	Riggs	Williams
Manton	Roberts	Wilson
Mfume	Seastrand	Young (AK)

□ 1051

Messrs. KIM, MEEHAN, INGLIS of South Carolina, SMITH of New Jersey,

Ms. JACKSON-LEE, and Ms. FURSE changed their vote from ''yea'' to ''nay.''

Mr. WARD changed his vote from ''nay'' to ''yea.''

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2127, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. DICKEY). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, House Resolution 208 is an open rule. It provides for the consideration of the bill, H.R. 2127, which is the fiscal year 1996 appropriation bill for the Departments of Labor, Health and Human Services, and Education.

The rule provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority members of the Committee on Appropriations. However, I would hasten to add that I have been authorized by the Committee on Rules to offer an amendment to extend that general debate time from 1 hour to 2½ hours, plus 90 minutes each on the first three titles of the bill. That will total about 8 hours all together.

Mr. Speaker, the offering of that amendment was contingent on other arrangements being worked out between the chairman and ranking minority member of the Committee on Appropriations. I will withhold that manager's amendment until the end of the rule, in hopes that we could get that unanimous consent worked out.

Mr. Speaker, following general debate, the rule first makes in order two manager's amendments printed in part 1 of the report. The amendments are not subject to amendment and are debatable for 10 minutes each. If adopted, they will become a part of the base text for further amendment purposes.

Mr. Speaker, the rule provides for reading the bill by title rather than by paragraph, with each title considered as read. Members should go back and make sure they know where their amendments come up because of that.

The provisions of clauses 2 and 6 of House rule XXI are waived against provisions in the bill to protect the many unauthorized and legislative provisions in the bill. However, those provisions are subject to cutting and striking amendments under this open rule.

In addition to the regular amendment process, the rule makes in order three additional amendments contained in part 2 of the Committee on Rules report, and it waives points of order against them.

Mr. Speaker, the first of those amendments is by the gentleman from Pennsylvania [Mr. GREENWOOD] that restores $193 million to the Title X Family Planning Program by transferring the funds from the maternal and child health block grant and migrant health centers.

The Greenwood amendment is subject to one amendment, and that is a substitute amendment by the gentleman from New Jersey [Mr. SMITH] that would terminate funding for the Title X Family Planning Program and would transfer those funds back to the maternal and child health block grant and the migrant health centers.

Both the Greenwood amendment and the Smith substitute are subject to 30 minutes of debate each, divided equally between the proponent and the opponent.

Mr. Speaker, these two amendments are the product of many, many hours of negotiations. The gentleman from Arkansas [Mr. DICKEY] sat through many of them last night between the various parties on both sides of this very controversial issue.

Mr. Speaker, I just want to commend our leadership, and all the Members who did participate in those negotiations, for their good-faith efforts to bring this to a successful conclusion.

The other amendment specifically made in order in part 2 of the committee report is an amendment by the gentleman from Idaho [Mr. CRAPO], myself, and a group of others on a bipartisan basis. That amendment establishes a deficit reduction lockbox law that would apply to this and all future appropriation bills.

That amendment is not subject to amendment and is debatable for 40 minutes, equally divided between the proponent and the opponent.

Mr. Speaker, I am especially pleased with the amendment, since it is the product of the leadership of the gentleman from Idaho [Mr. CRAPO] and a bipartisan group of Members to develop a workable lockbox law that will lock in savings made in the appropriations process for reducing the deficit.

Included in that group of bipartisan Members are the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN] on the Democrat side, and the gentleman from Florida [Mr. FOLEY], the gentleman from Oklahoma [Mr. LARGENT], the gentleman from New Jersey [Mr. ZIMMER], the gentleman from California [Mr. ROYCE], and the gentleman from Wisconsin [Mr. NEUMANN] on the Republican side, and a number of others.

The Committee on Rules has also reported this as a separate bill, H.R. 1162, that we hope to take up on the floor later this fall. So, Mr. Speaker, we will go in a tandem route where we will have not only a bill working its way through Congress, but we will have this amendment attached to this appropriation bill working its way through Congress as well.

□ 1100

That was a commitment that was made to Members who support this, and we are fulfilling that commitment today. In the meantime, this amendment to the Labor-HHS bill will ensure that from now on we will utilize this process.

We are especially grateful to the Committee on the Budget, the Committee on Government Reform and Oversight, and the Committee on Appropriations for all of their assistance and support in producing this consensus approach to the lockbox. I would be remiss if I did not especially single out the Committee on Rules Subcommittee on Legislative and Budget Process, the gentleman from Florida [Mr. GOSS], sitting next to me over here, who was so instrumental in negotiating this bipartisan compromise, and finally we would commend our leadership on its commitment to bring this amendment forward today on this bill and for having an open mind on the concept while it was being developed.

I think we have once again proved this Congress is a reform Congress and that the reform process did not end on opening day but rather is an ongoing process, as well it should be.

Mr. Speaker, the Labor-HHS-Education bill has been a very, very difficult bill to fashion, given our new glide path towards a balanced budget in the next 7 years. The chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER], and the ranking member, the gentleman from Wisconsin [Mr. OBEY], are to be commended on working together to bring this bill to us today even though they obviously do not agree on all the particulars or priorities in the bill. But we do have the bill here on the floor.

In conclusion, this is a good rule because it is an open and a fair rule that will allow a majority of this House to work its will within the allocations made to this bill and its subcommittee. I, therefore, urge my colleagues to give their strong support for this rule.

The information referred to follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of August 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	41	72
Modified Closed[3]	49	47	14	24
Closed[4]	9	9	2	4
Totals	104	100	57	100

[1] This 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.

[2] An 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 preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A 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 August 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

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

Mr. Speaker, today we are considering a rule for a truly terrible bill. The Committee on Appropriations has recommended a bill which decimates nearly every program that affects school children, the elderly poor, working men and women, and the most vulnerable in our society.

The committee has sent the House a bill which repeals family planning programs when at the same time the Congress has under consideration legislation which will effectively penalize unwed teenage mothers. The Appropriations Committee has sent a bill to the floor which reaches so far into the social safety net that it even cuts the President's request for Head Start by $500 million. And, while all of us certainly agree that there are many governmental programs which may be duplicative or unnecessary, the Appropriations Committee—not the legislative committees with jurisdiction—has sent us a bill which terminates 270 Federal programs.

And, Mr. Speaker, to add insult to injury, this appropriations bill can hardly stand on its own by virtue of the fact that it is so loaded with legislative provisions. My friends in the majority party have often used the name of the distinguished gentleman from Kentucky, Mr. Natcher, to make points in debate; today, let me invoke that fine gentleman's memory to make a point. This bill contains pages and pages and pages of unauthorized provisions, but worse yet, contains page after page of legislative matters that are in blatant violation of the rules of the House. Mr.

Natcher was chairman of the Labor/HHS Subcommittee for 15 years and he never came to the Rules Committee to request such a waiver for one of his bills. Mr. Speaker, in my experience I have never seen such a mean spirited piece of legislation and I am sure that Mr. Natcher, were he with us here today, would agree wholeheartedly with me.

Mr. Speaker, this bill is so bad it cannot be fixed. I believe the Appropriations Committee should take this bill back, reallocate some of its scarce resources and preserve and protect the programs that have fought illiteracy, protected workers at their jobs, ensured a decent life for those elderly Americans who were not as fortunate as others, and provided opportunities for countless Americans to secure a place in the middle class through education and training.

Mr. Speaker, surely this is not what the American people voted for last November. Surely, the goodness and generosity that characterizes this Nation and all Americans does not condone a bill which abandons those in our society who have only a small or perhaps no voice here in Washington. I think not, Mr. Speaker.

I urge the Appropriations Committee to withdraw this terrible bill. We should not, we cannot, pass legislation that attacks children, women, the elderly, the disabled, and working men and women. I urge defeat of the bill.

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

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Sanibel, FL [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank our distinguished chairman the gentleman from Glens Falls, NY [Mr. SOLOMON] for yielding this time to me. I must commend him for his patience, persuasion, and persistence in seeking a reasonable compromise on the host of highly contentious issues that pervade the Labor-HHS and Education appropriations bill. As Members know, while the bats were swinging in Bowie, MD last night for the congressional baseball game, our Rules Committee and Members on all points of the political spectrum were at work in the Capitol seeking common ground on the terms of debate for this bill.

Some might call this bill the ''mother of all appropriations bills'' since it covers a tremendous scope of topics and allocates more than $60 billion. The sticking points have become highly visible sore thumbs—including the extraordinarily difficult issue of Federal funding for abortion. This rule does about the best it can do to allow for a relatively free and fair debate on the major issues—while keeping within a somewhat manageable timeframe. I am particularly pleased that this rule makes in order a lockbox amendment offered by Mr. CRAPO. This much-discussed and long awaited amendment commits the House to ensuring that savings agreed to on the floor of the House will indeed be used for deficit reduction and will no longer be permitted to be spent on other spending projects.

We have worked hard to translate this seemingly simply concept into a workable procedural device—one that can accomplish its mission without derailing the entire appropriations process. I think we have done it—and we did so in a bipartisan and deliberative way. Sure, many of us would have preferred that we reach this point sooner in the process. But I am convinced it was better to do lock-box right the first time.

Mr. Speaker, we have got a long debate ahead of us on a host of important subjects. I urge support for this rule.

I hope to have a dialog with Chairman BLILEY on the subject of local land use and local ability to earn revenues in the utilities area and some other things as we go along in this and other legislation. There are many things ahead of us in the days ahead.

This is an important appropriations bill. This is a good rule. It is going to get the full debate it deserves. I urge support for this rule so we can get on with our debate.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me simply say that I am of a split mind on this rule because this bill is so bad. But I guess what I would say is I would like us to pass this rule so that we can just as quickly as possible get to a vote on final passage so we can vote ''no.''

I said earlier, when this bill came out of committee, that in my view this bill was the meanest and the most vicious and the most extreme attack on the children of this country, on the dignity and the rights of workers, and on many of our most vulnerable citizens that I ever seen produced by the Committee on Appropriations in all of the years I have had the privilege to serve in this House. I do not believe this bill is fixable.

The basic problem with this bill is that earlier in the year the majority party adopted a budget. And under that budget what is called the 602 allocation was made by the committee, which decided how much would go to each department of Government, and this subcommittee is operating under constraints imposed by those 602 budget limitations. That means that even though the gentleman from Illinois [Mr. PORTER], who is the subcommittee chairman, and in my view one of the finest Members of this House, even though I am sure he would have liked to have done otherwise, he could simply not, under the conditions in which he was operating, produce a bill which meets our national obligations to our children, our workers, and the most vulnerable among us.

The bill also continues 17 major changes in authorization law, and each of those changes ought to be considered on their own by the committee of jurisdiction. They should not be slipped in as legislative riders in this bill so that the authorizing committees can avoid confronting not only the language that you have for each of these provisions, but also confronting rational amendments to them.

Under the way we work, the way the House governs appropriations bills, or the way the House rules govern appropriation bill consideration, you cannot offer many rational amendments to the extreme language which is in this bill, and because that language makes a wholesale assault on the ability of workers to expect even a reasonable degree of protection and dignity at the bargaining table, because it imposes a set of values on women of this country rather than trying to encourage a set of values, I think that this is a highly illegitimate process, and so I think the bill ought to go down.

But the rule does facilitate our ability to at least address each of these issues in a rational way.

With the amended suggestions of the gentleman from New York [Mr. SOLOMON], it will be a rational way in which we can focus the debate on education, on what we are doing to workers, on what we are doing to the seniors, and we will have an opportunity to at least debate in some fashion the legislative language which has illegitimately been attached to this bill, in my view, so I think the rule is far more legitimate than the bill which has spawned it.

So I would urge Members to vote for the rule, and I would ask the cooperation of Members on both sides of the aisle in helping us to focus the debate on each of these subjects without getting into the constant repetitive offering of individual amendments. This bill is so bad it cannot be fixed by amendment.

The key vote on this, in the end, will be the vote that occurs on final passage.

So I would urge Members of both sides of the aisle to vote for this rule, but when we move on to the bill itself, I would urge Members of both parties who recognize that this is an extreme attack on the education of children, the rights of workers, the rights of women, and the needs of the most vulnerable in our society, to join me in voting against the bill on final passage.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Wisconsin [Mr. OBEY].

The truth of the matter is that this is a very controversial bill, and in the first three titles we have, at his suggestion, increased the general debate time for each of those three titles. As a matter of fact, 1½ hours each, and that does then lay the groundwork for what is in those titles.

So I want to commend him for his suggestions and for helping us to get this rule through here today.

Having said that, I would like to yield to the gentleman from Claremont, CA [Mr. DREIER], the very distinguished vice-chairman of the Committee on Rules. He was the Chair of the task force, Speaker's task force, that brought about on opening day major changes in this institution that are now coming to fruition, and we are finally able to process legislation the way it should have been. We still have far to go.

The gentleman from California [Mr. DREIER] is still concentrating on that, and he has been very helpful in this lockbox legislation that is going to be in this bill here today.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the gentleman from Glens Falls, NY [Mr. SOLOMON] for yielding me this time. I hope the time he used to introduce me does not come out of such time as I may consume.

Let me say, Mr. Speaker, that our former colleague, Dan Rostenkowski, used to always say that if everyone is unhappy with a piece of legislation, it is probably a pretty good bill.

We do not always say that when we are looking at a rule, but we know that it took a great deal of negotiation to get to the point where we are today, and as the chairman of the Committee on Rules has just said, the ranking minority member of the Committee on Appropriations did have input in determining the time for general debate that was added for these three titles, and virtually everyone has had a hand in this.

If you look at the very beneficial aspects, I believe that it should lead a majority of Members of this institution to support this rule.

Now, one of the items that has been discussed in a bipartisan way consistently has been the lockbox, the desire to deal with deficit spending, and Members on both sides of the aisle again have stepped up and said, ''We need to deal with the issue of the deficit.'' We have had very strong statements made by our colleagues, the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN] consistently before our Committee on Rules on that, and, of course, we have had Members on our side of the aisle, the gentleman from Idaho [Mr. CRAPO], and others who have been dealing with the issue of the lockbox. This rule allows us to finally face that question.

□ 1115

Then we look at a number of the other items. Well, it has been stated time and time again the legislation that deals with the Departments of Health and Human Services, and Labor, clearly is an overwhelmingly large bill, and there are many items in it, but it seems to me that it is our responsibility to deal, as well as we can, with them, and this rule, while it may not be perfect, is, quite frankly, the best product that can be assembled.

I am disappointed that things like the Riggs amendment were not made in order that would allow us to deal with the issue of illegal immigration, and I can point to other aspects of it that I believe should have been addressed. But we need to move forward.

This is an extraordinarily important appropriations bill, and I hope very much that our Members will come to the conclusion that providing support for this rule will at least allow us to consider this very important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me.

Mr. Speaker, this rule, although touted by the good chairman of the Committee on Rules, as exemplifying yet another instance of reform is this place, really is belied in that regard. It is yet another example of cover and camouflage with which we have buried in an appropriations bill 13 pages of the most egregious, wrong-headed legislative language imaginable. Why in the world, Mr. Speaker, this was protected from a point of order is beyond me, but it is. And it should offend everyone's sense of regular order around this place that without any hearings, without any examination in the normal order of business, we would be putting a bill, an entire bill, dealing with a topic as sensitive as Government restrictions on political activity in this country, putting an entire bill into this appropriations measure. If for no other reason, not withstanding the reasons that have been outlined by the gentleman from Wisconsin for going ahead with this rule, we ought to seriously consider defeating it because of its protection of this provision. Nonetheless, we will have an opportunity, which I hope my colleagues will avail themselves of probably tomorrow, to get rid of this travesty, this frontal, headlong assault on first amendment protected activities in this country.

In any case I wanted my colleagues to be aware of what's probably the singular waiver event of this Congress in protecting the nonsense in this bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Members, this rule makes it far too easy for the Republican majority to target children, seniors, and working families with these cuts. What we are seeing is a finalization, I guess, of the budget resolution we passed here earlier that required this bill to have these substantial cuts in education, senior programs, and for children programs and for working families.

Let me talk about the education cuts since I serve on that committee here in Congress. This bill that this rule will allow us to consider will cut 48,000 children from Head Start programs, cut the Healthy Start in half, it cuts the Safe and Drug Free Schools by 59 percent, it cuts 1 million children that will not get extra help on their reading and math thanks to the 17-percent cut in chapter 1. In my State of Texas we will lose $66 million on summer jobs programs that we restored this summer, but this appropriations bill will not allow it for the summer of 1996, and that is what is wrong with this bill. Chapter 1 funding; it goes to almost every elementary school in my district in the State of Texas, will be cut $97 million. There are school districts, particularly in poorer parts of Texas and all over the country, who depend on that to provide that extra help for these children who need that extra assistance.

Senior citizens' programs are cut in this bill. The programs that we have to provide heating assistance in the winter and cooling assistance in the summer are being cut. Take, for example, what has happened in Chicago this last month or what was happening in Texas up until we had the tropical storm come through, Mr. Speaker. Twelve million meals served to seniors each year are eliminated by cuts in Meals on Wheels and meals that are served in senior citizens' centers that all of us have in all of our districts.

Working families; let me talk about the cuts in just the labor side of it. Working families, the cuts; now we may all agree that we need to look at OSHA and a lot of Federal programs, but to cut 33 percent off of job safety is ridiculous, and cut the pension plans.

Mr. Speaker, I could talk all day, as my colleagues know, and I appreciate my colleagues' courteousness, and I urge a ''no'' vote on the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me, and, as my colleagues know, in 2 minutes I just cannot say enough bad things about this bill.

People are wearing these shame lapels because we are really ashamed to be here. The ranking member said over and over again this is the meanest and the most extreme bill we have ever seen. We are picking on people that rally cannot fight back.

I ask my colleagues, ''Are you proud today if what we will be doing is kicking 48,000 children out of Head Start? Does that make anybody proud? Is anybody proud today that we're going to cut Healthy Start for infants and children in half?''

Well, Mr. Speaker, it does not make me proud.

Is there anybody proud that we are going to take Safe and Drug Free School funds and cut them by 60 percent?

Or how about gutting title I, which is where we try and bring children's reading skills up to snuff?

What about the whole area of protecting our workers, and their pension programs, and all the things that we have been doing?

Or what about what we are doing to seniors?

As I say, this list goes on, and on, and on, and I am ashamed because at the very same time we are gutting all of this we are going to be backing right up to this bill a Defense Department bill where we are going to give the Pentagon $8 billion more than they asked for, $8 billion more than they asked for. We have never done that. We cannot buy enough B–2's, and apparently we cannot buy enough hardware and all this stuff when they do not even want it, and yet we are saying to little kids, 3-year-olds, out of Head Start, we do not have the money. We are saying to people in Healthy Start get out, we do not have the money for them to have a healthy start.

Mr. Speaker, those are not the priorities for America's future.

I am surprised that the leadership of this House who keeps talking about the third wave, and their vision, and all of that; if their vision does not include children, if their vision does not include middle-class families, we are in real trouble. Their vision is a horror show.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER].

PERMISSION FOR CHAIRMAN OF COMMITTEE OF THE WHOLE TO POSTPONE VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 2127

Mr. PORTER. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2127 pursuant to the provisions of House Resolution 208, 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 reduce to not less than 5 minutes the time for voting by electronic device 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.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LIMITING TIME FOR DEBATE ON AMENDMENTS AND LIMITING MOTIONS FOR COMMITTEE TO RISE DURING CONSIDERATION OF H.R. 2127

Mr. PORTER. Mr. Speaker, I ask unanimous consent that consideration of the bill H.R. 2127 in the Committee of the Whole pursuant to House Resolution 208 shall also be governed by the following order:

The following amendments, identified by their designation in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII, may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, if offered by the Member designated: the amendment by Representative OBEY of Wisconsin numbered 36; and an amendment en bloc by Representative PELOSI of California consisting of the amendments numbered 60, 61, and 62.

The time for debate on each of the following amendments to the bill, identified by their designation in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII, unless otherwise specified, and any amendments thereto shall be limited to 40 minutes equally divided and controlled by the proponent of the amendment to the bill and an opponent: the amendment by Representative OBEY of Wisconsin numbered 36; the amendment by Representative STOKES of Ohio numbered 70; the amendment by Representative LOWEY of New York numbered 30; the amendment by Representative KOLBE of Arizona proposing to strike section 509 of the bill; the amendment by Representative SKAGGS of Colorado numbered 64; the amendment by Representative SABO of Minnesota or Representative OBEY of Wisconsin proposing to amend title VI of the bill; and the amendment by Representative SOLOMON of New York relating to the subject of political advocacy.

Except as otherwise specified in House Resolution 208, the time for debate on each other amendment to the bill and any amendments thereto shall be limited to 20 minutes equally divided and controlled by the proponent of the amendment to the bill and an opponent.

After a motion that the committee rise has been rejected on a day, the chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the majority leader or their designee. After a motion to strike out the enacting words of the bill, as described in clause 7 of rule XXIII, has been rejected, the chairman may not entertain another such motion during further consideration of the bill.

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

Mr. GUNDERSON. Reserving the right to object, Mr. Speaker, the concern I have is the preclusion of Members offering a motion for the Committee to rise because this is one of the few opportunities where member of the committee, where there are time controls, have any access to get heard.

Mr. Speaker, there is a lot of controversy on this bill on both sides of the aisle, and I have got to tell my colleagues that if we are going to preclude Members like myself from moving that the Committee rise so that we might be heard for 5 minutes, it is something to which at this point I would object.

Can we delete that section from the motion?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me point out that the language on that was specifically requested by the gentleman's party leadership.

Mr. GUNDERSON. It does not get any better.

Mr. OBEY. I was most reluctant to agree to it because I think it can put them procedurally in the driver's seat, but in the end I was persuaded to accept it on two grounds.

Mr. GUNDERSON. Further reserving the right to object, Mr. Speaker, my concern is that we are going to enter into a whole series of time agreements to expedite business over the next couple of days. I understand that, and I respect that, but, if we have time agreements, and the time is controlled, and we only allow one motion to rise during that day, then everybody else on the floor outside of the chairman and ranking member is precluded from getting heard if they feel strongly.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me explain the process under which we are going to proceed. I think it will alleviate the concerns of the gentleman.

What we are doing is we are starting with 2½ hours of general debate under the proposal that is being offered by the gentleman from New York [Mr. SOLOMON].

□ 1130

We are trying to group debate so we can have a focused discussion title by title on Labor, on HHS, and on Education. We will also then have a focused discussion on a number of the language amendments. We have, for instance, the Istook amendment, the rape-incest provision, we have a number of those.

We have tried to structure a good deal of debate time so that Members on and off the committee will be able to participate. I know we certainly worked out a very large number of participants on this side of the aisle, and I would be very surprised if the gentleman from Illinois has not done the same thing.

So I, speaking as a Member of the minority who used that right the other night in order to make a point, I am very reluctant to give that up. If you ask the Speaker's representative, he will tell you we had a quite heated discussion on it. But I think the rights of Members to be able to participate meaningfully are being protected by the rule.

I do not have a dog in this fight. This is your leadership's request, but it is our efforts to try to accommodate them.

Mr. GUNDERSON. Mr. Speaker, I would like to make it clear that I need

to correct my own language. It is the motion to strike the enacting clause that I wanted to preserve, not the motion to rise, so everybody understands what I am trying to preserve here.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

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

Mr. SOLOMON. Mr. Speaker, in addition to the motion to rise by the manager of the bill, the gentleman would be entitled to one motion to strike the enacting clause.

Mr. GUNDERSON. Mr. Speaker, is it one per Member? For example, if the gentlewoman from Florida wanted to move to strike the enacting clause and get recognized for 5 minutes and that has been done, under this agreement do I have the right to strike the enacting clause?

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, you would only have one between the two of you. But what is allowed, so that the gentleman may be heard, is that you are allowed to strike the last word at any time when an amendment is not pending. So one cannot be precluded from speaking for 5 minutes or even longer on their point of view. The gentleman is protected under this arrangement.

Mr. GUNDERSON. Mr. Speaker, reclaiming my time, that is the concern. The gentleman knows we are going to move to rather strict time debates. When we have amendments thereto, such as the Greenwood amendment and the Smith amendment thereto, and if I have Members here who feel strongly about this issue, myself or others, who want to be recognized, and we are told you only have 30 seconds under the time agreement, that is not acceptable.

Mr. PORTER. Mr. Speaker, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Speaker, this is an open rule. That means that any Member can simply offer another amendment and get time under the 5-minute rule to pursue it. I do not think anyone would be shut off from debate or further expressing themselves in any way they want.

We are trying, obviously, to pack a lot of work into the last few days before the August district work period, and this will simply allow us to expedite that work. I do not think it will cut off anybody's rights. I urge the gentleman to withdraw his reservation.

Mr. SOLOMON. Mr. Speaker, if the gentleman will continue to yield, the gentleman under all circumstances would be allowed 5 minutes by striking the last word. He might be precluded from an additional 2 or 3 or 5 minutes if someone objected to a unanimous consent request.

Mr. GUNDERSON. Mr. Speaker, I think it is important that people understand that members of the committee get recognized before anybody else. Second, we are doing things in this bill that do not belong in the Committee on Appropriations or the appropriations bill. Third, we are going by strict time controls on the debate on most of these amendments.

What the gentleman is telling a Member like me, who is a member of the authorizing committee, who sees all of these things done that we have had no input on, who feels very strongly about the question of human investment, is that I am going to be controlled by somebody else's time agreement and whether they yield me time, and now the gentleman is going to take away from me the one opportunity I have during the course of that debate to make points I feel strongly about, which is the motion to strike the enacting clause.

I would plead with the gentleman, delete that, so I do not have to object. I would not get recognized. One would not be able to get recognized to strike the requisite number of words.

Mr. SOLOMON. Mr. Speaker, under protocol and precedents of the House, the Speaker would recognize members of the committee first. Certainly in this case, with the authorizing committee being involved, I am sure that the gentleman's committee would come second in the eyes of the Speaker. The gentleman is protected.

Mr. GUNDERSON. Mr. Speaker, I object.

Mr. PORTER. Mr. Speaker, if the gentleman would further yield, if we were to remove that last sentence of the request, would the gentleman then not object?

Mr. GUNDERSON. That is right.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to strike the last sentence of my earlier unanimous-consent request.

Mr. GUNDERSON. Mr. Speaker, further reserving the right to object, I want to make sure that is the sentence regarding striking the enacting clause?

Mr. PORTER. Yes.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. PORTER] modifies his request. Is there objection to the request of the gentleman from Illinois?

Mr. SKAGGS. Mr. Speaker, reserving the right to object, and I do not intend to object, I just wanted to pose a question to the gentleman from Illinois [Mr. PORTER]. The gentleman listed several amendments on which there would be a 40-minute limitation on debate, including, I believe, one attributed to the gentleman from New York [Mr. SOLOMON] on political advocacy.

My review of what is preprinted did not show such an amendment. Is this one that is yet to be drafted?

Mr. PORTER. Mr. Speaker, if the gentleman will yield, apparently it is not preprinted. It was printed this morning.

Mr. SKAGGS. So it has been submitted and is available for review. It is that amendment that is contemplated by that 40-minute restriction?

Mr. PORTER. Yes.

Mr. SKAGGS. Mr. Speaker, I withdraw my reservation of objection.

Mr. OBEY. Mr. Speaker, reserving the right to object, I simply want to make sure I understand what has been suggested by the gentleman from Illinois [Mr. PORTER]. Is the gentleman in fact simply removing the last sentence?

Mr. PORTER. Mr. Speaker, will the gentleman yield?

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

Mr. PORTER. Mr. Speaker, yes.

Mr. OBEY. Mr. Speaker, if that is satisfactory to the majority, we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Illinois, as modified?

There was no objection.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida [Mrs. FOWLER].

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

Mrs. FOWLER. Mr. Speaker, it is with a heavy heart that I rise today in strong opposition to this rule.

This rule does not make in order an amendment offered by Mr. KOLBE, Ms. PRYCE, and myself, which would have provided a commonsense solution to the issue of Medicaid-funded abortions in the cases of rape and incest.

In 1993, the Hyde amendment, which was overwhelmingly supported by pro-life Members, included language allowing Medicaid-funded abortions in the cases of rape and incest. As we all know, Medicaid is funded jointly by the States and the Federal Government. Because some States prohibit funds from being used for rape and incest abortions, many States' laws are in conflict with the current Hyde language.

This bill includes a provision which attempts to remedy that situation by allowing States the option of not funding such abortions. While the bill protects States' rights, it would result in instances where a young woman who has become pregnant from rape or incest would have to travel across State lines to get a Medicaid-funded abortion.

The Kolbe amendment would solve the dilemma by maintaining States' rights not to fund such abortions, but would have the Federal Government cover the entire cost. Last year, there where only two—let me repeat that—only two Medicaid abortions because of rape or incest.

I do not support Federal funding of abortions except in the cases of rape, incest, or life of the mother. But I feel very strongly about those exceptions. As the mother of two daughters, it is horrifying to me to think of anyone's

daughter having to suffer the consequences of rape or incest without recourse. The Kolbe amendment was not radical and it was not about funding abortion on demand. It was a commonsense solution. But it was not made in order by the Rules Committee.

Under this rule, we have two choices: either we accept the bill language, or we move to strike the provision. While I do not support the current bill language, the motion to strike fails to address the problem of States' rights.

It is beyond me to understand why our leadership has a problem with an open debate on this issue and an up or down vote on the Kolbe-Pryce-Fowler amendment. I am extremely disappointed that our leadership has ignored Members' concerns and I am voting against this rule.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Speaker, I rise in opposition to this bill. I think if we want to get a clear view of the new priorities in Washington, we need to take a close look at this bill.

First of all, it is antieducation. Our educational system, which is the truest test of what we are and where we are going, is going to be cut nearly 20 percent in this bill. These cuts affect 14,000 school districts, and are going to deny 1 million children the help they need in reading and math.

Vocational programs, which are key to ensuring that young adults and children keep step with a rapidly changing economy, are cut by one-third. Apparently, we are willing to tell children who simply must have vocational programs to rise above the poverty line that they are expendable.

Head Start, one of the Nation's most successful preschool programs for 700,000 disadvantaged and disabled children, is a target for cuts. At least 48,000 children will no longer get the community-based health and education programs they need to do well in school.

Programs for the mentally ill, which are already underfunded, take a 20 percent cut. In this country, 63 million children suffer from mental disorders. Severe mental illness is more prevalent than cancer, diabetes, or heart disease, yet this vulnerable population is apparently not a priority.

Rural health programs that assist doctors, local hospitals, and migrant workers are no longer necessary or important by the cuts of this bill. Protection for workers, decimated. Each year, 55,000 people die and another 60,000 are permanently disabled on the job, but OSHA, the agency responsible for dramatically reducing worker injuries in the last 20 years, has been slashed rather drastically.

Mr. Speaker, there is a need to read between the lines with this appropriations bill. However, many of my constituents and working families all over the country seem to be less of a priority now.

Mr. Speaker, it is critically important that we also recognize the damage to seniors. The low income energy assistance which provides heat in the winter and cooling in the summer for thousands of low income elderly people is totally eliminated. Twelve million meals served to seniors each year are eliminated by cuts in Meals on Wheels and meals served to senior centers.

I have already talked about Head Start. Healthy Start cut in half; safe and drug-free schools cut by 59 percent; 48,000 children eliminated from Head Start; 1 million children will not get the extra help they need in reading and math thanks to the 17 percent cut in title I education.

Again, as I mentioned, enforcement of health and safety protections in the workplace for working families is cut by 33 percent. Pension protection is cut. Enforcement of the minimum wage law, child labor laws, and the 40-hour week, is cut by 12 percent.

Mr. Speaker, this is not a good bill, and it should be defeated.

□ 1145

Mr. SOLOMON. Mr. Speaker, I yield 1 minute and 30 seconds to the gentleman from Fullerton, CA [Mr. ROYCE].

Mr. ROYCE. Mr. Speaker, I rise in support of the rule on the Labor-HHS bill. In particular, I support the provision in the rule which permits the offering of an amendment by my colleague, Mr. CRAPO and myself, requiring that any savings realized in the bill from amendments either in committee or on the floor below the 602(b) budget allocation, be specifically earmarked for deficit reduction.

This is the so-called deficit reduction lockbox provision, which Mr. CRAPO, Mr. SOLOMON, and others, myself included, have supported and worked for in the past. The Speaker, our majority leader, Mr. ARMEY, and many of our colleagues from the other side of the aisle, especially Mr. BREWSTER, all support this provision, which will insure that any savings we make below the budget allocation for this bill will go directly to debt reduction, rather than for other programs.

I think this amendment is also supported by the American people, who deserve to know that we are working to reduce the national debt while still providing essential services. A child born today faces a tax bill of $187,000 over his or her lifetime just to pay their share of interest on the national debt. I urge adoption of this rule, which will allow us to make sure our votes go to deficit reduction.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I rise because of the statement just made by the last speaker to simply point out that the lockbox provision being attached to this bill is a king-size joke.

All year we have tried to defend the right of Members to offer an amendment on lockbox which essentially would save any money that is cut during floor consideration of a bill and use that for deficit reduction. We objected to the rescissions bill earlier in the year because lockbox was blocked. But now cynically the lockbox provision is provided on this bill at the end of the process; the only problem is that there is not going to be any money to put in the box because this bill is already so decimated that I doubt seriously that the House is going to make any significant reductions in the bill.

All the lockbox amendment is is a cover-your-tail amendment that allows politicians to pretend that they are setting up a system to save money when, in fact, there will be no money to be saved the way this bill is being handled.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

I would also point out on the same subject of lockbox that in the Committee on Rules last night I offered an amendment to make lockbox provisions retroactive so in fact we could cover all the appropriation bills that have already been considered, but that was rejected by the committee. So the gentleman from Wisconsin is entirely right. This is a meaningless provision as it is currently offered.

Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, we are considering a rule that is nothing more than a dastardly act perpetrated on the American people by the Republican Party, a bill so bad that it cannot be fixed by any number of amendments offered here in the next several hours.

The gaping wounds slashed into the heart of the programs by the Grand Old Party on our children's education, on our senior citizens, on training and protecting America's work force into the 21st century, and health programs cannot be healed by the Band-Aid approach that is taking place here.

Let us just let this bill bleed to death on the House floor. Make no mistake about it, the bill is a head-on assault on our future. It fundamentally goes in the opposition direction that our country needs to take. It targets the most vulnerable people in our society, and it yanks the safety net away from our seniors, rolls back protections for our workers and take away the opportunity for our children to learn.

It ends the fuel assistance program so key to the needs of our seniors and poor people in the middle of winter that ended up providing the assistance that was necessary right here in the summer where 700 people were killed in the last couple of weeks because of the heat wave. The Republicans want to cut it.

It kills the summer job programs for our Nation's youth, a program that is vital if we are going to end the kind of

violence that we see, the kind of despair that so many young people feel in our inner cities today. It cuts backs on the Drug-free Schools Program by 60 percent.

It cuts $1 billion out of the job training programs for our country. It cuts 50 percent out of the Healthy Start Program. There are parts of this country, parts of my district where we have worse infant mortality rates than the poorest countries in our hemisphere. The one program that works, it works, is Health Start, which dramatically brings down the infant mortality rates; the Republicans are going to cut it. It cuts back the opportunities for college education. It undermines the bargaining rights for the working people of our country.

It undermines the bargaining rights of working people. Somehow we are told that the Republicans, again, are not trying to enforce an authorizing provision in an appropriations bill. That is a lot of jargon around here, but basically what it means is they write laws when they are supposed to be appropriating money. It eliminates the striker replacement bill in this legislation.

What we have here is an attempt by Republicans to go about their business of trying to balance the budget, at the same time providing an enormous tax cut and going through the back door of undercutting and slashing the most vulnerable people in this country. I do not understand it. If we are really, truly considering the future needs of Americans, why go and hurt the most vulnerable people in this country? Why go after our children? Why go after our senior citizens? It just is not right.

Find some heart, find some conscience in what you are doing. Do not just be mean-spirited to line your pockets and the pockets of wealthy contributors today. Go after a more balanced approach in terms of finding the ways to balance the budget of this country. We can do it, but not in this mean-spirited way.

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

Mr. Speaker, I am going to just propound a question to everyone: What is compassionate about running up a huge Federal deficit that is literally going to rob my children, my grandchildren, my great-grandchildren and yours and everybody's in this room?

We have a Federal deficit today that is approaching $5 trillion. When you look at the pie that makes up the Federal budget, about 16 percent of that pie goes to pay the interest, each year, on that Federal deficit that has now reached $5 trillion.

If we continue down the path that was presented by the President, we would have added another trillion dollars to that. In other words, at the end of 5 years we would then have a $6 trillion debt.

Do you know how much the interest is that we pay to foreign countries who own the Treasury notes that go to finance that debt? Now it is only $250 billion, which is almost equal to what we spend on the first priority of our budget, national defense. The interest alone each year almost equals that national defense budget. If we continue down that path, then it will not be just $250 billion that we pay out; it will be $350 billion. That is an additional $100 billion that has to be taken from the rest of the pie, which is national defense, which is discretionary programs, which is entitlement programs. You then have to deduct another $100 billion from the money you currently spend on the truly needy in this country.

What is compassionate about that?

Now, we are not going to raise taxes another dollar. We are not going to do it. Because young people today, including my five children, find it difficult to save enough money for a downpayment on something that the gentleman spends so much fighting for on this floor, and that is the right for decent human beings to own their own home, not a public home, but their own home.

My children have difficulty saving enough money for that downpayment.

They would have more difficulty even if they did save that money to make the mortgage payments because interest rates are so high. We cannot let this deficit continue to burgeon, to continue to go up and up and up. Those interest rates go up and up and up, and young people today are not going to have the ability to do what we all wanted to do so much 45 years ago.

When I first got married, we scrimped and we saved and we had enough money because the Federal Government did not take that much out of our take-home pay. We were able to save a little bit. We were able to make those mortgage payments, and we suffered, but we did it. We cannot continue to be noncompassionate on those people today.

That is what we are talking about in this debate. Sure, it is tough. You have got to have cuts. But you have got to cut someplace. We have cut everywhere and it has been fair.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I stand second to no one in terms of being willing to cut the Federal budget. We have different priorities.

The fact of the matter is that when you say you cut everywhere, you put $7.6 billion more into the equipment account of the military than they even asked for. You have lined the pockets of corporate America through the use of corporate welfare in this country, the likes of which we have never seen before in the Congress of the United States.

We have done things over the course of this budget by providing people with incomes above $200,000 a year with a $20,000-a-year tax break. I appreciate the gentleman talking about the fact that he is interested in having his kids own a home. I wonder whether or not the gentleman might have taken advantage of the VA loan program when he got out of the military. I know that he served the country very well, but the fact is that he probably got some Government help and assistance when he needed to buy a home.

I do not know that for sure, but there is certainly a large number of veterans that have. All that I am trying to suggest is that there are ways to invest in our country's future, and there are ways to frivolously throw money around today. This bill cuts the very heart out of the poorest people, the senior citizens, fuel assistance, summer jobs for our kids, protections in our work force, which I think are a shortsighted way of going.

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, let me just say to my good friend, we can argue about the national defense budget. I recall when Captain O'Grady was shot down, and I recall how we were able to detect where he was and then go in there, stealthily, without a loss of one single American life, and bring him out. Do you know why? Because we have been able to maintain, since Ronald Reagan came in here in 1981, a decent research and development program in our military budget that allowed us to do that.

It allowed us to go into a place called Iraq with the fewest possible casualties. We were able to give the young men and women we put into the military the finest equipment in the world. And by God, if we ever put them in there again, and I hope it is not in Bosnia, they are going to go in with the very best.

Sure we increased procurement by 11 percent. We increased research and development by 5 percent, operation and maintenance by 3 percent to give them a decent place to live in the military. I could go on and on and on.

Minimal increases in the defense budget are necessary to guarantee that our military is going to be able to defend America's strategic interests around the world. That is what this debate is all about here, priorities and fairness.

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

Mr. FROST. Mr. Speaker, I would inquire of the chair the time remaining on each side.

Mr. SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 8 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 7 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, the last interchange between my colleague from Massachusetts and the gentleman from New York indicates the problem that now faces the House. We are about to make the most important decisions a civilized democracy can make in about 2 days. We are

being told that we will appropriate the two largest amounts, the Defense Department appropriations bill and the Labor-Health and Human Services appropriations bill, totaling more than $500 billion, more than $300 billion discretionary, more than half of the discretionary account. Plus we will deal with the telecommunications future of this country in about 2 days. Nothing better illustrates the absolute incompetence with which the majority is now running the House.

This is not the fault of the Committee on Rules. They have been given an impossible job. We have heard Members on the other side, the gentleman from Wisconsin, the gentlewoman from Florida, objecting at the constricted nature of the debate that faces them. It happens because we have a Republican leadership that has so mishandled things that we come to 2 days before a recess, having taken time out for Republican fund raisers and other things, and we are told that we will go all night, if necessary, we will do the most fundamental decisions.

□ 1200

Yes, we will take money away from the poor and the needy and the elderly and give it to the B–2 bomber, and give it to defense. We will make all these decisions on American telecommunications.

There is a kind of a book that comes to mind. When the Mets played their first year, somebody wrote a book about the Mets and they quoted Casey Stengel as having said, as he looked at his team, ''Can't anybody here play this game?'' This is not a game, this is more serious; but can not anybody on this side run this House?

Mr. Speaker, to come to this late date, we have 2 days and 3 hours, 51 hours, 2 days and 3 hours to do the telecommunications bill, the Labor-HHS appropriation, and the Defense Department. This is not just incompetence, it becomes an abuse of democracy. If we were not cramming all this in so quickly we would have time to debate it adequately.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, let me just say to my good friend, the gentleman from Massachusetts [Mr. FRANK], he should have included the Democrat leadership in the incompetency that he mentioned, because they have conspired to limit the time for consideration of the bill.

Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I just wanted to point out that last year we did Labor-HHS, DOD, and VA–HUD in 2 days. That was under the Democratic leadership of the Congress. That was a far bigger bite to take off than what the gentleman suggested that the Republican leadership has given. I just thought we ought to correct the record.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Idaho Falls, ID [Mr. CRAPO], a distinguished Member of this Congress. He is the father of lockbox, and boy, we are going to get this deficit spending under control because of people like him.

Mr. CRAPO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, before we talk about lockbox, I have to respond also. As a freshman last year, I remember many times when we wanted to have a lot of time when we wanted to debate a lot of bills pushed through here in a short time, sometimes in a matter of hours. For the arguments to be made here, I think we should look back and see what the practice has been in this House.

Mr. Speaker, I came to talk about a very critical issue, and I want to thank the Committee on Rules for making this in order, the lockbox amendment. We have been fighting now for close to 2 years to make one of the most important reforms in our budget process that we will address in this Congress. That is the lockbox.

I can still remember as a freshman in this Congress when I found that after we had fought on bill after bill, motion after motion, to reduce spending here and to pare spending down there and to try to bring control to our budget, all we had been doing was eliminating various programs or projects; but the money was still getting spent.

Why? Because we were just cutting the programs or projects, and what was happening to the money is it was simply unallocated. When it went into the conference committee, those in the conference committee sat down, pulled out special projects of their own interest or concern, put them back into the bill and used the unallocated money on those projects.

The reason it happens, Mr. Speaker, is because our budget system does not mandate that when we vote on this floor to cut budgets, that the cuts go to deficit reduction. That is what the lockbox will do. It will create a special deficit reduction lockbox account. When we in the House and Senate vote to reduce spending, the spending reductions, the money, in addition to the projects, the money will go into these lockbox accounts, and there will then be a corresponding reduction in our Federal deficit spending, as we end each bill.

Mr. Speaker, this is a critical reform of our budget process, and I again thank our Committee on Rules for making it in order. I look forward to this evening's debate on this critical issue.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the charade being engaged in by the other side on the lockbox provision is really quite extraordinary. As a member of the Committee on Rules, I have offered an amendment in the Committee on Rules to every single appropriation bill up to this point, trying to get the lockbox provision added so we could vote on it, so we could have some savings.

The majority members of the Committee on Rules, day after day, bill after bill, rejected my amendment in the Committee on Rules, and only at this late date, with the final appropriation bill working its way through, did they deign to add the lockbox provision.

Mr. Speaker, the charade they are engaging in is extraordinary: crocodile tears. If they wanted this lockbox provision all they had to do was make it in order a month ago when I offered it to one of the other appropriation bills; but every time they rejected it, so we cannot take them seriously on this matter.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

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

Mr. Speaker, I rise in opposition to the rule and to the underlying bill. I would like to respond to my good friend and colleague, the gentleman from New York, and agree with him on one point: that this bill is about priorities.

Mr. Speaker, as was pointed out by my colleagues earlier, this body voted for $8 billion, roughly $8 billion in additional spending to the defense budget that the President did not want, the Vice President did not want, the Joint Chiefs of Staff did not want, and the Pentagon said it did not need. However, in this budget we are slashing programs that are important to this Nation's children, seniors, and workers. We are slashing, really, programs that assist and help this Nation's cities.

Education cuts make up half of the cuts in the bill. Title I, which provides the extra support that millions of disadvantaged children need to get off to a good start, is slashed to ribbons. I represent portions of Manhattan, Queens, and Brooklyn. These counties will lose $48 million in title I funding alone.

These are not just numbers, these cuts have real consequences. This bill will force thousands of New York City children, and children across this Nation who receive the extra push in reading and math that they need this year, to go it alone next year. That is not fair. Neither is the 60-percent cut in the Safe and Drug-Free Schools Act, nor are the cuts that will eliminate thousands of Head Start slots across the Nation; the healthy start program; the job training and seniors programs. And the bill eliminates the summer jobs program. We are blocking young children from the path to learning, and young adults from the path to opportunity.

Finally, Mr. Speaker, I cannot abide the outrageous assaults on a woman's constitutional right to reproductive freedom that are contained in this bill.

The Istook amendment, which would prevent States from using Medicaid funds to provide abortions in the case of rape and incest,

represents the rankest attack on or most vulnerable citizens.

This provision renders the right to choose meaningless since it denies women the means to choose. It must be stricken from the bill.

I also oppose the assault on title X funds. It is hard to understand why the new majority wants to cut a program that saves the Government $5 for every dollar invested and that prevents half a million abortions each year.

Finally, the egregious language on accreditation standards for graduate medical education is an unwarranted back door attempt to advance the anti-choice agenda.

There is no place in this funding bill for wanton Government interference in residency requirements for obstetrics and gynecology.

The bill undermines the constitutional rights of women.

The bill will make it harder for women to stay healthy.

The bill decimates the programs that have proven most successful in educating our children.

I ask for a ''no'' vote on the rule and a ''no'' vote on the bill.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, one reason Congress is held in such low esteem by the American people is because some politicians have a tendency to say one thing back home and then come down here and vote a different way. I would just ask the viewers of C–SPAN, maybe they want to write in for the National Taxpayers Union's list of big spenders. I have it here in front of me.

I hate to even bring this up with my good friend, the gentleman from Texas [Mr. FROST], but he says he has fought for this lockbox time in and time out. We have to live by our voting record. The name of the gentleman from Texas [Mr. FROST] appears here as one of the biggest spenders in the Congress, year in and year out. People ought to pay attention to this when they hear people on the floor get up and pretend to be fiscal conservatives. This will clarify the matter for the American people.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would only point out to the gentleman on the other side that I have offered this amendment on every single appropriation bill, and the gentleman who holds himself out as the defender of the taxpayers has led the fight to prevent this amendment from being offered on every single appropriation bill up until this point.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, previously Members on the other side said, ''We did three appropriations bills in 2 days last year.'' There is a difference. Last year we did not have the systematic abuse of authorizing process. We did not have appropriations bills that preempted totally the authorizing process. We had a senior Republican from one of the authorizing committees today complaining about this.

Those three bills that only took 2 days last year all had completely open rules with no restriction, and they were done easily because they were appropriations bills, and they only dealt with the money. They did not, as this side did in VA–HUD this year. Try to rewrite and cripple EPA. They did not rewrite the legislation. What they have done is they have been unable to have the authorizing committees function. The Republicans control the authorizing committees, but they have not been able to get them to function. They have not been able to get them to function. They have, therefore, used the appropriations bills to a degree unprecedented in my experience as legislative vehicles, and then we run into this terrible problem. It is one thing to deal simply with the money. It is another to get into the degree of legislating that they have gotten into.

Mr. FROST. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, this is an absolutely terrible piece of legislation. This is a piece of legislation that the other side should be ashamed of. Quite the contrary, they seem to take great pride in cutting programs that affect women, cutting programs that affect children, cutting programs that affect the neediest in our society. This bill should be defeated, and I urge a ''no'' vote on this legislation.

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

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have here the committee report on this bill. I would just point out to the previous speaker, the gentleman from Massachusetts [Mr. FRANK], and to my good friend, the gentleman from Texas [Mr. FROST], that in all of the bills that were brought before this House last year, all of the appropriation bills, all of them contained unauthorized and legislative language. All of them contained unauthorized programs.

As a matter of fact, let me just point out what will happen if this rule goes down. In this bill are literally dozens and dozens of programs, like the Older Americans Act, that have not been reauthorized. If we let this rule go down, there is going to be a heyday on this floor when we bring the bill back without a rule, and any Member can stand up, if you are a conservative you can stand up and wipe out all of these programs that the moderates in the House strongly support. It would be a field day.

By the same token, we have moderates who do not like a lot of the legislative language that is in here. They can stand up and, one by one by one, they can knock them all out on a point of order. We will end up with practically nothing in this bill, and we will not have taken care of those programs that truly help the needy. I do not think we want to do that. That would be terribly embarrassing to both sides of the aisle if we let that fiasco take place.

Mr. Speaker, this is a rule that has been negotiated for hours with moderates and conservatives by the droves, sometimes 35 or 40 of each, sitting down and working out the rule. It was an agreed-to rule. Everybody was in agreement. Then suddenly, because somebody smells blood, we are going to have a vote on this rule, and some are going to try to defeat the rule. I think that the American people would not like that to happen.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment suggested by my good friend, the gentleman from Wisconsin [Mr. OBEY], where we are going to extend the debate time on general debate from 1 hour to 2½ hours. We are then going to set up general debate time on the first three titles, so we can actually have good give and take. We are going to give 90 minutes on each of those titles of general debate before we get into the amendment process. This was suggested by the gentleman from Wisconsin. We are going to go along with it.

The SPEAKER pro tempore (Mr. DICKEY). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 2, line 6, strike ''one hour'' and insert ''two and one-half hours''.

Page 3, beginning on line 5, strike ''It shall be in order at any time to consider'' and insert ''Consideration of each of the first three titles of the bill shall begin with an additional period of general debate, which shall be confined to the pending title and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It shall be in order at any time during the reading of the bill for amendment to consider''.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 10 seconds remaining.

Mr. SOLOMON. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 323, nays 104, not voting 7, as follows:

[Roll No. 610]

YEAS—323

Ackerman	Armey	Baker (CA)
Allard	Bachus	Baker (LA)
Archer	Baesler	Baldacci

Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fattah
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rangel
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Torres
Torricelli
Towns
Traficant
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)
Zeliff

NAYS—104

Abercrombie
Andrews
Becerra
Beilenson
Bentsen
Bilbray
Boehlert
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Castle
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Crane
DeLauro
Dellums
Deutsch
Doggett
Durbin
Engel
Evans
Farr
Fields (LA)
Filner
Ford
Fowler
Frank (MA)
Frost
Gejdenson
Gibbons
Gilman
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hilliard
Houghton
Johnson (CT)
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
LaFalce
Lincoln
Lowey
Luther
Maloney
Markey
Martinez
McDermott
McKinney
Meehan
Meyers
Mineta
Mink
Morella
Nadler
Neal
Oberstar
Olver
Orton
Owens
Pastor
Pelosi
Petri
Rahall
Ramstad
Reed
Riggs
Rose
Roukema
Roybal-Allard
Schroeder
Scott
Serrano
Shaw
Skaggs
Slaughter
Stark
Studds
Thomas
Thompson
Torkildsen
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates
Zimmer

NOT VOTING—7

Bateman
Jacobs
Moakley
Reynolds
Thurman
Tucker
Young (AK)

☐ 1235

Messrs. STARK, OLVER, GORDON, SERRANO, GILMAN, Ms. DELAURO, Mrs. COLLINS of Illinois, Ms. VELÁZQUEZ, Ms. WATERS, and Ms. MCKINNEY changed their vote from ''yea'' to ''nay.''

Mr. COSTELLO and Mr. WISE changed their vote from ''nay'' to ''yea.''

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. SOLOMON. 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 of the Whole under the 5-minute rule.

Committee on Banking and Financial Services; Committee on International Relations; Committee on National Security; Committee on Small Business; Committee on Transportation and Infrastructure; and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from New York?

Mr. DOGGETT. Mr. Speaker, reserving the right to object. It is my understanding we have been consulted and that there is no objection from our side, with the exception of the Committee on Resources, and I believe the gentleman from New York has taken them off the list, since there was objection.

Mr. SOLOMON. If the gentleman will yield, their name is removed from the list.

Mr. DOGGETT. Mr. Speaker, I salute the gentleman for doing that and I withdraw my reservation of objection.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to House Resolution 208 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2127.

☐ 1237

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 consideration of the bill (H.R. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, with Mr. WALKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, as amended, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 1 hour and 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

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

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

Mr. Chairman, this is obviously a very difficult and contentious bill. It cuts $6.3 billion from discretionary budget authority of $67.2 billion, reducing it to $60.9 billion.

It is a 9–percent overall cut. It is a cut that is necessary to help bring down deficits and bring our budget as quickly as possible into balance.

The cuts range from a high of 15 percent for funding for programs in the Department of Education to cuts in discretionary spending in the Department of Health and Human Services, which is 3.5 percent.

May I suggest to my colleagues on the other side of the aisle that cuts of 9 percent in a bill of this magnitude are not cuts that will cause the sky to fall. They are moderate cuts that allow the departments and agencies and programs under our jurisdiction to contribute to deficit reduction and ensure that we help bring the deficits down and stop asking our children and grandchildren to pay for what we receive.

Mr Chairman, we worked very hard on the bill. We attempted to use intelligence and thoughtfulness in addressing the priorities for spending for our country under our jurisdiction, and we looked very carefully at every single line item starting with the premise that everything in the bill must contribute something to helping us to reduce the deficit.

We asked ourselves, Mr. Chairman, whether a particular program needed to be a Federal responsibility or could it be done better in the private sector or by State government or local government?

We asked ourselves, does the program actually work? In other words, is it actually helping people, or is it simply providing work to the people in the departments either at the State, Federal, or local level?

We asked whether it met a national need, whether the administrative costs were too high in respect to the benefits to be derived.

We asked ourselves, was it duplicative of other programs?

Every single line item was measured against those criteria, and we undertook to reduce the discretionary spending under our jurisdiction and, at the same time, give commitments to national priorities that should be funded at a higher level.

For example, we provided $11.9 billion to the National Institutes of Health, the NIH research done in teaching institutions across our country as well as intramurally at the NIH facility in Bethesda, Maryland. It provides research to combat disease and injury, helping people to live longer and healthier lives.

On the economic side, the United States leads the world in biomedical research and development. Federally supported biomedical research creates high-skilled jobs for our people and supports the biotechnology industry, which also leads the world in helping to generate a positive balance of trade for our country. The increase for fiscal year 1996 is $642 million, an increase of 5.7 percent.

We, at the same time, removed numerous earmarks and instructions that placed political considerations ahead of scientific decisions as to the most promising avenues of research. We end earmarking of research funding and leave the funding priorities not to political considerations, but to science.

We increase funding for prevention programs by $63 million, including funding for childhood immunization, sexually transmitted diseases, chronic and environemtnal diseases, breast and cervical cancer screening, and infectious diseases. Programmatic levels are maintained for programs such as the preventive health block grant, the AIDS prevention activities, tuberculosis, lead poisoning and epidemic services.

□ 1245

We increased, Mr. Chairman, funding for the Job Corps program, which will permit the opening of four newly authorized centers, and, Mr. Chairman, we support student assistance very strongly by providing the largest increase in maximum Pell grants in history, and by funding the maximum grant at $2,440, also the highest level in history.

We provide level funding for Federal supplemental educational opportunities grants, the work study programs and the TRIO program, which we consider a very high priority.

We do terminate 170 programs originally funded in fiscal 1995 at $4.9 billion. Among those terminated are many of the 163 separate job training programs in the Department of Labor and the Department of Education and over 50 programs in the Department of Education that provide no direct services to students but instead fund research, technical assistance, information dissemination, or demonstration funds.

We terminate Goals 2000, Mr. Chairman, a program that also provides no direct assistance whatsoever to students but instead funds a variety of administrative and planning activities that school districts and States can well do without billions of dollars of Federal funding.

We focus OSHA funds more towards compliance assistance to prevent worker injury and away from enforcement, an after-the-fact solution.

We abolish the Office of the Assistant Secretary of Health with its allocation of 14 deputy assistant secretaries and six special assistants at a grade 15 or above, which the Department itself is in the process of reforming.

We increase assurance that Federal funds are not being used to support the advocacy of public policy. We reduce administrative costs by cutting overall administrative budgets in every single department, program, and agency by 7.5 percent and for congressional and public affairs offices by 10 percent.

Mr. Chairman, for the Department of Labor, we cut discretionary spending by $1.1 billion, or 11.4 percent. This includes substantial reductions in certain job training programs, including the elimination of funding for the summer jobs programs, also previously rescinded because of their general lack of effectiveness. This decision reflects the need to prioritize programs and reduce spending as well as the fact the Committee on Economic and Educational Opportunities is in the process of consolidating these same programs.

As I mentioned, Job Corps is increased, one-stop career centers are level funded, Bureau of Labor Statistics is funded almost at level at $347 million, a reduction of 1.3 percent, OSHA funds are shifted, as I mentioned, and the bill directs more of the Community Service Employment for Older Americans spending to local providers rather than to national contracts.

The bill also contains language to prevent implementation of the President's Executive order on striker replacements and to end pressure on pension funds to invest in economically targeted investments.

For the Department of Health and Human Services, the funding declines by $1 billion, a 3.5-percent cut.

The bill funds the health centers activities at $77 million above last year's level, $756.5 million, and provides an increase of $116 million for the maternal and child health block grant to $800 million.

The bill presently folds the family planning program into the community and migrant health programs and the maternal and child health block grant, an idea that I do not support and will oppose when the amendment comes before the floor for our consideration.

We do provide level funding, maintenance funding, for the Centers for Disease Control and Prevention programs support, supporting a broad range of prevention programs and funding many others at last year's level, including the CDC AIDS prevention program.

Funding for breast and cervical cancer screening is increased by 25 percent to $125 million.

We provide level funding for community service block grants at $390 million, for child care and development block grants at $935 million.

For the Ryan White AIDS program, funding is increased by $23 million to a level of $656 million, and NIOSH funding, Mr. Chairman, is reduced by 25 percent to $99 million.

Funding for the Agency of Health Care Policy and Research declines by 21 percent to $125.5 million.

We provide level funding for the mental health and substance abuse block grants at $275 million and $1.23 billion, respectively.

Funding for the LIHEAP program, low-income home energy assistance, is eliminated because the original justification for this program no longer exists and has not existed for many years.

The bill reduces funding for Head Start by $137 million, or 3.9 percent, from last year's level, and even with this reduction, Head Start is still funded at over $3.3 billion for fiscal year 1996. We are not at all hostile to Head Start. We are strong supporters of Head Start, but we do believe that it is necessary to send a message to those programs that are not being run properly that the funding will not go on forever without their cleaning up their act and providing the kinds of services

that we expect in a program that is well run.

The bill also changes current law by providing the States with the option of providing Federal Medicaid funds for abortion in cases of rape or incest and prohibits the use of Federal funds to discriminate against medical schools who do not include abortion training as part of their overall Ob/Gyn training and bans embryo research by NIH. I might say, Mr. Chairman, I do not agree with these provisions and will address them when we come into that section of the bill where amendments are being offered.

Mr. Chairman, overall, we have a 9-percent reduction. The largest departmental reduction is at 13 percent; the lowest is at 3.5 percent.

This is a responsible bill that chooses priorities for our country, funds those programs that are essential and working well to help people in our country. It is a bill also that contributes its share to deficit reduction and the need for us to put our fiscal house in order.

Let me say in closing Mr. Chairman, I believe we have done our job in a very thoughtful and responsible manner. I believe that we have made the reductions necessary to contribute to deficit reduction in a way that preserves essential and good programs.

To say that the sky is falling because we have reduced spending in this area is simply to vastly overstate the case. The Federal Government has grown for 40 years. It has grown without any control. It has grown on deficit spending that has raised our national debt to nearly $5 trillion.

These departments have grown hugely. In the last 10 years alone, the Department of Education has gone from 120 programs to 240 programs, just in the last 10 years. We must get control over this process. We must get back to the core programs that serve people. We must trim the tree. Every once in a while you have to do that, Mr. Chairman. You have to look at all that has grown up and, however worthy it may be, it is very costly to administer. We do not need programs that are very tightly targeted with their own separate staff and administrator. We need to get back to core programs that really help people. That has been the thrust of our thinking in this bill. I think we have done a responsible job.

I commend the bill to all of the Members.

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

Mr. OBEY. Mr. Chairman, I yield myself 17 minutes.

Mr. Chairman, I have a great deal of respect for the gentleman from Illinois, as he knows. He has worked very hard, and he has dealt with all of us in a very fair way. But he is, frankly, caught in a maelstrom not of his own making. This is not a bill which he would have produced had he been able to control events.

Mr. Chairman, this is the worst appropriation bill that I have seen come out of the Committee on Appropriations in the 25 years that I have had the privilege to serve the Seventh District of Wisconsin in this House.

Mr. Chairman, the public, in the last election, tried to send us a message. I think what happened in the last election is that working people for more than a decade saw their living standard fall. They have seen costs slowly rise, while their incomes have stood still or even declined in real dollar terms after you adjust for inflation. Young workers see that it takes two workers per family to maintain the same kind of living standards that you could maintain a generation ago with one person in the workplace.

You have what many people call the sandwich generation. They are desperately worried about how to take care of their retired parents at the same time that they are trying to find enough money to send their kids to school. And I think for many years individual Americans have been looking in the mirror when they get up in the morning and saying, ''Hey, what am I doing wrong?''

But in the 1990's I think they have come to understand that it is not just them. I think they have come to understand that everybody is being squeezed. And in 1992, President Clinton was elected because I think the public wanted him to pursue a solution to fundamental problems.

In 1994 they were not satisfied with the progress that they thought had been made. They saw a national failure on health care. They saw too much time being devoted to marginal issues, and so they put our Republican friends in charge. And I think what they were hoping was that by doing so, that would force both parties to work together to produce a common agenda on common ground for the common good of the greatest number of people in this country. They wanted us to deliver a dollar's worth of service for a dollar's worth of taxes. They wanted programs that were as well managed as they were well meaning, and I think they wanted us to weed out unnecessary spending and make Government smaller and make Government work better at the same time.

I think they also wanted a war on special interest domination of the Congress and the Government.

Now, certainly I think many of us in the Democratic Party got the message. If we did not, we would have had to be deaf. And I think many of us are willing to work to try to pursue that kind of agenda. But this bill goes far beyond that.

This bill eliminates a number of unnecessary and duplicative programs. I say ''good.'' It makes additional cuts in the name of deficit reduction. Maybe we are not thrilled about that because some of these programs we deeply care about, but we understand it is necessary. But it goes far beyond that and, in doing so, becomes the meanest and the most vicious and extreme attack on women and kids and workers of any appropriation bill in the postwar era.

It reveals in the process enormous differences between my party and the Republican majority about the priorities that ought to be given to raising the quality of our children's education, to protect the health and dignity of workers, both in the workplace and at the bargaining table, and to provide the skills necessary for workers to compete in a changing world economy. And it shreds the vulnerable and those who are often cruelly neglected in a materialist society.

Next to the fight over Medicare, this bill is the epicenter of what I call the Gingrich counterrevolution. As I said, some of the cuts are necessary to help reduce our Federal spending, but this bill goes far beyond that because the economic game plan, of which this bill is a part, is insisting that we provide, among other things, some very large tax cuts for some very rich people.

If you take a look at what is being prescribed, you understand what I mean. We are being told by our Republican friends that we need to eliminate the corporate minimum tax. This is a list of companies who, from 1982 to 1985, paid no taxes whatsoever, despite the fact that they made one whale of a lot of money. We are going to return to those good old days because our majority party friends want us to eliminate the minimum tax that those corporations have to pay. So we will go back to the good old days when AT&T, DuPont, Boeing, General Dynamics, Pepsico, General Mills, Trans America, Texaco, International Paper, Greyhound, you get the idea, all the way down. You see, those corporations, during the 1982 to 1985 period, made $59 billion in profits, $59 billion in profits. Yet in many of those years they escape paying a dime in taxes. We are going to gouge Medicare and gouge programs in this bill to help finance that kind of nonsense.

□ 1300

If we take a look at the Federal Reserve studies which have been done on what happened in the 1980's, this shows who has gotten what and what has happened to the American dream in the 1980's.

The Federal Reserve shows that from the end of World War II to roughly 1979, beginning of 1979, indeed a rising tide did lift all boats in this country, because whether one was in the bottom 20 percent of income in the country, or in the middle, or in the top, everybody's income rose, even after inflation. And so everybody, despite the fact that we had the Vietnam war, despite the fact that we had the race riots after Martin Luther King was killed, this society hung together because everybody was getting a piece of the growing economic pie. But from 1979 through the latest year for which the Federal Reserve has been able to compile statistics we see that, instead of growing together, this country has been growing

apart. I say to my colleagues, If you're in the bottom 20 percent of income, you have lost a bundle since 1979. If you're in the middle, you have lost ground. Only if you're in the top 20 percent of income earners in this country have you done well, and especially the richest ½ million families in this country have done exceedingly well because the new Federal Reserve study shows that the richest ½ million families in this country, about ½ percent of the total family number, have increased their share of national wealth since 1980, the beginning year of the Reagan revolution. They've increased their share of national wealth from 24 percent of the Nation's wealth to 31 percent.

Mr. Chairman, that is a huge expansion of wealth for the wealthiest people in this society who already had a awful lot. The wealth for those few families increased by a greater amount, by almost twice as much as the entire national debt increased during that period. And yet our Republican friends on this side of the aisle think that that is not enough disparity, that is not enough trickle-down which starts by taking care of the needs of people in the top berths.

So they have produced a tax package which has a distribution table roughly this way:

The average tax cut per family from the House tax bill is mighty slim for someone in the bottom 40 percent, or even in the middle of this society, but, oh man, someone in that top 1 percent, $20,000 in a tax cut. So we are going to chisel on programs for poverty-ridden senior citizens, and we are going to chisel on the aid that we provide local school districts to help educate the most difficult to educate kids in this society in order to provide those folks a $20,000 tax cut.

Mr. Chairman, that is what is behind this bill, and that is why this bill is so wrong.

If we take a look at what is happening, the biggest cut in this bill is aimed at the aid that we have traditionally provided local school districts, some $2½ billion. Going to clobber chapter 1. Going to clobber ''Drug-Free Schools'' that helps schools teach kids to avoid drugs before they get hooked. Going to clobber vocational education. Going to lay it to the School to Work Program which helps non-college-bound kids move out of high school into the world of work and helps them to try to find someplace that will give them a good bit of training to transition into the work force. The main results from that, my colleagues can be assured, will be lower educational quality and higher property taxes.

For the first time in 34 years the Federal Government is not going to make a contribution to the Stafford student loan program. I would bet my colleagues that a good third of the people in this Chamber, if they are 30 years of age or older, used that Stafford program when they went to college, but now we are going to have an awful lot of folks who have climbed the economic ladder of opportunity pulling that ladder up after them by not making a contribution to that program. Goals 2000 to improve educational quality: bipartisan, started under George Bush, wiped out under this bill.

The next biggest hit comes on the vulnerable, the seniors, the disabled, and the poor kids in this society. In the late 1970's Senator Muskie and I started a program to help low-income people, mostly seniors, pay their fuel bills, heat their houses in the wintertime, cool them in the summertime, because we got awfully tired of seeing senior citizens who had to choose between paying their prescription drugs and keeping their house warm in the winter. So we passed a low-income heating assistance program.

We just had almost 800 people in this country die in a heat wave 3 week ago, and lots of Governors put out press releases saying, ''We are going to release emergency money under the Low-Income Heating Assistance Program that the Federal Government has just given us so that we could help people in that situation.'' Guess what? Under this bill there is not going to be any more funding available to provide that kind of emergency relief because the program is wiped out. Eighty percent of the people who use that program make less than $10,000 a year, one-third of them are disabled, so that is just another of the grace notes in this bill.

Under this bill we are going to have thousands of students who are learning to teach handicapped kids who are going to lose their scholarships to do that.

Under Healthy Start; it was started by President Bush to attack infant mortality in communities where it is more than twice as high as the national average. That program is going to be cut in half under this bill. Thirty-six thousand babies are going to die in this country this year.

Head Start, which the gentleman from Maryland [Mr. HOYER] and others will talk about later: 45,000 to 55,000 kids going to be tossed out the window on that program, and we are essentially going to be saying to local school districts, ''You find a way to take care of it, kiddo. We're not going to do that anymore.''

Both parties talk a grand game on welfare reform, and yet this bill clobbers virtually every program on the books to move people from welfare into work. It clobbers the dislocated worker program, it clobbers adult job training, and it hammers State vocational educational grants.

And what disturbs me more than anything in this bill is the attack it makes, the attack it makes on the protections that workers have a right to expect will remain: protections for worker health, protections for worker safety, protections for their bargaining rights. There are deep cuts in the Labor Department enforcement here which will make it easier for some corporations to make a profit, no doubt. It will also make it easier for those corporations to violate wage hour laws. It will make it a lot less risky for them to set up bogus pension systems. It will make it a whole lot easier for corporations to abuse workers who try to organize to get better pay. So that is another one of the ''grace notes'' in this bill.

All in all what this bill is going to do is make it harder for ordinary people to hang on to a middle-class lifestyle, and it is going to make workers more vulnerable to the whims of their employers who want to avoid paying the minimum wage, or the 40-hour week, or rules for fair labor practices, or standards for a safe working environment.

I think what we are regrettably witnessing in this bill—and indeed across the board in this Congress, but especially in this bill—I think we are witnessing a giving up on our efforts to be one people with a common interest and a common cause. We are ceasing to be a country with a large and growing middle class. Instead we are accepting the fact that we are going to have fewer and fewer tickets into the middle class, and we are accepting the fact that we are going to have a level of insecurity for those in the middle class that used to be associated with being poor. We are becoming in my view a society with a very rich people and a great number of people trying desperately to hang on to some semblance of what is left of a middle-class living standard, and not many people in between, and this bill makes all of that worse.

Mr. Chairman, this bill savagely cuts financial support for crucial programs that have been used by millions of Americans to help work themselves up the economic ladder. And the New Centurions who are running this House, I think, after having made it themselves are perfectly willing to pull that ladder up after them, and my response is, ''Shame on you, shame on you. You ought to know better.''

This bill also contains a number of legislative riders which are slipped into this bill literally in the dead of night because that is when we met, from 9:30 at night until 3 in the morning. And those provisions rip into the protections that we provided workers and working families for decades. We will be offering amendments to try to strip that language out, but we will not be offering amendments to fix this bill financially because this bill is beyond repair because of votes previously already cast in this House which locks this subcommittee into an allocation of resources which will allow this Congress to continue to fund the B–2, for instance, over $1 billion a plane. That is the cost of the B–2, just one B–2 bomber, and we are buying more than the Pentagon asked for, more than the President asked for, more than the Joint Chiefs of Staff asked for. Just

one of those babies would pay the tuition costs of every single kid at the University of Wisconsin, Madison, for the next 12 years, to put it in perspective.

While we are going to be gutting the programs for the people in this bill, Mr. Chairman, we are going to continue the production, or we are going to begin production, of the F–22 in the Speaker's home State; $70 billion for that airplane to complete production. That is more than we have got in this entire bill in discretionary spending, for everything that this bill is supposed to do for education, and workers and seniors.

So we will be trying to make people understand, as we go through the amendment process, what is at stake, not inside the beltway, but for people out there in the country, and we will be trying to focus people's attention on the vote on final passage. There are going to be a lot of Members offering amendments, what I call get-off-the-hook amendments, or what I call holy picture amendments to try to pose for holy pictures and look good on a little narrow issue on this bill, hoping then people would not notice that they voted for final passage. The only way to correct the gross injustices in this bill is to vote the bill down, send it back to the committee, insist that the committee redo its budget allocation process so that we do not have to gouge seniors, gouge our future education prospects in order to provide a big tax cut for some of the richest people in this country.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. One of the most profound and thoughtful statements I have ever heard, I say to the gentleman.

I wanted to talk about the gentleman's charts for a moment because I thought they were so ominous. The way I read the gentleman's tax-cut chart, that last one is for the upper 1 percent? Is that correct?

Mr. OBEY. Yep, 1 percent.

Mrs. SCHROEDER. The upper 1 percent, and the reason I thought it was important to point it out is, as I understand the chart before that, it is broken into 20 percent——

Mr. OBEY. That is right.

Mrs. SCHROEDER. So what the gentleman is saying there is while the upper 20 percent had been doing much better, obviously, than the lower 20 percent, with this tax cut we are forgetting even the upper 19 percent of that 20 percent. We are just going for the 1 percent; we are going for the really fattest of the fat cats.

Mr. OBEY. Well, I guess what I would say is we have been told that this bill represents payback time, and I guess when we see this chart, we can see who is getting paid back.

□ 1315

Mrs. SCHROEDER. I thank the gentleman.

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

Mr. Chairman, let me say about the gentleman from Wisconsin [Mr. OBEY] that I appreciate his contributions in working with the majority and the Members on his side who are excellent members of our subcommittee as well. He has contributed throughout the process in marking up and reporting the bill. It has not been easy for any of us, and I appreciate his kind remarks, and I feel that we have worked very well together and have done our best in addressing the difficult problems in the bill.

I might say regarding his chart, the one that shows the quintiles of income for people in the country, that that chart is completely misleading because it deals only with income. Income used to be a very easy quantifiable measure, but the difficulty was that the very times he worries that the income has gone down, we began a process in our country of providing worker benefits through employment health benefits, pension benefits and the like that are not reflected in his chart.

Mr. Chairman, he also ignores Government transfer payments. There is nothing in there that takes account of food stamps, Medicaid and like programs. So the chart measuring only income does not measure the well-being of families at all, and I believe that no one should believe that the chart really reflects the condition of families across this country.

I might say about the tax package, Mr. Chairman, that I agree with what the gentleman said about taxes. We should not be making tax cuts at this time. I did not support the tax cut provisions. I believe we should make tax cuts when we have balanced the budget and not before. A question of timing. I certainly think that they are not appropriate right now, and I might agree also with the gentleman, this is not the time to provide huge funding for the B–2. Even though it is wonderful technology to have, we do have other problems that have to be addressed. I have never supported funding for the B–2 bomber.

Mr. Chairman, let me talk about some of the other things the gentleman has talked about and set the record straight. On Perkins loans, which he called Stafford loans, the Perkins Loan Program is already funded at $6 billion. Yes, it is true we did not add $158 million of new capital to that account, but the account is a revolving account with $6 billion out there. I might say that if every person who borrowed a Perkins loan repaid it, we would never need to add capital to the account except as the number of students rise that might need it. There is a very adequate fund available to students who need help in this country. We have not cut that at all. We simply were not able, in this budgetary environment, to add to it.

We talked about the LIHEAP Program earlier. I would have supported it in 1979 because Federal policy caused the second Arab oil embargo. It did raise prices unconscionably, and the poor were terribly affected by the fact that heating oil and energy costs generally went through the roof. Today, however, energy costs and heating oil are at historic lows. The Federal policy has long since gone. There is no crisis, and yet the program continues on and on and on.

Do we have needs in this country among the poor? Of course, we do. Is it the Federal responsibility to address every one of those needs? It seems to me it is the responsibility of the utilities and the States which regulate them to handle that problem, as they always did in the past, and not for the Federal Government to create a program that simply is unending. A very expensive program indeed.

The gentleman talked about chapter 1, title I, the program for economically disadvantaged students. It would be wonderful to fund that forever, except for one thing: The program does not work. The very schools that the program sends its money to in the inner cities are failing our students. All the money in the world is not going to change that and it has not changed that.

In fact, the schools are in awful condition. What is going to change it is the very thing my State is doing. If I can say to the gentleman, we have said to the city of Chicago, which has among the poorest public schools in America, end it. Get rid of your board of education, get rid of all your bureaucracy and levels of administration.

We are turning over to the mayor of the city of Chicago the entire responsibility for the schools; and, believe me, the mayor will straighten them out. One of the great problems with school funding in America is that it supports huge bureaucracies that do not help students one whit. All you have to do is look to our major cities and see that that money is money truly down a rat hole. It is not working to help kids.

Healthy Start. Healthy Start is a demonstration program. We support that program. It is going to terminate this year. We did cut the funding for it to terminate it a little earlier, but it is not an ongoing program. It is not any thing other than a demonstration program. We think it works well, and maybe should be reauthorized, but that is not up to the Committee on Appropriations.

Head Start I addressed earlier. Let me say once again we strongly support Head Start, but we do not support sending money into new Head Start programs where it is poorly administered and we are not getting value for the money. That is why we made a very small cut in a program of over $3 billion that will keep the program going but send a message that we want that money spent well and wisely.

Job training: 163 programs. The gentleman talks about the dislocated

workers program, the displaced workers program, for example. What about it? The Department of Labor, in its own departmental evaluations says that short-term skills training has not been successful in producing earning gains for dislocated workers. Only a minority of displaced workers are likely to enter long-term training if the option is offered to them.

Frankly, Mr. Chairman, the program is not a very good program and should have received and did receive the kinds of cuts that we made in it. We need effective programs that work for people, and the authorizing committee is in the process of reforming that entire area and I think we are going to see that happen.

Now, Mr. Chairman, I want to take just a minute to thank the members of our subcommittee before I recognize the chairman of the full committee. Again, I thank the gentleman from Wisconsin [Mr. OBEY], our ranking member. He has done an excellent job, and it is a very difficult assignment for him to have this ranking membership in addition to being the ranking member on the full committee.

We also have five new members of the subcommittee: The gentleman from Oklahoma [Mr. ISTOOK], the gentleman from Florida [Mr. MILLER], the gentleman from Arkansas [Mr. DICKEY], the gentleman from California [Mr. RIGGS], and the gentleman from Mississippi [Mr. WICKER]. All of them have done a wonderful job on our subcommittee and in their work on this bill.

I also want to thank the staff of the Committee on Appropriations, the full committee. They have been extremely helpful to us every step of the way, as they have been to all the subcommittees during this very difficult appropriation season in the House. I would like to remind the Members of the House that this committee has managed the passage and signature of the President of two rescission bills already, including the largest rescission in history just signed by the President. The staff has done an excellent job.

I would like also, Mr. Chairman, to thank the staff of the minority membership, Mike Stephens, who has done an excellent job in representing the minority, and he has worked cooperatively and courteously with all of our staff. Our staff has done wonderful, wonderful work, headed by our clerk, Tony McCann, Bob Knisely, Sue Quantius, Mike Myers, Joanne Orndorff, and Jennifer MacKay. All have done wonderful work. Jennifer is on detail from the Department of Health and Human Services. She has been a very big help to us all year long and we appreciate having her.

Let me take this opportunity, if I may, Mr. Chairman, to thank the chairman of the Committee on Appropriations [Mr. LIVINGSTON]. I cannot think of a tougher job than his job. I do not know when he has time to get even a minimal amount of sleep. He has played a tremendous role in getting this bill through the subcommittee markup and through the full committee. His help had been invaluable. I want him to know how much all of us appreciate it. He has done a splendid job under very, very difficult circumstances throughout the year, and all the major appropriation bills, hopefully, including this one, will have been passed on our August recess. That accomplishment is a real testimony to the leadership of our chairman and the importance of his excellent staff.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. LIVINGSTON. Mr. Chairman, I thank my friend, the distinguished gentleman from Illinois [Mr. PORTER], the chairman of the Subcommittee on Labor, Health and Human Services, and Education for his very kind remarks and for his outstanding efforts on behalf of this very difficult and complex bill. It was a hard task for him to approach preparing and presenting this bill because he does care so deeply about each and every one of the items that are the subject matter of the bill. He has done a splendid job. This bill meets our budget targets, and I commend him, all of the staff, and all of the members of the committee on both sides of the aisle.

I want to say to my friend, the ranking minority member of the committee and the subcommittee, that I have enjoyed working with him through this very rigorous process. He and I do not agree on every single issue, and, as you will soon hear, certainly not on the issues involving this bill or his last statement, but we have had a good working relationship.

Mr. OBEY. Mr. Chairman, would the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Wisconsin briefly.

Mr. OBEY. As the gentleman knows, Will Rogers said once that when two people agree on everything, one of them is unnecessary.

Mr. LIVINGSTON. I would hope the gentleman has just proved that neither one of us is unnecessary. One of us will win, and I hope it is me.

At any rate, I want to commend him for the way he has handled his business on the subcommittee and on the committee. He is a great Member of Congress. He believes deeply in the institution, and I personally enjoy working with him very much, and would say to the Members that I think he is totally wrong on this bill.

In fact, Mr. Chairman, I think his statement on the floor is a representation, a very good representation, of a very failed and flawed philosophy that has gone dry over the last 60 years. It has ended. Socialism does not work anymore. We now know you cannot reach into the pockets of the taxpayer and expect them to rise up and be happy about spending money on every neat idea that some legislator happens to come up with, and that is what this bill has come to be. We have never scaled this bill back, and for that reason we now have redundancies and inefficiencies and unnecessary spending, wasteful spending, riddled all through the bill.

I rise, Mr. Chairman, in support of the bill as it has been confected by this subcommittee and hope that the Members will pass the bill on the House floor and send it to the Senate, and, ultimately, to the President. I think it represents a real transformation; a realization that, yes, there has been a revolution of political thought; that we cannot afford every good idea or every neat idea that comes down the pike, and that we can do things differently. We can actually give money to those who need it. We can help people survive without simply throwing money at every idea that tries to address every single problem.

In fact, Mr. Chairman, the debate today goes way beyond this bill. It is really about the legacy that we leave our children, about the contract we signed with the American people last September, and about the mandate that the American voters gave to all of us in November. That mandate is to balance the budget, to end duplication in Federal programs, and to downsize government agencies. To paraphrase the debate earlier in the year on the Republican budget: Why do we need to balance the budget? The chairman of the Federal Reserve, Alan Greenspan, said it best: So that our children will have a higher standard of living than their parents.

Now, Mr. Chairman, how long can we really expect to continue to strap American citizens with a national debt that is approaching $5 trillion, a debt that equates to over $18,000 for every man, woman, and child in America? That debt, just like the debt on your credit cards, is gathering interest at a rapid rate. So rapid in fact, that within a year and a half, the interest on the debt that we pay will exceed what we spend on the National defense of this country.

The fact is we have to rein in spending. We have to start saving and economizing. Government spending is not the be-all end-all to all of our problems. We have thrown money for too long at too many problems and gotten too little result. Now we realize if we do not start balancing our books, just like every family in America has to do and every business in America has to do, that this Nation will, like many other nations, go bankrupt.

Mr. Chairman, I do not think that is a legacy we want to leave our children or grandchildren. Even with the Republican budget that balances spending by the year 2002, total Federal spending will continue to grow by hundreds of billions of dollars.

□ 1330

In fact, we would just slow the increase in spending with our budget between now and then to an annual 3 percent growth rate as the economy grows. We are not stopping all spending. We are not even cutting real spending. The Government budget will continue to grow at an annual rate of 3 percent with the bills that we have passed this year.

Under the Republican budget for Medicare that you have heard so much about, it will still increase at an astronomical 6.4 percent a year. Until this and other appropriations bills that have come to the floor this year, nondefense domestic discretionary spending since 1985, according to this President's own fiscal year 1996 budget submission, has increased, even in inflation-adjusted outlay dollars, by 28 percent, grown by 28 percent since 1985.

Means-tested entitlements, those programs over which we have little or no control because they are written into law, and anybody who qualifies gets the money, have increased by 38 percent since 1985. Still, despite what others would have you believe, this is the first annual Labor, Health and Human Services, and Education appropriations bill since 1986 that actually decreases spending from the previous year, and I say for good reason.

It is a follow-up to the reductions we made in the rescissions bill, the $17 billion rescission bill the President now has, after one veto, finally signed into law. So that was the first step the President called it down payment on a balanced budget. But in this bill, we take that further. Yes; we do eliminate programs and downsize and streamline programs in this bill, because we believe that we can provide assistance to the truly needy without simply having more wasteful, inefficient, redundant, unnecessary, or abusive programs.

We believe that it is not necessary to have 163 programs across 15 departments and agencies doing the same thing in terms of Federal employment training programs or Federal job training. We believe that it is not necessary to have 266 Federal programs across 8 departments and agencies for youth at risk. We believe that it is not necessary to have 80 Federal welfare programs or 167 Federal programs across 16 departments and agencies, according to the GAO, for housing purposes, or 90 programs across 11 departments and agencies doing early childhood programs, or 240 education programs, or at least six different programs funding family planning.

We can hone these down. We can separate these programs, these redundancies and these inefficiencies, and we can have fewer programs with less bureaucracy and still provide probably more money to the people that are really in need. We can do without this wasteful idea of simply raising money from the American taxpayer and throwing it at good ideas.

In this bill, after the cuts that have been described by the gentleman from Wisconsin who preceded me, we still provide $68.1 billion in discretionary outlay spending for hundreds of domestic programs. We still provide a total of $278 billion in spending when you include mandatory programs under this committee's jurisdiction.

We provide $11.9 billion for the National Institutes of Health; $642 million over last year's level, which represents a 6-percent increase.

We have increased funding for prevention by $62 million for such programs like breast and cervical cancer, childhood immunization, and infectious diseases. We have provided over $2.16 billion for the Centers for Disease Control programs, an increase of $39 million over last year, and $802 million for the maternal and child health program, which is $116 million over last year's level.

We increased the Job Corps funding to open four new centers; total spending for Job Corps is $1.1 billion in this bill. In this bill we provide the largest increase in history for the maximum Pell grant, $2,440 per individual.

This bill provides new funding of $6.9 billion for funding for student financial assistance, and combined with the carry-over Pell grant funding, the total is $7.7 billion for student assistance, an increase of $103.9 million over last year's level, and they say the sky is falling. We are not giving enough to students.

The bill provides, among other things—here is a good one. We have heard the President, we have heard those in Congress who decry the cuts say the sky is falling, the Sun is rising in the West. Head Start, the one they talk about so much, we are cutting it all the way back from $3.5 billion to $3.4 billion; $3.4 billion will be spent on Head Start alone, up from $2.2 billion in 1992. And where does that money come from? From the American taxpayer, the generous American taxpayer. The taxpayer that genuinely cares deeply about America's children, is contributing this year, under this bill, $3.4 billion for Head Start, as well as $4.3 billion for foster care and adoption assistance, $2.8 billion for the social services block grant, $1.2 billion for the substance abuse block grant, $1 billion for the jobs program, $934.6 million for child care block grants, $77 million for the aging programs, or the administration of aging programs, $428 million for community services block grant, $357 million for the congregate nutrition services, and $275.4 million for the mental health block grant. And they say the sky is falling, the world is coming apart because we are not spending enough money on people?

The money comes from the taxpayer. We owe them the responsibility to weed out the waste, the inefficiency, the abuse, the redundancy, the unnecessary spending. That is what we try to do, and we do not neglect our poor, our needy, our elderly, or middle class.

In fact, there has been some talk about those tax benefits. I have another chart, not blown up unfortunately, but here is the Republican tax proposal. People whose income is under $20,000 get 5 percent of the proposed tax benefit. The people making between $20,000 and $30,000 of income get roughly 10 percent of the proposed tax benefit. The people making between $30,000 and $40,000 get 15 percent of the benefit. Those making between $40,000 and $50,000 get 15 percent of the benefit. If you add all these together and include the people making under $75,000, all of these people get 65 percent of the tax benefits. For the $500 child credit proposal, 75 percent of this tax benefit goes to those making under $75,000 in the aggregate.

Now, Mr. Chairman, I will have to tell you that there has been a lot of hype. There has been a lot of overplay, a lot of scare mongering. People say that this bill should not be adopted because it cuts. It spends a total of $278 billion for good causes, and that is $278 billion from the American taxpayer. It is not unfair, it is not unwise, it is not devastating. It is a good bill, it is a critical bill, it should be passed, and I urge its adoption.

Mr. OBEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, just very briefly to respond to the previous two gentlemen, I would say first to the gentleman from Illinois [Mr. PORTER], he suggests that our tax charts are not accurate. Is the gentleman truly suggesting that the middle-class families in this country have done better the last 10 years than the super rich? If he is, I would respectfully suggest somebody is smoking something that is not legal. I do not think anybody else sees it that way.

The gentleman says that the Perkins loan is amply funded. All I can tell you is there are going to be 150,000 students who are not going to be able to be helped by the Perkins loan program this year if we do not make a contribution to it.

The gentleman says in terms of low-income heating assistance, there is no crisis. Good gravy, 600 people died in Chicago just 2 weeks ago because they were overcome by heat. The low-income heating assistance program is the program that is supposed to help folks like that. No crisis?

The gentleman says that because schools are in trouble, we ought to cut back on chapter I. To suggest you ought to cut back on the major program we have to help local school districts educate the toughest to teach kids in their districts, to suggest we ought to cut that back and somehow that is going to improve education performance is, I think, backwards.

The gentleman says that we should not worry about the dislocated worker program; 193,000 fewer workers aren't going to get help on job training after they have lost their jobs, through no fault of their own. Is that the answer America is going to give to the workers

who have fallen victim to programs like NAFTA and GATT? I hope not.

With respect to the gentleman from Louisiana, he recites a great number of small programs that ought to be eliminated. He is beating a dead horse. We have already said 15 times we support the elimination of those programs. Fine.

The gentleman says that this bill is an end to socialism. Well, with all due respect, I do not think helping kids to get an education is socialistic. I do not think helping workers to get job training is socialistic.

I ran into one young woman in the community of Rhinelander in my district, 22 years old, I think she was. She was in school, in a 2-year school. She had a couple of kids. She and her husband split because her husband had beaten the living devil out of her time after time after time. She was homeless for 2 months last year, yet she kept going to school every day trying to make something of her life, and she was using a Perkins loan and other educational help. Is it socialism to help a person like this? Nonsense.

The gentleman says we should stop throwing money at programs. I agree. Why do not you join us in eliminating the B–2 and the F–22? We will save a whole lot more money than we are spending in this bill.

The gentleman says that we are going to provide plenty of money for the truly needy. Here is a list of the truly needy giant corporations in this country who are going to wind up again paying no taxes whatsoever because of the Republican party insistence on eliminating the corporate minimum tax.

The gentleman says you are going to have some benefits to lower income people in the tax bill. Undoubtedly. But they will be table scraps in comparison to the caviar given to the people at the top of the income scale.

The gentleman says we should not worry because this bill is spending $68 billion in discretionary funds. It is not. It is spending $62 billion. If it was spending $68 billion, we would not be having this fight.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I point out, as regretful as that incident was when all those people died because of the heat, not one of them was saved by the existing LIHEAP program which is in full operation today. The LIHEAP program did not do them any good.

Second, the B–2 bomber, a $13 billion investment, is estimated may end up saving us well over $640 billion over the long haul because of its payload. This is the weapons system for the future. It really has no place in this debate, because that is talking about the defense of this Nation.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, with all due respect, it does have a place in this debate, because your allocation gave the Pentagon $7 billion more than the President asked for. You have cut at least $7 billion out of this bill. That is the problem.

☐ 1345

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Maryland [Mr. HOYER], a member of the subcommittee.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding time to me.

Thomas Jefferson said that the nation that expects to be both free and uneducated expects that which never was and will never be. As a result of that philosophy, America has historically invested in its children, both at the local level, the State level and, yes, at the Federal level as well.

We do so because we believe it is absolutely critical for the success of America's way of life. We believe it is absolutely essential if we are to remain competitive in an increasingly global economy where young people in America are not just in competition with kids from California or Maryland or Florida or Louisiana or Maine or Wisconsin, but are in competition with kids who are educated in Japan, in Germany, in Taiwan, all over the world. Therefore, we have made a commitment to making sure that every one of our children is educated.

The chairman of our committee, Mr. LIVINGSTON, has shown a chart at least 15 times now, I think I have seen it. He loves that chart. It is his Head Start chart. It shows how much money we are spending.

My colleagues, the reason that escalated in 1989, and 1990, and 1991, and 1992 and 1993 is because the Congress and President George Bush agreed, we were not doing enough. The bill was not vetoed. In fact, President Bush suggested increases. What the gentleman from Louisiana did not tell my colleagues is that more than 50 percent of the young people in America eligible for Head Start are falling through the cracks, that we are not investing in the over 50 percent of the young people for whom there are no seats in Head Start.

All of us in this Nation lament the fact that so many young people are falling into lives that are negative, that are going to make them tax takers rather than taxpayers. They will not be positive, participating citizens in our community. We see them on television. And we lament and we get angry, and we say, what is happening?

Government clearly cannot do it all. We have got to have parents do a better job in education. We have got to have our schools doing a better job. But we will not solve the problem by disinvestment. A party that believes in the capital system, in the free market system knows full well if you do not invest your capital, you will not get a return. Bottom line.

Now, I only have 4 minutes. The education budget that is presented by this bill would be opposed by the ranking member of this subcommittee, the Republican with whom I served for so many years, Silvio Conte. He would not countenance this bill. And Bill Natcher, the former chairman of this subcommittee, I am aware lamentably, is turning over in his grave.

I said earlier at a press conference that Bill Natcher used to say, ''If you take care of the health of your people and the education of your children, you will continue to live in the strongest and best nation on the face of the earth.''

Now, I am a Democrat. My good friends and colleagues on that side of the aisle could shrug their shoulders, oh, there go the Democrats again. All they want to do is throw money at problems. The States ought to educate people.

My colleagues, let me call to your attention a statement made by Terrel Bell. Most of you will recall this is not a Democrat, this is the Secretary of Education appointed by Ronald Reagan, his first Secretary of Education, when he first came into office, saying that he wanted to have a revolution in this country. Let me tell you what Secretary Bell believes of this budget, not the gentleman from Wisconsin [Mr. OBEY], not the gentleman from Maryland, [Mr. HOYER], not the Democratic side of the aisle, but Terrel Bell, the Secretary of Education under Ronald Reagan.

Statement, July 13, 1995: ''The drastic and unwarranted education cuts made in Congress by the House Appropriations Subcommittee,'' this subcommittee, this bill, ''must be restored or we will undercut community efforts to help better educate our children.'' Ronald Reagan's Secretary of Education.

He goes on to stay, Secretary Bell, Secretary of Education under Ronald Reagan, ''I hope the rest of Congress will take a different view.''

We urge you to reject this bill. that is a different view than the subcommittee and committee took.

Listen, my colleagues, what Terrel Bell says: ''The education of our children is too important to fall victim to this attack against education that serves a narrow agenda not supported by those who know and care about education.''

He concludes with this: ''The American people support educational excellence, not political extremism.''

My colleagues, the person calling for the rejection of this bill and opposition to political extremism was Secretary Terrel Bell of the Reagan administration. Reject this bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I would like to pick up on the last couple words that were just mentioned: educational excellence. I want to stand here today to take partial responsibility for the slowing down of the growth

of funding of Head Start and chapter 1. It is based specifically on what the gentleman just said: educational excellence.

That is not what we have been getting in Head Start in many instances. That is not what we have been getting in chapter 1 in many instances. Anything other than educational excellence. And I have crossed this country for 20 years telling these people we want excellence. We do not want to just know how many new people you added. We do not want to know how much more money you spent. We want to know what the results are. And we do not have any studies that show us anything to indicate that $40 billion in one program and $20 billion in another program have done great things to improve the lives of those young people and make them productive citizens.

But what has happened every time I have spoken all over this country about insisting on educational excellence? Those who run the programs say, not face to face but behind my back: We do not have to pay any attention to you. We know the Congress of the United States is going to give us more money. We know that every President, it does not matter which side of the aisle they come from, are going to ask for more money, and so we are going to get more money and we do not have to worry about excellence. And what a disadvantage we have done to disadvantaged children in this country in Head Start in many instances and in chapter 1 in many instances.

What we are saying with this slight decrease is, now is the time to step forth and offer programs that are based on quality, that offer programs that will show us that in their third year, fourth year, fifth year of school, they have made dramatic increases and the Head Start has remained. The only studies we have to show that we have moved forward in these areas are in community college towns, where the mentors are college students who are out there doing what we should have been doing in Head Start and what we should have been doing in many of the chapter 1 programs. That is teaching parenting skills and improving the literacy skills of the parents so when the child goes home from a Head Start or a chapter 1 experience, they have someone to help them to improve, not just a couple hours they may be in a school setting.

So I am not ashamed that I am one who has asked us to slow down temporarily these increases until we get the kind of quality that will give disadvantaged students an opportunity to be advantaged. In many instances, that is not happening today.

Very few Members have spoken out, in all of these years of $40 billion of spending in the one program and $20 billion in the other. All we have ever heard about is, we need more money because we are not covering enough people; we should be covering more. I have always said, covering them with what? If you are not covering them with quality, you are doing them a disservice.

So I would hope that we would use those two words, educational excellence, to frame this discussion, not how much money we can spend, not how many people we can cover, but how much we can do to help them get a piece of the American dream. We have not been doing that successfully in many of these programs throughout the United States.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES].

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

Mr. STOKES. Mr. Chairman, I thank my distinguished ranking minority member, the gentleman from Wisconsin [Mr. OBEY], for yielding time to me.

Mr. Chairman, I rise in strong opposition to H.R. 2127, the bill establishing fiscal year 1996 appropriations for the Departments of Labor, Health and Human Services, and Education. For many years, I have been one of the members of this subcommittee who have put this particular bill together. Until now, I have always taken pride in this bill which our beloved deceased chairman, Bill Natcher used to call the people's bill. This is the first time that I have come to the floor opposing the Labor-HHS-Ed appropriations measure. I oppose H.R. 2127 because of the devastating physical, social, and economic burden it places on the backs of our children, the elderly, and hard working families.

Neverthess, I want to acknowledge the leadership and fairness of our distinguished subcommittee chairman, the gentleman from Illinois, Mr. JOHN PORTER, as well as the leadership of the distinguished ranking member, Mr. DAVID OBEY of Wisconsin.

The 602(B) allocation for this bill is $9 billion, or 13 percent, below the fiscal year 1995 allocation. While some of the cuts can be justified, far too many of them will create critical quality of life problems for the people for whom this bill is intended.

Within the Department of Labor account, in overall discretionary programs, funding is cut 24 percent, or $2.7 billion, below the fiscal year 1995 appropriation level. More specifically, funding for summer jobs is eliminated, denying jobs to over 600,000 young people who need and want to work. The $446 million cut in the dislocated workers program will deny re-employment services to hundreds of thousands of laid-off workers.

With the Department of Health and Human Services account, funding for the LIHEAP is eliminated. The $55 million, or over 50 percent cut in the Healthy Start Program means that over 1 million women would be denied critical prenatal health care. Funding for family planning is completely eliminated.

Within the Department of Education account, funding is cut 16 percent, or $4 billion. The $1.1 billion cut in title I concentration grants means that more than 1 million educationally disadvantaged students would be deprived of the academic assistance they require in reading and math. Funding for safe and drug free schools is cut by $266 million, or nearly 60 percent below the current funding level. Critical cuts are also made in funding for Howard and Gallaudet Universities.

Drastic cuts are also made in a number of other quality of life programs including congregate meals, services for the homeless, substance abuse and mental health, unemployment insurance, and employment for older Americans. I ask my colleagues to be mindful that this is just a glimpse of the devastation contained in H.R. 2127.

The measure also takes extensive liberties with respect to authorizing legislation. An unbelievable number of authorizing provisions are contained in this appropriations bill—ranging from abolishing the Office of the U.S. Surgeon General, to restricting women's rights, to gagging political advocacy, to denying worker protections.

Mr. Chairman, I can understand and support a balanced approach to addressing our Nation's fiscal difficulties. But, I cannot support balancing the needs of the wealthy on the backs of our children, the elderly, and families. I urge my colleagues to defeat H.R. 2127.

☐ 1400

Mr. PORTER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee.

Mr. Chairman, I would like to express to the gentleman my concern over the defunding of the Office of Emergency Preparedness. As we know, this Office is charged under the Presidential decision document, NSC–39, to coordinate the health and medical response of the Federal Government in support of State and local governments in the aftermath of terrorist acts involving chemical and biological agents. The Office is also responsible for coordinating the Public Health Service interagency plans and activities to prepare for and respond to the consequences of natural disasters and terrorism, with particular emphasis on weapons of mass destruction.

Since 1992, the Office has responded to Hurricane Andrew, the Midwest flood, the Southeast flood, the Northridge earthquake, and the Oklahoma City bombing.

Mr. Chairman, I express this concern with the image of a rescue worker carrying a small child from the wreckage and devastation of the Oklahoma City bombing. No matter how much we wish to put this terrible tragedy behind us, it is indelibly etched in our minds, and serves as a grim part of our country's history. I feel very strongly that this Office should continue its good work.

Mr. PORTER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Illinois.

Mr. PORTER. Mr. Chairman, I would tell the gentlewoman that our subcommittee is fully aware of the important work performed by the men and women of the Office of Emergency Preparedness. The subcommittee's action is in no way a devaluing of their efforts and of the need to respond to national emergencies. The subcommittee only removed the Office as a line item in the agency's budget. The Secretary of Health and Human Services still has the discretion to keep this operation functioning if she deems it a priority.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman very much for that clarification. I would also like to engage the chairman in a colloquy with my colleague, the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. DAVIS. I thank the gentlewoman for yielding to me, Mr. Chairman.

I applaud the leadership of the chairman of the committee and the assistance of the chairman of the Committee on National Security, the gentleman from Florida, BILL YOUNG, in continuing funding for the DOT extramural AIDS program in the Labor-Health and Human Services-Education appropriations bill. As we know, the Army Research and Development Command was originally tasked by Congress in 1996 as lead DOD command for HIV–AIDS research. This research has focused on the practical aspects of screening, prevention, and early-stage treatment affecting military readiness and national security. The Army Medical Corps has a long history of battling infections diseases that threaten military personnel, and the success of the Army's program has been due largely to the unique character of military life.

Mrs. MORELLA. Reclaiming my time, Mr. Chairman, I also want to thank the chairman of the committee for so wisely continuing this program. I also want to thank the gentleman from Florida [Mr. YOUNG] for his assistance.

Mr. Chairman, it is our understanding that the Army is interested in only focusing research on finding a vaccine for HIV–AIDS. However, with the 10- to 20-year validation period for a suitable vaccine, the importance of maintaining a vigorous research treatment program for those military personnel who are already infected is obvious.

I would ask the chairman of the committee, is it his intention that the $25 million provided for DOD AIDS research in the bill is to continue the natural history cohort and the domestic clinical studies, including the chemotherapeutic program and the immune reconstitution program?

Mr. PORTER. Mr. Chairman, if the gentlewoman from Maryland will continue to yield; yes, it is our intention to fund the continuation costs of the DOD research project. I agree it is an important research and treatment program and should be continued.

Mrs. MORELLA. I thank the gentleman very much for his leadership in this regard an I reiterate my thanks to the gentleman from Florida [Mr. YOUNG].

Mr. OBEY. Mr. Chairman, I yield 4 minutes and 10 seconds to the distinguished gentlewoman from California [Ms. PELOSI], a member of the subcommittee.

Ms. PELOSI. Mr. Chairman, I thank our ranking member for yielding time to me, and also for his leadership on this legislation.

Mr. Chairman, I rise in opposition to the bill, with the greatest respect for our colleague, the chairman of the subcommittee, the gentleman from Illinois [Mr. PORTER], but I oppose the bill and hope that all of our colleagues will oppose it, because it is fundamentally flawed and must be rewritten.

Mr. Chairman, this is a sad day for the Congress, and, therefore, for the country. It has always been a great privilege to serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, a place where a bill is developed to provide the funds and directions for America's future.

Others have referenced the gentleman from Kentucky, Mr. Natcher, and, I am sure they will, Mr. Conte, but as Chairman Natcher would always say, ''If you educate your children and take care of the health of your people, you will live in the strongest country in the world.'' Mr. Conte agreed. That definition of strength is one that we should keep before us as we establish budget priorities in this Congress.

Mr. Chairman, our budget should be a statement of our national values, and our national values should measure our strength, not only in our military might, which is very important to our country, but also in the health, education, and well-being, as Mr. Natcher said, of our people.

While there was often controversy over the Hyde amendment, issues like the Hyde amendment, in the past there was no question about the broad bipartisan support for the programs in this bill. For many years, our subcommittee operated on the basis of consensus, without even taking a vote. Both parties worked constructively to fashion a truly bipartisan statement of priorities for these programs. The bill was a unifying factor between our two parties in this Congress.

All that has changed. This bill has become an ideological battleground. It has driven a wedge into this Congress, because it declares war on American workers, it erodes decades of progress for women, it declares war on education, it targets for punishment the most vulnerable people in America.

Some argue that this bill is just part of the pain associated with balancing the Federal budget. If that is all that was going on here, then the bill would be at least understandable, but this debate is about priorities within the budget limitations, as I mentioned earlier.

Mr. Chairman, while recognizing the need for us to have the strongest possible defense, it is hard to understand why we are moving more than $5 billion more into the defense and military construction projects, funds that were not even requested. The Republicans have decided to focus the drastic cuts on the Labor-HHS-Education and VA-HUD bills. Even if the defense-related programs were frozen rather than taking the same proportional hit as other bills, we would have about $4 billion more for this bill, enough to make it a much better bill.

I remind our colleagues that this bill takes a hit of $10 billion. We go from $70 billion to $60 billion. On top of all of this, the Republican leadership is insisting on a tax break for the wealthiest Americans, putting even more pressure on the most defenseless in our population. We want to give more money to defense and take money from the defenseless. I think it is wrong.

I think the bill started out bad, it was a very dark night, as our ranking member, the gentleman from Wisconsin [Mr. OBEY] mentioned, in the dark of night when this bill came out of subcommittee. then it got even worse as it moved through 3 days of full committee markup. By adopting five amendments which were part of the issues alert of the Christian Coalition, the bill became worse. Those included attempting to gag public interest advocacy, limiting further a woman's right to choose, prohibiting human embryo research, interfering with the private sector's accreditation of graduate medical education, and eliminating, if Members can imagine this, Mr. Chairman, title X, family planning. In doing that, the majority has made a bad bill terrible.

Mr. Chairman, I urge my colleagues to vote against this most unfortunate legislation.

Mr. OBEY. Mr. Chairman, I yield 4½ minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I want to say at the outset that I have great respect for the chairman of the committee, and we have worked together on many of the issues in this bill, and also, of course, for the ranking minority on this committee. I understand the terrible choices that our chairman and our ranking minority had to face with us, because this bill, the bill that really reflects the priorities of this Nation, was cut $10 billion. Therefore, although I am rising in strong opposition to the bill, it has no reflection on the chairman's commitment to some of the issues we face.

Mr. Chairman, this piece of legislation has always been called the people's bill, but today the people will find

out whether Congress truly understands their needs and the needs of their families. They will find out how serious we are about making investments in our most precious resource, our children. The people of this Nation will learn whether it matters to Congress if elderly Americans have the means to heat their homes in the winter and cool them in the 100-degree summer heat, or we are going to just stand by when elderly people lose their lives; 100, 200, 300, 400, 500. These are people, real people with families. They will discover if we are truly committed to giving young people with little hope and laid-off workers with few opportunities the means to find a job.

Today the American people will find out whether Congress is willing to disregard our children and make unprecedented cuts in education, cuts which will deprive local schools of billions of dollars and hardworking college students of the aid they need to have a shot at the American dream.

Mr. Chairman, as a mother of three and a former PTA president, I can tell the Members that this bill will have a devastating impact on America's children and our community schools. Let us not make any mistake about it, this bill will lead to increased local property taxes, because our mothers, our parents, will not stand for their children not having the best education they can. Therefore, if we cut, guess where it is going to come from? Cut here, pay at the other end.

We will also vote on whether to force poor women who are the victims of rape and incest to carry those pregnancies to term. We will vote to eliminate an unprecedented intrusion in this bill into medical school curriculum which will endanger the health of women. We will have an opportunity to restore critically needed family planning funds.

It is shameful, and I am embarrassed to serve on this committee where I was once so proud, to be at a place in history where we are zeroing out family planning funds. Make no mistake about it, that is exactly what is happening in this bill. Members are going to hear all kinds of alibis, but we are zeroing out family planning funds.

Yes, I am pleased that the increases at the NIH were not on the Christian Coalition agenda. I am pleased that important investments, investments in breast cancer research will continue. I am pleased that the CDC breast and cervical cancer screening program is still alive. But this bill takes women backward. The GOP leadership has proudly touted its plan to reduce the deficit.

Today we are seeing, Mr. Chairman, we are seeing what that plan will mean, what GOP priorities really are. This bill cuts spending, but it does it on the backs of average Americans and on the backs of the Nation's most vulnerable citizens. These cuts in education, training, student loans, low-income energy assistance, are being made to finance the Republicans' proposal to provide a tax cut for the most privileged, and to build new weapons that the Pentagon did not even ask for.

As I sat in committee and subcommittee, Mr. Chairman, two things were very clear: first, this bill was deeply flawed from the start, because it was a direct outgrowth of mixed-up Republican budget priorities. We need to go back to scratch. We need to fix this bill.

Then the bill was made even worse as the Christian Coalition sent their legislative language and had everyone dutifully follow it, passed that legislative language, passed that special interest language that hurts workers and flies in the face of basic constitutional rights.

Mr. Chairman, I cannot support this bill. Let us send it back and do it right.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to one of the new and very able members of our subcommittee, the gentleman from Florida [Mr. MILLER].

□ 1415

Mr. MILLER of Florida. Mr. Chairman, I rise today to put this bill in its proper context. The 104th Congress is in the midst of the most important debate about America's domestic future since the New Deal. The debate is not about accounting numbers and line items, although that is what much of the public will hear in this debate. In fact, at its core, the debate is about what kind of America we want to be in the 21st century.

Mr. Chairman, America is at a crossroads. As we close the 20th century, we are faced with one great battle. The American people have defeated fascism and communism and spread democracy around the world. Now we are faced with the threat of the national debt. The challenge is to leave our children a legacy of both peace and prosperity. We must ensure that the American dream lives on. An America that enters the 21st century free from deficits will be a strong America that has resources to meet its obligations for Social Security and Medicare and to the American taxpayer. That is what this debate is about. We are making the tough choices to start on a glide path to a balanced budget.

The most obscene thing we have done in this Congress is to build up these horrendous deficits and the national debt. Let me put in perspective what this is. The national debt is $4.9 trillion. Now, if you divide that by the population of the United States, that amounts to $18,800 for every man, woman, and child in the United States; $18,800 for every man, woman, and child.

We have a Congresswoman on the Republican side who is going to have a baby next year. When that child is born, that child immediately inherits an $18,800 debt. My wife and I, we have two children. For a family of four, that means I have a $75,000 debt that the Federal Government has spent that I have inherited. The interest on that debt amounts to $5,264 a year. It takes $439 a month for my family to pay for the interest on the national debt.

Mr. Chairman, next year, and in 2 years, we are going to spend more money on interest on the national debate than we do for the entire national defense. That is insane, and it makes no sense. And that is what the real debate is about today, is the fact that we have a debt that we need to clear up and move to some fiscal sanity in our process.

Mr. Chairman, solving this process does not mean 7 years of pain and sacrifice. Far from it. If we can balance the budget in 7 years, Alan Greenspan says, that will lead to a 2-percent reduction in interest rates. Let me explain what a 2-percent reduction in interest rates might mean.

For a family having a $75,000 mortgage, if they refinance it or get a new home, that is $100 a month less that they have to spend on that $75,000 mortgage. For small business, that is going to give an incentive for them to invest more, to create jobs, and to improve our economy.

By balancing this budget and moving on that glide path, we are going to stimulate the economy and help restore the American dream. We need to stop spending more money here in Washington.

Mr. Chairman, in 1950, the average American family spent 5 percent of their wages in Federal taxes. Now we are spending 24 percent to send to Washington for a bloated Federal Government. Unless we cut spending and eliminate the deficit, the tax burden will continue to grow.

Mr. Chairman, the President has offered an alternative vision of America in the 21st century: $200 billion deficits as far as the eye can see. He says the problem is to big and we just cannot deal with it right now. Now, not only is that a defeatist attitude, it is counterproductive. The job of balancing the budget does not magically get easier a decade from now. In fact, it grows exponentially more difficult.

First of all, the more debt we build up, the more interest rates payments will grow. In other words, we lock in more and more spending. But more importantly, starting in the year 2008, the first of the baby boom generation begins to retire, and the costs of Social Security and the Medicare programs explode. How can we justify putting off the day of reckoning on this budget?

Mr. Chairman, I believe this is a moral issue. We all know the challenge we face. The facts are the facts. We have a moral obligation to meet this challenge now, and we know the problem becomes virtually insurmountable in 10 to 15 years. If we fail, we will have failed the test of our time.

Mr. Chairman, this bill is fair, and spent $60 billion on some of the most important programs in the Federal Government. The cruelest thing we can

do for the young people today and for future generations is keep building up the debt. We must get this deficit under control and get our fiscal house in order. This bill makes a significant down payment on a balanced budget. It is some of the tough choices we are going to have to make in the appropriations process. That is the most important issue we are facing, balancing the national debt, and the moral and economic imperative of our time, and this bill meets that challenge.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. CLAY], the ranking member of the Committee on Economic and Educational Opportunities.

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

Mr. CLAY. Mr. Chairman, I rise to condemn this bill as the meanest, most vicious, most inhumane appropriations bill I have seen during my long career in the Congress. I implore my colleagues, on both sides of the aisle, to reject this cruel legislation and send it back to the Appropriations Committee with an instruction to produce a much more compassionate and fair-minded bill.

Mr. Chairman, once there was a time, when Democrats and Republicans worked together to expand access to education. Once there was a time when Democrats and Republicans supported efforts to help children raised in poor communities get a head start in life. Once there was a time when Democrats and Republicans believed that the role of Government was to protect the weak—from unsafe working conditions, oppressive employers, and dishonest pension managers.

That time has passed. To the Republican leadership in this House, people do not matter, profits do. To the Republican leadership, the role of Government now is to enhance the privileged and the powerful at the expense of the poor.

Mr. Chairman, the corporations and individuals unfairly enriched by this bill read like Who's Who among Fortune 500. The Republicans all but placed an ad in the Wall Street Journal that reads: ''This House is for sale! And, if you've got a gripe with OSHA let the Republicans know; they'll gut funding for OSHA inspectors and render the agency impotent.''

The Republicans are now abusing the appropriations process to carry out the political agenda of the radical right. This bill is polluted with the legislative wish list of the Christian Coalition. Through massive, unconscionable cuts in education, public education is being seriously crippled. These cuts support the thinking of religious extremists. Ralph Reed of the Christian Coalition has said ''We should de-federalize education policy. * * * Our top legislative priority at the Christian Coalition is to abolish the Department of Education.'' And, Jerry Falwell said recently ''I hope to see the day when * * * we won't have any public schools. The churches will have taken them over again and Christians will be running them. What a happy day that will be.'' These cuts in this bill will have Falwell dancing in his pulpit.

Mr. Chairman, provisions in the bill reflect promotion of a sinister, cynical agenda that is out of sync with mainstream Americans. In the middle of the night, Republicans rammed through crippling revisions in job safety, pension, and labor laws. They turned the appropriations process into a half-way house for those unscrupulous business people who would criminally expose their work force to unsafe and unhealthy working conditions.

Mr. Chairman, this is a critical time in our Nation's history, a time to better equip our Nation to compete in the world economy; a time to expand, not cut, job training opportunities for displaced workers; a time to expand, not cut, Head Start; a time to expand, not cut, college financial aid. This is no time to destroy the bridges to prosperity and opportunity.

Mr. Chairman, in the final analysis this bill is so bad it is beyond repair, and I urge my colleagues to vote against it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this legislation which attacks children, seniors and working families to pay for a tax cut for the wealthy. I call it the American Dream Destruction Act.

The American Dream promises our people that if you work hard, if you play by the rules, this country will provide you with opportunity and with security. This bill betrays that promise. It betrays the promise of educational opportunity by cutting funding for education, from Head Start to safe and drug-free schools. It betrays the promise of opportunity for our workers by cutting crucial health and safety protections that help them on their job, and by cutting retraining, and that help could be provided to them if they lose that job.

This bill also betrays the promise of security for our seniors by cutting energy assistance and nutrition programs that help seniors to pay for their heating bills and to stay healthy.

Mr. Chairman, my colleagues from across the aisle say that they are only making these cuts to balance the budget. They would like you to believe that this is a shared sacrifice with a noble purpose. But folks, this is not a shared sacrifice, and there is nothing noble in asking our most vulnerable citizens to pay for a tax break for the wealthiest citizens. There is nothing noble in that. It is amoral.

The American people want us to cut waste, but unneeded tax subsidies to giant corporations are wasteful. Taxpayer-funded advertising for multinational corporations is waste. Special tax loopholes for billionaire expatriates are waste. The Republican leaders in this House can never seem to find waste in any program that helps their wealthy campaign contributors; they can only find waste in programs that help the working families of this Nation.

Mr. Chairman, balancing the budget is about making choices. This bill makes bad choices, choices that will hurt children, hurt seniors, and hurt working families, all to fund a tax cut to the wealthiest Americans. Vote against this bill.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to our colleague, the very able gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. I thank the chairman for yielding time to me.

Mr. Chairman, the gentleman from Illinois [Mr. PORTER] has done so much work on this bill and has produced a bill that I am strongly supporting. This is a proud day for America, to be able to take one appropriations bill, cut $9 billion out of it, and still preserve good programs in this country, like Head Start, community and migrant health care centers, TRIO, and programs like the National Institutes of Health. Imagine that.

We are hearing a lot of Members come forward today with the same old song and dance that we have cut education to give a tax cut to the rich. Other days before today we have heard them say that we are trying to help the military to provide tax cuts at the expense of the poor, and we are providing tax cuts for the rich to cut volunteers in the park. You name it, everything is being tagged for the same reason, and we all know that this is not true. These are all lies that are just continuously spread to try to stop the agenda that the American people want us to move forward.

So instead, let us talk about the truth. In the dark of the night, there was an attempted midnight massacre by the opposition when Member after Member offered amendments to cut Medicaid for poor States. However, today, when the cameras are on and the lights are shining and C–SPAN is broadcasting, there will not be a single Member to come forward and offer an amendment like that to see what really happened as this bill was being drafted. Why is this happening? Because they are afraid that the American people may see them saying one thing and doing another, and really discover the truth about what is going on around here.

Mr. Chairman, this bill makes tough choices. The gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee, has brought this House a bill which reflects responsive and thoughtful decisions to support national priorities, not parochial priorities, and to reduce the deficit by cutting lower priority and duplicative programs.

Mr. Chairman, no matter how you slice this bill, we have over $60 billion

of discretionary spending in this bill. For some Members, it is never enough. If Members want to take pot shots at this bill, go right ahead. We do not claim to be perfect. We know that adjustments can be made to improve on what we are doing. But we are trying the best we can as a Republican majority to make the tough choices necessary that the American people are calling for.

Mr. Chairman, with over $60 billion in discretionary spending, let me give you two examples of how much $1 billion is. One billion seconds ago this country was in the middle of the Bay of Pigs. One billion minutes ago the world went from BC to AD on a calendar. In this bill we have over 60 of those billions. Again, for some Members, that is not enough; it is never enough.

If Members would not support a rescissions bill that cut only 1 percent of Federal spending this year that we proposed earlier this year, I do not anticipate support from Members when we want to cut 13 percent out of a spending bill. If Members would not support a rescissions bill that restored some fiscal sanity, they will not support a bill that tries to cut and consolidate 163 Federal employment training programs, 266 Federal youth at-risk programs, 90 Federal early childhood programs, 340 Federal families and children's programs, and 86 Federal teachers training programs.

□ 1430

How much is enough? It is never enough for the opposition.

I guess the dollar figure like that is whatever it takes to bow down to those special interest liberal groups.

Members will make all kinds of complaints against this bill, some based on facts and some are not based on facts. Either way, I am reminded of the old saying that says, ''It takes a carpenter to build a barn, but just one jackass can knock it down.''

There is a new way of thinking in Congress. After 40 years of the same old ''throw money at the problem and pose for holy pictures,'' let us have just 1 year to try it our way. What do my colleagues say? Give us a chance to do it one year our way and see what happens.

The President made a statement last week saying that he would not allow our people to be sacrificed for the sake of political ideology. I agree with him. Our people are the taxpayers of this country that sent us here last November to get our fiscal house in order.

We must reject those who are slaves to the National Education Association, slaves to the American Bar Association, and other special interest groups, and others who always want more money, more money, more money, more money, without ever spending their own money.

So, Mr. Chairman, if my colleagues favor this new philosophy that we are bringing forth, I ask them to please support this bill. It is a good bill. It is a bill that is the result of many tough decisions.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman I yield myself this time to answer the nonsense that I just heard from the gentleman from Texas [Mr. BONILLA]. The gentleman from Texas is objecting to the fact that we are not offering the amendments on the House floor that we offered in the subcommittee. The answer is, we cannot do that because the rules of the House prevent that kind of en bloc transfer.

I would be happy to do that if the gentleman wanted to vote on them, but he does not want to. I do not blame the gentleman for being sensitive on the issue of surplus Medicaid compensation in some States.

To correct the gentleman, we did not cut Medicare. What we tried to do is take into account the fact that my State winds up getting from the Feds only 55 cents out of every dollar for the cost of dealing with a Medicaid patient. Texas only gets from the Federal Government 64 cents out of every dollar for the cost of dealing with a Medicaid patient, but the State of Louisiana gets 75 cents out of every dollar.

The gentleman from Texas consistently, in the subcommittee, voted to take money out of his own State of Texas and give it to Louisiana, because he voted against amendment after amendment to try to equalize the formula between States.

So, Mr. Chairman, the gentleman voluntarily, in his own committee, voted to give away from the State of Texas $66 million for summer jobs. He voted to take away $21 million from Texas for dislocated worker training. He voted to take away $29 million under Goals 2000. He voted to take away almost $100 million from Texas under title I, because he insisted on seeing to it that it kept going to States like Louisiana. I do not blame the gentleman for being sensitive on that issue.

I would also make one additional point. He said ''Let us have it our way for a year.'' The reason we have gotten in this debt is because Ronald Reagan came into office and told us if we just passed his budget in 1981, that in 4 years we could cut taxes, we could double military spending, and still balance the budget.

Mr. Chairman, this chart demonstrates the promise versus what happened. These bars demonstrate that in 1981, President Reagan said: Pass our package, the deficit will go down from what was then $55 billion to zero over 4 years' time.

Guess what? The Congress did it the gentleman's way. The Congress swallowed the Reagan budget and guess what. We only missed the deficit target by $185 billion, because under the policies rammed through this place by the party of the gentleman from Texas, with 29 or so misguided souls on my side of the aisle mistakenly joining them, the deficit went from $55 billion not to zero, as Ronald Reagan promised, but to $185 billion.

Mr. Chairman, If the gentleman from Texas cannot get his story straight about what happened in subcommittee, he should at least get history straight.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Hawaii [Mrs. MINK].

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks.)

Mrs. MINK of Hawaii. Mr. Chairman, I rise today in strong opposition to the Labor, Health and Human Services, and Education appropriation. This bill demonstrates the most significant difference between the Democrats and the Republicans. We seek to invest in the people of this Nation, they seek to destroy that investment, not only through elimination and cutting of programs, which this bill does with unmeasured precedent, but by using this bill to push through their legislative agenda to weaken the rights of workers, women, and the most vulnerable in our Nation. Never before have we seen such a systematic abuse of the legislative process in order to get the agenda of the majority passed.

At every turn this bill attacks long-held rights and protections for people in this country including provisions which weaken the rights of workers, takes away first-amendment rights of the people who work through nonprofit agencies, eliminates reproductive rights for low-income women, even if they were raped or a victim of incest, and weakens enforcement of equity for women in intercollegiate sports.

A legislative rider in this bill attempts to weaken the enforcement of title IX of the Education Act Amendment of 1972. Title IX is the law which prohibits sex discrimination in federally funded educational institutions. As one of the coauthors of this legislation I am proud of title IX and its success in protecting equal rights for women in education and in increasing intercollegiate athletic opportunities for women. I am deeply disturbed that the Appropriations Committee would allow a provision in their bill which circumvents the legislative process, and is clearly intended to weaken the enforcement of title IX.

The rider prohibits the Department of Education Office of Civil Rights from enforcing title IX after December 31, 1995, unless the Department has issued objective policy guidance on complying with title IX in the area of intercollegiate sports.

While on its face this provision may seem harmless—a simple request for clarification on how to comply with title IX—do not be fooled. This provision pushed by opponents of title IX is clearly an attempt to force the Office of Civil Rights to weaken its enforcement standards, because of a misperception that men's sports are being hurt by overly aggressive enforcement of title IX.

This is simply not true. Since the passage of title IX, for every new dollar spent on women's sports, two new dollars have been spent on men's sports. The standards schools must meet under title IX are minimal. A school simply has to show that it is improving it's women athletic program or that it is meeting the needs and abilities of its women students in order to be in compliance with the law. I would argue that these standards are far too lenient.

The Department of Education opposes this language because it is unnecessary and micromanaging the Department, the NCAA does not like this language, colleges and universities think this language goes too far, and most importantly the women of America do not want this language because they know it is an attempt to turn back the progress we have made toward equity in intercollegiate sports.

In addition to title IX, this bill is also used to eliminate other rights for women—reproductive rights. Legislative language prohibits Medicaid from paying for abortions for low-income women, even women who have been raped or victims of incest. This provision denies women their constitutional right to reproductive freedom.

The bill also attacks workers rights. Limitations on the National Labor Relations Board's enforcement mechanisms in resolving a labor dispute means that companies can continue to commit unfair labor practices including firing of workers, strong arm tactics to influence the outcome of the dispute, efforts to prevent employees from organizing a union or issue illegal bargaining demands, while NLRB is reviewing a case.

The bill prohibits the enforcement of a child labor law which protects children under 18 from injury and death from cardboard and paper balers and halts efforts to protect the health of workers who work with computers and other office machinery by prohibiting the implementation of OSHA's ergonomics standards.

Prohibition of the Executive order on striker replacement is simply a slap in the face to the workers of this Nation. It is a clear indication that the majority party does not believe in workers' right to organize and fight for their rights through a union.

I am alarmed by the inclusion in this appropriations bill of 12 pages which strip away individual rights guaranteed to each and every one of us to petition our government for any reason whatsoever. Title VI of this bill states that you cannot get any Federal funds if you participate in political advocacy.

This bill if passed would prohibit any person who received a Federal grant under any law, not just this act, from speaking out on any matter relating to laws whether, State, Federal, or local. The prohibition against political advocacy which includes attempts to influence legislation or agency action explicitly prohibits communication with legislators and their staffs. The definition of ''grantee'' includes the entire membership of the organization who are explicitly prohibited from communicating with legislators or urging others to do so.

This bill disqualifies anyone from receiving a Federal grant if for 5 previous years it used funds in excess of the allowed threshold.

Further anyone receiving Federal grant money cannot spend it on the purchase of goods and services from anyone who in the previous year spent money on political advocacy in excess of the allowed limit.

Political activity is defined as including publishing and distributing statements in any political campaign, or any judicial litigation in which Federal, State, or local governments are parties, or contributing funds to any organization whose expenses in political advocacy exceeded 15 percent of its total expenditures.

This title of the bill is totally and completely unconstitutional. It is a blatant unlawful effort to stifle dissent and advocacy. It is contrary to basic principles of our democracy. It is a gag law. It must be defeated.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. ISTOOK], another able member of our subcommittee.

Mr. ISTOOK. Mr. Chairman, the public is demanding that the Congress reduce Federal spending. The message from the elections was clear, the constant messages we receive from our constituents are clear; they are demanding that we do so. They realize that we have built a gigantic Government bureaucracy of social programs and Government handouts that are cruel. They are cruel because they are killers of initiative, killers of self-reliance, and destroyers of the family.

Do the American people lack compassion because they want to bring down the size of Government? Of course not. Do Members of Congress, whether they be on this side of the aisle or on that side of the aisle, lack compassion because they see the necessity to reduce Government spending and to do it in social programs? Of course not.

Mr. Chairman, we all prove our individual compassion by what we do with our own time, our own efforts and our individual dollars. We do not prove we have compassion by reaching into the wallets of the American taxpayers and extracting, under force of law through the tax system, more and more money. That proves that we believe in taking from other people, not that we have personal compassion.

Compassion is measured by what we do individually and what we help people to be able to do for themselves, not with the Government programs that destroy initiative, that have brought down this country, that have generated the national debt that will be the ruin of the next generation of our children and our grandchildren, if we do not bring spending under control and do it now.

Mr. Chairman, this bill, compared to the task before us, is easy. The spending reductions in this bill are about $6.5 billion below what was spent last year and about $10 or $11 billion below what the President wanted to spend. But even after the reductions are made, the budget will still be almost $200 billion out of balance in the next fiscal year.

Even after these cuts that some people think will make the sky fall, it is still going to take years and years of effort to be able to meet our target of balancing the budget by the year 2002.

Mr. Chairman, any Member who thinks that this bill contains tough decisions should not come back for another term in the next few years, because the decisions will only get tougher. It is a choice: Cut spending now or visit ruin upon our children with a bankrupt Federal Government and a Federal Government that, according to figures released by the Clinton administration, would insist upon taking 83 cents out of every dollar that our children make in their future, over their lifetimes, in the amount of taxes they have to pay if we do not get spending under control, if we do not balance the budget.

The overall spending reductions in this bill, Mr. Chairman, are only 11 percent. Yet, we are told it will be the ruin of American civilization. That is hogwash, and people know it.

What my colleagues on the other side of the aisle want is a system of more personal dependency upon Government bureaucracy. I disagree with them on that. I believe the American people disagree with them.

I applaud what the gentleman from Illinois [Mr. PORTER] has done on this. The gentleman has things in this bill that frankly he does not want to do. The gentleman has programs that he likes, that he thinks are good programs. Yet, for the good of the entire country, he has been willing to put them forward to reduce and even zero out programs that he individually likes because he recognizes the scale of the problem. I applaud the fashion which the gentleman from Illinois has handled it, the fairness to all sides on the issues.

I applaud the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the full committee, and I note, for the benefit of the gentleman from Wisconsin [Mr. OBEY], the very charts that he has had published in the report show that the State of Louisiana will have almost $100 million less coming to it in Federal spending under the bill already. In fact, if my rough figures are correct, I believe Louisiana takes a greater dollar hit than the State of Wisconsin does under this bill.

Mr. Chairman, that is not the chairman of the Committee on Appropriations trying to protect people back home; it is the chairman working for the common good of the entire country, and I applaud those efforts.

It is tough, but it is going to get tougher. This bill is important toward balancing the budget, toward correcting mistakes that have been made in the growth of the Federal bureaucracy and the duplication.

Mr. Chairman, I certainly urge support of this entire bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. COLEMAN].

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

Mr. COLEMAN. Mr. Chairman, first of all, President Clinton 2 weeks ago said that he would veto this bill because the Republicans have approved $36 billion in cuts in education and

training over 7 years. In contrast, the President's proposal balances the budget while increasing investment in education and training by $40 billion over that same 7 years.

In my State of Texas, Republican cuts of $2.5 billion will harm working families. The gentleman from Oklahoma [Mr. ISTOOK] used the term ''hogwash.'' I agree with him.

Statements of the chairman of the Committee on Appropriations seem to indicate that he believes that the philosophy here is one of socialism, if we do not do what the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Louisiana [Mr. LIVINGSTON] say we need to do.

Second, the gentleman from Pennsylvania stands up and says we need educational excellence, and the gentleman speaks all over the country about it.

□ 1445

We ought to start putting our money where our mouth is. We are told in this bill we are going to downsize and streamline. What did you do to Goals 2000? Eliminated it.

Ask the Governors around the country, both Republican and Democrat, whether or not they think that is a good idea. They do not think it is a good idea. In fact, they consider it one of the dumbest things they have seen in a long time.

Let me tell you what else you did. You took 1,043 out of 1,053 school districts in my State of Texas that we have been using a program called Safe and Drug Free Schools to prevent crime, violence, and drugs, to keep drugs away from the kids in the school room, you cut that program. You have also seen to it that we are not going to increase any access to college. We are going to deny programs, in fact, to 23,400 kids in Texas in 1996 alone. You are probably going to force them to drop out of school. That is what your idea is about educational excellence, the future for the children of America.

You are cutting in all the wrong places. That is what is wrong with the Republican plan. Each and every one of you stand up here and says, ''Oh, we have got to do this.'' Wrong, wrong, wrong. Read your bill. Compare that to the President's budget for a balanced budget in 10 years. Take another look at it. You are making a big mistake. This is a bad bill.

Mr. Chairman, President Clinton said 2 weeks ago that he would veto the bill approved by the House Appropriations Committee since it slashes critical education and training initiatives. Republicans have approved $36 billion in cuts from education and training over 7 years. In contrast, the President's proposal balances the budget while increasing investment in education and training by $40 billion over 7 years. In Texas, Republican cuts of $2.5 billion over 7 years would harm working families:

Head Start: President Clinton proposes to expand Head Start to serve 50,000 additional children nationwide by 2002. Republicans have approved cuts that would deny Head Start to 180,000 children nationwide and 12,512 children in Texas in 2002 compared to 1995.

Improving basic and advanced skills: President Clinton's budget completely protects title I, which helps students from disadvantaged backgrounds with reading, writing, mathematics, and advanced skills. Republicans would cut funding by $1.1 billion in 1996, denying this crucial assistance to 1.1 million students nationwide and 99,600 students in Texas.

Goals 2000: With strong bipartisan support, the President created Goals 2000 to help communities train teachers, encourage hard work by students, and upgrade academic standards in schools. The President calls for almost $700 million in 1996. Republicans would eliminate Goals 2000 and deny to Texas funding affecting as many as 1,428 schools.

Safe and drug-free schools: While President Clinton strongly supports Safe and Drug-Free Schools, Republicans want to gut the program, which 1,043 out of 1,053 school districts in Texas use to keep crime, violence, and drugs away from students and out of schools.

Increasing access to college: President Clinton would increase annual funding for Pell grants by $3.4 billion and raise the top award to a record $3,128 by 2002. The GOP would deny Pell grants to 23,400 students in Texas in 1996 alone, possibly forcing them to drop out of college.

National service: AmeriCorps offers young people a hand in paying for their education if they lend a hand to their communities. Republicans would eliminate AmeriCorps and deny 3,171 young people in Texas the chance to serve in 1996.

Job training: President Clinton's GI bill for America's workers would streamline Federal job training efforts and provide skill grants for dislocated and low-income workers. The President would provide 800,000 skill grants of up to $2,620 in 1996. Republicans would cut funding by $68.3 million and would deny training opportunities to 28,688 dislocated workers in Texas in 1996.

Summer jobs: Summer jobs are an important first opportunity for many low-income youths to get work experience. President Clinton wants to finance 600,000 jobs this summer. Republicans would slash the President's school-to-work initiative and eliminate summer jobs, denying jobs to 42,491 Texas youths in 1996 and 297,437 Texas youths over 7 years.

Student loans: While the President strongly supports the student loan program, Republicans want to raise student costs for loans by $10 billion over 7 years. The GOP cuts could raise the cost of college education by as much as $2,111 for 260,700 college students and as much as $9,424 for 37,200 graduate students in Texas.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Arkansas [Mr. DICKEY], a member of the subcommittee.

Mr. DICKEY. Mr. Chairman, cut spending first; that is the mandate that I got when I came here and not only have I gotten it but it has been repeated time and time and time again by those folks whom I represent.

One way you can cut spending is by tax cuts, and what happens is if you have tax cuts, you just lessen the amount of money that comes into the government. The government then shrinks to match its budget, and we have less government, less intrusion, and less waste.

Another way is to cut spending in the true sense of the word, and that is what we are doing to the tune of $9 billion in this bill. I think it is a credit to what the committee has done rather than a criticism, seeing the criticism we have gotten.

When we went to cut this budget, we went to the source of the people who knew best, where waste was, where the fat was, where the excesses were. We went to the agencies. Time after time after time after time, we asked those agencies, ''Please, do you realize that we have got to cut spending? Do you realize that if we do not, our country is going to become insolvent, that we are not going to be able to take care of our kids, that we are not going to be able to take care of our elderly people? Will you help us, agency, will you help us pinpoint where it is we can cut so that we are laymen, the people sitting here trying to do our job in cutting spending first, can do it more intelligently?''

But, no, we were stonewalled. Not a one came in and said, ''This is where we should cut.'' Not a one said, ''We want to help you. We want to be a part of this partnership, and we want to do what is best for America.'' What was said was, ''We have got this program going. We have had these programs 30 or 40 years. We own them, and as long as we can own them, you are not going to take them away from us, and if you do, you are going to do it by the hardest.'' That is exactly what we have done. We have taken $9 billion. We said, ''Okay, we are going to cut here and here and here,'' all the time asking for help, asking from those people who knew where the excesses were.

Some of the times after we cut the bills, people would come up to us and said, ''Oh, if we just knew what you were after, what you were going to do, we would have told you this particular program overseas did not work, or this particular program is really full of excess and waste.'' All I said a couple of those times was, ''Why didn't you tell us? Why didn't you tell us?''

All right, then, let us go to the architects of this. For 30 or 40 years the people who controlled this House, this Congress, put bill after bill after bill in here so they could have a perfectly good HHS Committee deliberation, and everybody could go and say, ''Here is some more money. Here is what you can do, because we are afraid to say 'no' to you, and we want immediate gratification rather than to do what is best for the country.''

We went to those people. What did they say? They said with their eyes and not with their mouths, ''Yes, we have got you out there. I know we have got you out there.'' We could not have gotten back in. We did not have the way, the credibility of anything else to get

back in. ''We are going to let you do it.'' ''We are not going to help you.'' Stonewalled.

So what did we have to do? The buck stopped. We have to go. Now, as we come back in, we are bringing this thing in in compliance with the commandment from the American people, the very people who are the architects of this are complaining all the way and criticizing us for doing what they know in their hearts, and it shows in their eyes, what is right, and that is we cut spending first for the sake of our country in a patriotic way.

We are going to make mistakes because the deck is stacked against us. Those of us who want this, the deck is stacked up here against us. We are going to make mistakes, so what we have to do now is do the best we can conscientiously, do the best we can to cut spending, to be obedient to the mandate from the American people and then, when things are calmed down, go back to these agencies and say, ''Now will you, please, help us?'' ''You all know better. Do not leave it to laymen. Will you, please, help us?'' ''Help us find the right way to cut, the best way to cut.''

But right now all we are trying to do is just to shrink it. Without money, there has to be something that is done by the agencies that is efficient, efficiency is in place.

I call upon this body, the American people, all of these agencies, the opposition, to work together, get in alignment.

We are in a step process right now, and we are willing to take the heat. We are willing to take the criticism. We are willing to take that which is really contradictory when the opposition says that you all are mean-spirited and do not care and are not compassionate. We are willing to take that for your sake and for our sake. But what I hope is that we will leave enough of conversation, enough of a relationship so we can get together with these agencies and with the opposition when this is all over and we do our job and do a better job of spending cuts for the sake of the American people and in love of the American people.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, life and politics are a matter of choices. This Congress has made spending choices and is about to make one today.

Let me tell you some of the choices this Congress has made. Under Republican leadership, this Congress has decided we will continue to give farm payments to wealthy individuals with more than $100,000 off-farm income.

The same Republican leadership comes to us today and says, ''But we are going to have to cut money for title I for kids in the classroom.'' The Republican leadership tells us, ''We must continue to spend millions of dollars every year subsidizing the tobacco industry,'' and the Republican leadership comes today in this bill and says, ''But we are going to have to tell 150,000 young men and women across the United States we cannot help them pay for their college expenses,'' kids from working families denied the opportunity of an education.

The Republican leadership tells us we have to spend billions of dollars on wasteful B–2 bombers and then turns right around and tells us we cannot afford Head Start to take kids in the toughest family situations in America and give them a fighting chance.

The Republican leadership tells us we have to waste millions of dollars on star wars, a welfare program for defense contractors.

Then they come to us today and say, ''We are going to have to cut LIHEAP,'' the program that provides some assistance to the poorest, usually elderly, who are trying to survive in the cold of winter and in the heat of summer.

The Republican leadership comes and tells us we have to give $300 billion in tax breaks, mostly to the wealthiest people in this country, and yet we have to turn around and cut the money that is available for the agencies that make sure that the workplaces in America are safe for our employees, that there is money for workers who have lost their jobs because the plants move overseas, workers that need retraining, people who want protection so their pension benefits will be there when they are retired. We cannot afford that, according to the Republican leadership.

The Republicans are there for the wealthy farmers, for tobacco, and for defense contractors, but they are not there when American families really need them.

Mr. OBEY. Mr. Chairman, yield 1½ minutes to the gentleman from Texas [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, like a lot of the other colleagues on this side of the aisle, I think this today is a defining moment in our short term in the 104th Congress. We have dealt with a great many of the appropriations bills, but when we see what is happening to the education and job training provisions and the Department of Labor, we see where the intent really is.

Like my colleague from Arkansas, who is on the other side of the aisle, I would like to balance the budget and aim for that glide path to a balanced budget. But the way this bill is doing it is the wrong way to do it.

We hear every morning in our 1-minutes and all during these appropriations bills how we need to balance the budget, to save our children's futures so our grandchildren and children are not going to have to pay off the debt. This bill cuts job training, education funding, so those children will not be able to have that education to be able to even afford themselves much less pay off the debt.

We have to look to the future in our country. That is the beauty of our Nation. We have children that are in elementary school now who are utilizing chapter I funding to be a better citizen 10 years from now, 12 years from now.

By voting for this bill today and cutting the funds now instead of expecting that investment in those children, we are cutting off our nose to spite our face. It is amazing that we are willing to say we want to save our children from what they are going to have to pay, and yet we are cutting public education funding and we are cutting student loans.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, we hear in this debate that we are being told that some programs have to be trimmed, we have to trim this tree; Head Start, for example, is being penalized because some programs apparently did not run or were not managed as well as they should have been.

Yet I remember $500 toilet seats. I remember $100 screw drivers. I remember the costly travel junkets, and I remember the heavy cost overruns in the Department of Defense, and I see that they do not get penalized. In fact, they are rewarded. They are rewarded with $8 billion more in funding than they even requested.

Tree trimming? I call it butchering. When we go out there and tell our children in our schools that their programs will not be there, those are being hacked; when we tell our workers that safety for all of our middle-income workers has been axed; when we tell our senior citizens section 8 housing subsidies will not be there to help them pay for their high cost of living and their rent, that is being sacrificed, what we are telling people is that the dream Americans have for their children is just that, it is just a dream.

Let us be serious. We are not putting money into deficit reduction when we make these cuts. You could save every single penny we are cutting out of education by just cutting a fraction of the tax cuts that are going to go to the wealthiest of Americans in this country in this House's tax bill. We do not come even close with all the cuts we have made in education in paying for those wealthy tax cuts.

Let us be serious, let us let America know where we are heading in this Congress. It is not for the American family.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong opposition to the Labor–HHS appropriation bill. This destructive legislation takes aim at the people

who need the most help—women, children, students, the poor, and the elderly. At a time when we should be giving individuals a helping hand, this bill sentences the poor to a life of poverty and despair—all in the name of a tax break for rich corporations and the wealthiest Americans.

One of the most devastating parts of this legislation is the $3.8 billion that is cut from educational spending. Even more alarming, bilingual and immigrant educational programs stand to lose $104 million. I wonder which one of my Republican colleagues would like to explain to the thousands of bilingual students like those at Public School 169 in my district, why the programs that serve to educate them deserve a 50 percent cut?

It's ironic that this Congress is lecturing the Nation on welfare reform, yet systematically denying every opportunity for people to become self-sufficient.

Another terrible blow will come from the elimination of the Low Income Home Energy Assistance Program. Many seniors in the Lower East Side of my district depend on this program to survive. Have we already forgotten last month's episode in which hundreds of seniors died senselessly because they were unable to afford the costs of an electric fan? If we do not maintain funding for this critical program, the next time the temperature climbs into triple digits or drops below zero more people will die.

Then there will be no one to blame for these shameful cuts but ourselves. By then, it may be too late. Shame, shame, shame on all of us. I urge my colleagues to vote against it.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I compliment the leader, the ranking member of the Committee on Appropriations, for all she has done on this.

If this bill passes, Mr. Chairman, the Gingrich Republicans will be showing a triple feature down at your local movie theater. It will be ''Dumb and Dumber,'' with sick and sicker and poor and poorer, and let me tell you, folks, it is not going to be a bargain matinee. No doubt about it, this sweeping and radical legislation is going to cost us dearly in the long run.

□ 1500

My colleagues, I could go on and on about the other faults of this bill. It is antichoice, antifamily planning, it is antiwoman, all of the provisions that are much too much and numerous to mention. But one thing is for sure. This bill will go down in history as the declaration of war on our children, on women, on the poor, on working families, and on seniors.

Mr. Chairman, I urge all Americans who care about education, the well-being, health, and safety of their loved ones, to tell their Representatives to oppose this bill.

My friends, this Congress has passed some bad legislation, but this bill is worse than I ever thought possible. It is the epitome of the us-versus-them mentality which plagues the legislation and the debate of the 104th Congress.

This divisiveness has no place in a national dialogue. It has no place, because, it leads to elitist and dangerous policy, never more clear than in the bill we are debating today.

We must defeat the Labor-HHS bill because it abdicates this Government's greatest responsibility: to make life better for those who are uneducated, untrained, poor, sick, or disabled. It signals the end of the Federal Government having any obligation, whatsoever, in the education, training, and health and safety of our people.

Make no mistake, this is sweeping and radical legislation. It guts our education and training system. It makes a mockery of our efforts to get families off welfare. And, it puts the health and safety of all American workers at serious risk.

First and foremost, this bill flies in the fact of the American people's belief that education must be our Nation's No. 1 priority. It cuts Head Start for 5 year olds; safe and drug free schools for 10 year olds; summer jobs and vocational education for 15 year olds; and financial aid for students of all ages.

Is this any way to take care of our Nation's most important special interest: Our children? Absolutely not. And, what about all the talk we hear from both sides of the aisle about getting families off welfare?

Well, combined with the harsh Republican welfare plan passed earlier this year, this bill makes it next to impossible for a mother to get a job and get off welfare. While the Republican welfare plan shredded the safety net, this bill burns the ladder to self-sufficiency—effectively trapping families in permanent poverty. And, what about families who are working hard every day in our Nation's factories, plants, and mines.

As a member of the Economic and Educational Opportunities Committee, I have heard loud and clear from these families that they are frightened by the new majority's efforts to weaken workplace health and safety rules. Over and over again, spouses, parents, and children tell me that they are willing to see some of their taxes go toward enforcing health and safety rules, so they can be assured that their loved ones will come home from work at night safe and sound.

That's a reasonable tradeoff for our families, and that's a sound investment for our Nation. The majority, however, does not see it that way.

The Labor-HHS bill makes it clear that the Gingrich Republicans would rather invest in a tax break for the fat cats, than the education, training, and health and safety of American workers.

In fact, if this bill passes, the Gingrich Republicans will be showing a triple feature down at your local movie theatre: It will be ''Dumb and Dumber''; with ''Sick and Sicker''; and ''Poor and Poorer.'' And, let me tell you folks, it is not going to be a bargain matinee. No doubt about it, this sweeping and radical legislation is going to cost us all dearly in the long run.

My friends, I could go on and on about the other faults of this bill. It is antichoice; antifamily planning; and antiwomen provisions—but they are much too numerous to mention. But, one thing is for sure, this bill will go down in the history as a declaration of war on our children; women; the poor; working families; and seniors.

I urge all Americans who care about the education; well-being; health and safety of their loved ones to tell their representatives to oppose this abomination of a bill.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Mississippi [Mr. WICKER], a member of the subcommittee.

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

Mr. WICKER. Mr. Chairman, I thank the distinguished gentleman from Texas [Mr. BONILLA] for yielding this time to me.

Mr. Chairman, I came to Washington with 72 other freshmen Republicans to change the way Washington does business. This has included a number of important reforms ranging from requiring Congress to live under the same laws as everyone else to ensuring that the young men and women in our Armed Forces will never again serve under foreign generals. I am proud to be a part of this freshman class which I believe has forever changed the way Washington works.

But, Mr. Chairman, while we have taken many steps to restore the American people's belief in Congress, I believe the most important step is our commitment to balance the budget, and this Labor HHS, Education appropriation bill is an important part of that commitment.

Over the last 40 years our Government in Washington has grown out of control. Today the national debt is $4.8 trillion, and the President will soon ask the Congress to raise the ceiling to enable us to borrow even more money; that is, more money to pay for a spiraling bureaucracy today that will be paid for by our children tomorrow, by the very children that are shown in this photograph that I have with me today. At the current rate of Federal spending the national debt for these children will rise to $6½ trillion in 5 short years.

Now, these figures are incomprehensible. In more digestible terms, a child born today will pay over $187,000 in his lifetime in principal and interest on the national debt. Is there a parent or grandparent in America today who would knowingly hand one of these children a bill for $187,000 to pay for our own excesses? I think it is fair to ask, Mr. Chairman, are our children really getting their money's worth? Let us look at the Federal Department of Education, for example. Since its creation the Department of Education has more than doubled its budget, from $15 billion to over $31 billion. More than 240 programs exist within the Department today, nearly doubling in size since 1980. Yet the uncontrolled growth of the Department of Education has not increased our children's test scores. Sadly, we have seen a steady

decline in student performance as parents and local communities have less control over the children's education.

No doubt, Mr. Chairman, when we get to the title of the bill dealing with education spending, we will see opponents of this bill parading with charts and perhaps dressed in Save the Children neckties claiming to be advocates on behalf of children. The truth is that many will hide behind the children to make their case for Federal bureaucrats who are in danger of losing their jobs. I would submit to my colleagues that those of us who are interested in balancing the budget and reducing the national debt on these children are the real advocates of children in today's current debate.

Mr. Chairman, it is also important to point out that we can balance the budget by the year 2002 by slowing the rate of growth of Federal spending. While people talk about cuts, the truth is that we will spend $1.8 trillion more over the next 7 years than we are spending today, $1.8 trillion more than we are spending today. This bill is a prime example of the fact that we can balance the budget by funding programs that work and by cutting redundant, wasteful programs. This bill takes a myriad of duplicative and intertwining programs and reshapes them into a leaner and smarter Government.

For example, the Federal Government now funds 163 job training programs, over 15 departments and agencies, with 40 inter-departmental offices. Each of these programs has its own bureaucracy swallowing tax dollars which never make it outside the Beltway. Equally astounding is the fact that of these 163 Federal programs to train workers to find jobs, less than half can tell us whether or not their participants receive jobs, and 40 percent cannot even tell us how many people they are training.

Mr. Chairman, we must ask ourselves is it morally right for these children to pay for a Federal Government:

which currently funds 119 housing programs across 10 different departments and agencies;

which currently funds 86 federal teacher training programs across 9 departments and agencies;

which currently funds 266 programs to help youth at risk across 8 departments and agencies;

which currently funds over 80 Federal welfare programs; and

which currently funds 340 programs for families and children across 11 departments and agencies to the tune of $60 billion annually.

Mr. Chairman, I urge a ''yes'' vote on the bill.

Mr. OBEY. Mr. Chairman, I yield a minute and a half to the gentleman from Ohio [Mr. SAWYER].

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

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

I have been listening with care to the remarks we have heard from the other side. They talk about the importance of looking to the future, and I agree that we must look to the future, we must recognize the imperative that we all face to reduce the debt that we face as a nation. That debt will come down on our children. But in understanding where we need to go in the future, we also sometimes can learn important lessons from our past. No lesson has been more important than the last two times we have been in this level of indebtedness.

In the period following the Civil War, the most devastating conflict this Nation has ever faced and in the period following the Second World War when our level of indebtedness compared to our economy was even more devastating than we face today, both were times of industrial transition, much like what we face across this Nation, a time in which people's jobs are less secure than they have been in the past, and in both circumstances we need to learn the lesson that took place in both of those times. In the period following the Civil War we put in place the Land Grant Colleges Act. We turned 200 small institutions into 3,500 institutions of higher education, and job development and nation building in this country that not only helped us grow, but helped us grow beyond the level of debt that we faced at that time. Again, at the end of the Second World War we invested in the education and training of an entire work force as a million men came back from that conflict. We put them to work at building their skills so that they could go to work building the industrial productivity of an entire nation.

Those are the lessons from the past that we need to learn as we address a bill that fails to take advantage of them in building for our future.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman form California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I was going to offer six amendments today, one on Head Start, Healthy Start, dislocated workers, summer jobs, School-to-Work Program, and Foster Grandparents Program, putting money back in, but then I realized, even if all of those amendments had passed, I could not vote for this bill. This bill is so outrageously bad that there is no way I could support it. It devastates education and job training.

Mr. Chairman, since I can only speak for a short time, I came to speak about Head Start. I know about Head Start. It changed my life. I was just a little teacher aide, a mother of two children, went to work for the Head Start Program. They encouraged all of us to continue our education, the parents and the workers. I went back to school and received my degree, and so did many of the parents in that program. We learned how to help children build self-esteem, we learned how to get parents involved in the budget, and we learned how to get people making decisions about their children's education.

Mr. Chairman, I saw Head Start change lives, change families, change communities. How can my colleagues say they care about children and take away money from Head Start? This is a wonderful program that not only helps children and families, it breaks the cycle of poverty.

I say to my colleagues, all of you Republicans who say you care about children, shame on you that you would do away with the program that everybody agrees is a good program that's helped America. These children need Head Start. Only 50 percent of the children in America who need Head Start are being served by Head Start. I wish there was some way I could convince you not to do this awful, terrible bill that is going to hurt so many children, but I know I can't. You're going to slash this program. You're going to get rid of some of the programs in this country that support Head Start.

Mr. Chairman, there is nothing we can do about it but vote against this awful bill, and I believe there are some Republicans who are going to stand with us on this terrible bill.

Mr. BONILLA. Mr. Chairman, I yield a minute and a half to the distinguished gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, in the brief time that has been allotted me I would like to speak about the increases in funding that the Labor-HHS bill before us provides, recognizing, and gratefully so, the increasing trend of violence against women. This bill provides, as my colleagues know, an increase of over $40 million from last year's spending just on the Labor-HHS side, the majority of it, $35 million, going to rape-prevention programs. We had $400,000 for a domestic violence hotline, $400,000 for youth education, $4 million for community programs, $100,000 for a Center for Disease Control domestic violence study, and an equal amount of $32.6 million for a battered women's shelter. This billion under this year's funding provides $72.5 million to complete our contract with the Violence Against Women bill.

Now add that to the additional funding that we provided in State, Commerce, and Justice where we sent from $25 million in last year's funding request to $125 million in this year's funding request, and I am extremely proud of the work that has been done under the Republican Party to fulfill our commitment in the Violence Against Women Act. I want to thank Chairmen PORTER, ROGERS, LIVINGSTON, and the gentleman from New Jersey [Mr. FRELINGHUYSEN], for bringing this to our attention, and also I want to thank the gentlewoman from New York [Mrs. LOWEY], for leading a bipartisan effort to make sure that this funding was in place.

Again I want to commend my colleagues because this is an important initiative as we see the numbers rise

where three out of four women will be victims of violent crimes. We have adequately responded with the resources at hand.

Mr. OBEY. I am awaiting my last speaker. I yield 1½ minutes to myself in the meantime.

Let me simply say, Mr. Chairman, that we have been told many times today by our Republican friends that we have to cut the deficit. Of course we do. And I am certainly willing, and so are the rest of us, to see education, and job programs, and seniors programs take their fair share of deficit reduction. But what we are not willing to do is to see them take a double hit so that they can spend $70 billion on the F–22, which we do not even need for 15 more years, or that they can continue to spend almost $1½ billion a plane to buy more B–2's than the Pentagon itself has asked for. We also do not think we ought to continue three different separate subsidies for the nuclear industry. We are not willing to gut the NLRB and the protections it affords to workers in this country so that we can free up corporations to deal with their workers like chattel instead of dignified human beings. And we are certainly not willing to see these programs take a double hit so that we can provide a $20,000 tax cut for somebody making $300,000 a year.

There are some 17 separate special riders in this bill that have no business here. Many of them are flat-out gifts to special interests. There is absolutely no reason in the name of deficit reduction to provide those slippery-slope riders, none whatsoever, and so I think that on all grounds there is a very good reason to oppose this bill.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

□ 1515

Mrs. FOWLER. Mr. Chairman, I rise in opposition to H.R. 2127 with regret, because it has come important provisions which I support. It contains a title on political advocacy that will end taxpayer subsides for lobbyists. It shifts OSHA funding priorities away from enforcement and toward helping to make workplaces safer, and it increases funding for the National Institutes of Health by 5.7 percent, preserving our commitment to biomedical research.

However, this legislation also has huge flaws, including disproportionate cuts in the area of education. If it passes, the Safe and Drug Free Schools Program will be cut by more than half. Vocational and adult education will be cut by 23 percent, and the Head Start Program will be reduced by $137 million.

The bill cuts funding for seniors as well, including reducing the National Senior Volunteer Corps by $21 million and cutting senior nutrition programs, which fund the very successful Meals-on-Wheels Program—which provides the only daily meal many senior citizens receive—by nearly $19 million.

I recognize and support the need to reduce spending, but the cuts in this bill are not properly prioritized.

The bill also contains some obvious contradictions, especially over family planning. My colleagues who worked on this bill want to eliminate family planning and—at the same time—reduce abortions, unwanted pregnancies, and the size of the welfare rolls. That does not add up—and in fact, this bill would increase abortions and welfare dependency I cannot in good conscience support that.

Finally, the issue of Medicaid-funded abortions in the case of rape or incest is not adequately addressed in this bill. Although Mr. KOLBE, Ms. PRYCE, and myself had an amendment which would have provided a commonsense solution to this problem, we were not allowed to offer it.

I urge my colleagues to oppose this bill so that we can go back and make it better.

Mr. OBEY. Mr. Chairman, may I inquire of the gentleman, does he have just one remaining speaker to close?

Mr. PORTER. Mr. Chairman, I think we have just 1 minute remaining.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] does have 1 minute remaining. The gentleman from Wisconsin [Mr. OBEY] has 5 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield the remainder of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

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

Mr. GEPHARDT. Mr. Chairman, I rise today to denounce this mindless and mean-spirited package of budget cuts and to urge every one of my colleagues to cast their vote against it. This appropriations bill is more than a handful of budget reductions to balance the Nation's budget, it is more than a few policy changes about which we could rationally and reasonably disagree, Mr. Chairman, this appropriations bill is a dagger pointed at the heart of working Americans. It is a dangerous repeal of basic standards and protections that have been in place in this country for nearly a century. If we pass it, America in the 1990's will look more and more like America in the 1890's.

Mr. Chairman, like the days of the Robber Barons, we will have a Republican America where hard-working people are overworked, underpaid, and underprotected. We will have a Republican America where corporate titans wreak trickle-down tax cuts while we slash education, slash job training, slash summer jobs, and any chance of protecting average workers from abuse and exploitation.

Is that really what we should be doing? Is that really what America voted for last November; a Congress that doles out tax breaks for the few and partisan punishment for the many?

Mr. Chairman, the sole central purpose of this Government is to fight for working families and the middle class, to work as partners with the private sector, to lift up wages and incomes and our standard of living. That used to be a bipartisan commitment in this House. Judged by that goal, however, we are already in a crisis. Wages and incomes have been falling for all but the wealthiest Americans for a decade and a half, and, thanks to failed Republican policies, two-thirds of all the new wealth in the boom years of the 1980's went to the top 1 percent of earners. The bottom 80 percent actually saw their wealth decline in that period.

Mr. Chairman, in the midst of a business boom, the Labor Department recently reported the greatest yearly wage decline in nearly 150 years. If you do not know what that means, come back to my district, or many of the districts across the country. Go door to door and meet the families that I meet: Parents who work two and three jobs, barely ever seeing their children; couples that spend their precious time together fighting over their bills and their inability to pay their bills.

Are we proud of this legacy? Does that bad turn really deserve another? That is why Democrats have resisted a Republican agenda that slashes Medicare, student loans, and education to pay for a tax cut for people that have it made. We cannot afford a transfer of wealth in this country for people who work to people who are wealthy and no longer work.

Mr. Chairman, I suppose we could differ on supply side policies, but who, in good conscience, can support today's assault on workplace decency and children's opportunity? This bill slashes education, it slashes training, it slashes the standards under which our workers have been protected. The result is a damaging downward spiral: Even more children starting school unhealthy and unable to learn; even more Americans unable to find jobs and prepare for them; even more of the sweat shop standards that Democrats and Republicans together used to strive to eliminate for nearly a century. These are not partisan issues. These are human issues.

When it comes to enforcing basic standards and decency, Government has a role. When it comes to ensuring access to education and health, Government has a role. This bill not only denies it, it destroys it. A vote for this bill is a vote against America's working families. A vote for this bill is a vote for a lower standard of living. A vote for this bill is a vote for a meaner, tougher America where the dream of rising wages will be nothing but a mirage.

This is not the vision of our people, Mr. Chairman, and it is not what the people of this country want. I urge Members on both sides of this aisle to reject this bill as wrong headed and mean spirited, and to stand together in a bipartisan way and say that we can do better for the working people of this country.

Mr. PORTER. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Illinois is recognized for 1 minute.

Mr. PORTER. Mr. Chairman, I take great umbrage on the words ''mindless'' and ''mean spirited.'' I might say that the subcommittee worked very thoughtfully and, I think, very intelligently to provide cuts of about $6 billion on a base of $70 billion.

What I really take issue with is that the Democrats just do not get it. They do not seem to understand that we have to get spending under control; that we have to get the deficit down; that the special interest, serve them all, business as usual that has gone on in this Congress for the last 40 years is over.

Mr. Chairman, we are going to get our fiscal house in order. We are going to do it thoughtfully and intelligently. We are going to make the cuts necessary in order to accomplish that end. I might say it is fascinating to me to listen to the sky is falling coming from the other side of the aisle when the cuts in our bill are not cuts at all. The bill is going up, because entitlement spending is raising it by $11 billion over last year.

It seems to me, Mr. Chairman, you have to put all of this in perspective and understand that the hyperbole from the other side is simply that, hyperbole.

The CHAIRMAN. All time for general debate on the bill has expired.

Pursuant to the rule, the amendment numbered 1–1 printed in part 1 of House Report 104–224 is now pending.

Reading of the bill for further amendment shall not proceed until after disposition of the amendments printed in part 1 of that report, which will be considered in the order printed, may be offered only by a Member designated in that report, shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of the amendments printed in part 1 of the report, the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule.

Further consideration of the bill for amendment shall proceed by title and each title shall be considered read.

Consideration of each of the first three titles of the bill shall begin with an additional period of general debate, which shall be confined to the pending title and shall not exceed 90 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

It shall be in order at any time during the reading of the bill for amendment to consider the amendments printed in part 2 of the report. Each amendment printed in part 2 may be offered only by a Member designated in that report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During further 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 designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Pursuant to the order of the House of today, the following amendments (identified by their designation in the CONGRESSIONAL RECORD) may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question, if offered by the Member designated:

Amendment No. 36 by the gentleman from Wisconsin [Mr. OBEY]; and

Amendments 60, 61, and 62 offered en bloc by the gentlewoman from California [Ms. PELOSI].

Debate on each of the following amendments—identified by their designation in the RECORD, ''unless otherwise specified''—and any amendments thereto, shall be limited to 40 minutes, equally divided and controlled by the proponent and an opponent of the amendment:

Amendment No. 36 by the gentleman from Wisconsin [Mr. OBEY];

Amendment No. 70 by the gentleman from Ohio [Mr. STOKES];

Amendment No. 30 by the gentlewoman from New York [Mrs. LOWEY];

An amendment by the gentleman from Arizona [Mr. KOLBE] proposing to strike section 509 of the bill;

Amendment No. 64 by the gentleman from Colorado [Mr. SKAGGS].

An amendment by the gentleman from Minnesota [Mr. SABO] or the gentleman from Wisconsin [Mr. OBEY] proposing to amend title VI of the bill; and

An amendment by the gentleman from New York [Mr. SOLOMON] relating to the subject of political advocacy.

Except as otherwise specified in the rule, the time for debate on each other amendment to the bill and any amendments thereto shall be limited to 20 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

After a motion that the Committee rise has been rejected on a day, the Chairman may entertain another such motion on that day only if offered by the Chairman of the Committee on Appropriations or the majority leader or their designee.

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.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes to the time for voting by electronic device 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.

AMENDMENT NO. 1–1 PRINTED IN PART 1 OF HOUSE REPORT 104–224 OFFERED BY MR. PORTER

The CHAIRMAN. The Clerk will designate amendment No. 1–1 printed in part 1 of House Report 104–224.

The text of the amendment is as follows:

Amendment Number 1–1 printed in Part 1 of House Report 104–224 offered by Mr. PORTER:

On page 4, line 17, strike ''$3,109,368,000'' and insert: ''$3,107,404,000''

On page 5, line 17, strike ''$218,297,000'' and insert: ''$216,333,000''

On page 16, line 20, strike ''$130,220,000'' and insert: ''$134,220,000''

On page 33, line 12 and line 15, strike ''$2,136,824,000'' and insert: ''$2,134,533,000'' and

On page 37, line 7, strike ''$4,543,343,000'' and insert: ''$4,544,643,000''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] and the gentleman from Wisconsin [Mr. OBEY] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. PORTER. Mr. Chairman, I believe that under the rule it is indicated that the manager's amendments, No. 1 and 2, will be disposed of before we proceed further at this point, but I also heard as part of the rule that amendments could be rolled in the discretion of the Chair.

Is it the Chair's intention to dispose of these amendments if recorded votes are requested at this time; or would the Chair intend to roll the votes until later in the day?

□ 1530

The CHAIRMAN. It would be the Chair's intention to roll the votes until later in the day.

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

Mr. Chairman, the first amendment I intend to offer would do four things. The first would be to increase funding for Runaway Youth—Transitional Living in the Administration for Children and Families, in the Department of Health and Human Services by $1.3 million to a level of $14.9 million. This funding level will permit the continuation of all currently funded projects.

Second, it would increase funding for International Labor Affairs in the Department of Labor by $4 million. This increase will allow the Department to fund its portion of the International Labor Organization's International Program for the Elimination of Child Labor and to carry out other human

rights activities conducted by that office. This $4 million increase is to be confined to those activities only.

Third, it would reduce funding for the Medicare Contractors budget by $2.3 million. HCFA indicated in fiscal year 1995 claims were below estimated levels and that $5 million was available for reprogramming. This reduction, along with the reduction approved by the committee, would reduce fiscal year 1996 funding by $5 million.

Four, it would reduce funding for State Unemployment Insurance and Employment Service Operations by $2 million. Throughout the bill, Federal administration costs were reduced by 7.5 percent. With this reduction overall, the State administrative account will have been reduced 3 percent.

Mr. Chairman, I would encourage adoption of the amendment.

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

The CHAIRMAN. The Chair wishes to correct a statement just made to the gentleman. The Chair is in fact under the rule entitled to roll a vote, should it occur, on amendment No. 1. However, on amendment No. 2, the Chair is not under the rule permitted to roll that vote. That vote will have to be taken immediately following the debate on amendment No. 2.

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

Mr. Chairman, on the first amendment offered by the gentleman, we have no objection.

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

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

The CHAIRMAN. The question is on amendment No. 1–1 printed in part 1 of House Report 104–224 offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 1–2 printed in part 1 of House Report 104–224.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment numbered 1–2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1–2 printed in part 1 of House Report 104–224 offered by Mr. PORTER: On page 76, line 12, after ''applicant'' insert: '', except an individual person,''

On page 77, lines 7 and 8, after ''grantee'' insert: '', except an individual person,''

On page 84, line 13, strike '', or'' and insert: '';''

On page 84, line 14, strike ''or''

On page 84, line 15, after ''to'' insert: ''or distribution of funds by''

On page 84, line 15, before the period insert: ''and the provision of grant and scholarship funds to students for educational purposes'' and on page 85, line 7, after ''grantee'' insert: '', except an individual person,''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 5 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

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

Mr. Chairman, the second amendment I am offering would, first, correct an error in the drafting of the bill with respect to title VI. It would insert two phrases that were approved by the committee but were inadvertently left out of the version that was sent to the printer.

Second, it would make a technical change in title VI by inserting language to exempt individuals from the requirements of title VI. This simply clarifies the intent of the legislation, and, again, I would urge the adoption of the amendment.

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

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

Mr. Chairman, let me simply say here that I think it is important to understand that this is not just a technical change. As I understand it and as the gentleman from Colorado will point out shortly when I yield to him, this language not only accomplishes the technical changes desired by the chairman of the subcommittee, but also makes a substantive change to carve out individuals from the prohibition in the Istook amendment that should not be here in the first place.

So, it is an effort to put a rose on a pig, so-to-speak, and that does not mean that the pig is still anything but a pig.

So I do not have any objection to the fix-up, but I want people to understand, it does not improve the general picture of the animal.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding.

Let me just point out to my colleagues, if you can envision a jalopy that is up on blocks in somebody's backyard, the headlights have been shot out, the engine has been partly dismantled, the tires and wheels are gone, it is basically rusted out. This is a rough analogy to the quality of legislative product that we are now referring to as the Istook amendment.

What the gentleman's amendment will do to this disarray, mechanically and philosophically, is basically perhaps to replace the oil gasket. But we still have a jalopy that is unfit for human habitation, much less legislative consideration in this body.

It does go farther than merely correcting the clerical error that occurred when this was considered in the full Committee on Appropriations, as the gentleman from Wisconsin has pointed out. It also attempts, unsuccessfully I might add, to repair one of the fundamental flaws in this whole cockamamy scheme, which is to try to fix it so it does not apply to normal human beings, individuals that receive some kind of Federal grant. But it only goes partway in doing that. We will have further discussions of that later on, I am sure.

So it reflects, as will be the case over and over again as we discuss this ill-considered proposition, the incredibly sloppy conceptual work that was done originally in cobbling it together for ill purpose, and the incredibly sloppy drafting work that reflects the incredibly sloppy thinking.

Having said that, this clears up a little bit of the slop.

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

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

Mr. Chairman, if I may say so, I, as the gentleman from Colorado and the gentleman from Wisconsin know, opposed the inclusion of this entire title in our bill. This I think would, however, improve the intent of what the gentleman from Oklahoma had when he offered the amendment that included title VI. I would therefore say it makes the product better, and would support it for that reason. The gentleman might want to oppose it for exactly the same reason.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to reclaim my time.

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

There was no objection.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I cannot avoid commenting on the gentleman's characterization that this is attempting to improve on the intent of the gentleman from Oklahoma in offering this. His intent is unimprovable. This change certainly makes the bad impact of this provision somewhat diminished.

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

Mr. PORTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK], the author of title VI.

Mr. ISTOOK. Mr. Chairman, I want to express appreciation for the comments of the gentleman from Colorado. I realize he opposes the thrust of the legislation and has his own concerns about that. As the gentleman correctly said a moment ago, even though he does not like the bill, at least in his opinion it is an improvement. This is certainly intended to clarify the intent and to correct the scrivener's error that was made when things that were in the actual amendment as offered in appropriations were inadvertently left out in the bill printing process.

We have certainly tried to be responsive to the concerns of the Members on the other side, and the corrective amendment I think certainly addresses those. I appreciate what modicum of favorable comment the gentleman was able to make in candor. I thank the

gentleman. If there is no other debate on this, I would urge adoption of this technical correction.

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

Mr. ISTOOK. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, there is a simple way we can improve this even further.

Mr. ISTOOK. I think I can anticipate that, Mr. Chairman.

Mr. SKAGGS. Mr. Chairman, I appreciate the solicitude about improving the gentleman's proposal. I think we can make a very, very quick and brief act of mercy on it that will effect the real improvements necessary.

Mr. ISTOOK. Mr. Chairman, reclaiming my time, I thank the gentleman. I realize we are very much opposed on the legislation as a whole, and we certainly do anticipate going forward with it. But this does, through the technical correction, make sure that we are addressing some concerns. I would urge adoption of the amendment.

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

The CHAIRMAN. The question is on amendment No. 1–2 printed in part 1 of House Report 104–224 offered by the gentleman from Illinois [Mr. PORTER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $3,180,441,000 plus reimbursements, of which $2,936,154,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $148,535,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $95,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: *Provided,* That $50,000,000 shall be for carrying out section 401 of the Job Training Partnership Act, $65,000,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $830,000,000 shall be for carrying out title II, part A of such Act, and $126,672,000 shall be for carrying out title II, part C of such Act: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $350,000,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–49l–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235, 243–244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g)(1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $125,328,000, together with not to exceed $3,109,368,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $125,328,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $218,297,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,505,000, together with not to exceed $40,974,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $64,113,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: *Provided,* That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including

reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $246,967,000, together with $978,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 1995, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration, $11,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $995,447,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $26,045,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $287,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: *Provided,* That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: *Provided further,* That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $263,985,000 including not to exceed $65,319,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $500,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: *Provided further,* That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $185,154,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: *Provided,* That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $296,993,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $50,220,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,056,000 for the President's Committee on Employment of People With Disabilities, $130,220,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: ''*: Provided further,* That within the Working Capital Fund, there is established an Investment in Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action.''

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $175,883,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. Section 427(c) of the Job Training Partnership Act, as amended, is repealed.

SEC. 103. No amount of funds appropriated in this Act for fiscal year 1996 may be used to implement, administer, or enforce any executive order, or other rule or order, that prohibits Federal contracts with, or requires the debarment of, or imposes other sanction on, a contractor on the basis that such contractor or organizational unit thereof has permanently replaced lawfully striking workers.

SEC. 104. None of the funds made available in this Act to the Department of Labor or the Pension Benefit Guaranty Corporation may be used—

(1) to implement or administer Interpretive Bulletin 94–1, issued by the Secretary of Labor on June 23, 1994 (59 Fed. Reg. 32606; 29 C.F.R. 2509.94–1),

(2) to establish or maintain, or to contract with (or otherwise provide assistance to) any other party to establish or maintain, any clearinghouse, database, or other listing which—

(A) makes available to employee benefit plans (as defined in section 3(3) of the Employee Retirement Income Security Act of 1974) information relating to the status of investments as economically targeted investments referred to in such Interpretive Bulletin,

(B) provides assistance to employee benefit plans (as so defined) or any other party to develop or evaluate investments as economically targeted investments referred to in such Interpretive Bulletin, or

(C) identifies investments with respect to which the Department or the Corporation will withhold from undertaking enforcement actions under such Act by reason of their status as economically targeted investments referred to in such Interpretive Bulletin,

(3) to administer or otherwise carry out the contract entered into by the Department of Labor designated ''Contract No. J–9–P–4–0060'' or any other similar contract entered into by the Department or the Corporation (except to the extent required by applicable law to provide for the immediate termination of such contract), or

(4) to promote economically targeted investments referred to in such Interpretive Bulletin, either by direct means, such as lecture or travel, or by indirect means.

SEC. 105. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act for the development, promulgation or issuance of any proposed or final standard or guideline regarding ergonomic protection or recording and reporting occupational injuries and illnesses directly related thereto.

SEC. 106. Notwithstanding any other provision of law, no funds shall be expended by the Occupational Safety and Health Administration for the enforcement of the Fall Protection Standard published at subpart M of 29 CFR part 1926, until 30 days after a new standard has been promulgated by the Secretary of Labor (''the Secretary'').

The Secretary shall develop this standard no later than 180 days after the enactment of this Act. Until the publishing of the revised final rule, the Occupational Safety and Health Administration may only expend funds designated for the enforcement of an interim fall protection standard which adjusts all height requirements referenced at subpart M of 29 CFR part 1926 from 6 feet to 16 feet.

SEC. 107. None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 12 (HO 12) with respect to the placement or loading of materials by a person under 18 years of age into a cardboard baler that is in compliance with the American National Standards Institute safety standard ANSI Z245.5 1990, and a compactor that is in compliance with the American National Standards Institute safety standard ANSI Z245.2 1992.

SEC. 108. None of the funds appropriated in this Act may be obligated or expended by the Department of Labor for the purposes of enforcement and the issuance of fines under Hazardous Occupation Order Number 2 (HO 2) with respect to incidental and occasional driving by minors under age 18, unless the Secretary finds that the operation of a motor vehicle is the primary duty of the minor's employment.

This title may be cited as the ''Department of Labor Appropriations Act, 1996''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Illinois [Mr. PORTER] will be recognized for 45 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Illinois [Mr. PORTER].

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

Mr. Chairman, total discretionary funding for the Department of Labor is $8.4 billion. This is a reduction of $1.1 billion below fiscal year 1995's revised amount and a reduction of $3 billion below the President's budget request.

In addition, the bill includes $1.9 billion for entitlement spending in the Labor Department. This is a reduction of $583 million below fiscal year 1995 and $3 million below the budget request.

The budget includes substantial reductions in certain job training programs, including elimination of funding for summer jobs program, also previously rescinded because of the general lack of effectiveness. This decision reflects the need to prioritize programs and reduce spending, as well as the fact that the Committee on Economic and Educational Opportunities is in the process of consolidating these very programs.

We also believe that these job training programs under the Job Training Partnership Act are, on the whole, less than effective, in that taxpayer funding is not getting full value out of these funds. Job Corps funding, however, has increased $31 million over last year, which will allow funding for four new centers which were approved in prior years and are opening in 1996. No additional new centers were approved beyond the ones already approved in prior years.

The total for Job Corps is $1.1 billion. We know that this program is expensive, but we believe that in the majority of centers, it is more successful in dealing with the very disadvantaged population than are the other principal job training programs which we have reduced very substantially. The committee has made it clear that the Government is to take all necessary steps to straighten out those centers that are not performing up to standards. I might say Job Corps, Mr. Chairman, addresses the most at-risk youth in our society.

The bill directs more of the Community Service Employment for Older Americans funding to States rather than to national contractors. We think the States can do a better job in this area. The national contractors have been in this program for 25 to 30 years, and there is essentially no competition in the program. They are simply renewed each year, year after year, by the Department of Labor. This includes AARP, the National Council on Senior Citizens, and the National Council on Aging. We believe these matters should be handled more at the State level.

One-stop career centers are level funded at $100 million. We believe this is adequate to maintain this program at current levels until we see whether it is going to do what the administration says that it will do. This sounds like a good concept, but there are so many job training programs operating, according to GAO, 163 of them, that it is not at all clear that a new Federal grant program is going to coordinate and pull all of this together. Congress needs to take legislative action to clean up this maze of job training programs. We are hopeful that this will be

accomplished by the authorizing committee.

We fund State unemployment insurance administrative costs at roughly the same as the 1995 level. This bill includes $2.3 billion for States to administer the unemployment benefit program. We expect that the States will tighten their belts on administrative costs, just like the Federal agencies are doing in this bill.

The Bureau of Labor Statistics is funded at $347 million, a decrease of only 1.3 percent. We provide full funding for the revision of the consumer price index, and we expect the Bureau of Labor Statistics to give this a very high priority.

OSHA funding is reduced by 15 percent and shifted to emphasize compliance assistance. We increased funding by 19.2 percent over enforcement activities, where we cut funding by 33 percent for Federal enforcement and 7.5 percent for State enforcement.

□ 1545

Language is also included to prohibit OSHA from issuing a standard on ergonomic protection. This agency serves a useful public purpose, but it needs to arrange its priorities from being a policeman to a more cooperative and consulting role.

The bill also contains language to prevent implementation of the President's Executive order on striker replacements and to end pressure on pension funds to invest in economically targeted investments.

This language, along with other language included in the bill, was included at the request of the authorizing committee. The bill reduces administrative costs throughout the Department by cutting overall administrative budgets by 7.5 percent and the congressional and public affairs offices by 10 percent. The bill includes nearly $1.5 billion for Labor Department salaries and expense costs in 1996.

We believe that the Department can make do with that amount and still accomplish its essential duties under the law.

Overall, this bill substantially downsizes the Department of Labor. We think that we have reduced programs that do not work very well and have reduced overhead and administrative costs in a reasonable way. We have fully maintained the Job Corps. We have tried to redirect the priorities of the Occupational Safety and Health Administration. And we have provided adequate funding for the Department to carry out its essential responsibilities under the law.

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

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, working people pay most of the taxes to support the activities of Government. Yet the activities of Government that are most being chopped by this bill are those that help workers, that help the children and the families of workers by way of education, training, and health.

Our Republican friends are evidently not satisfied that between 1980 and 1993 only 97 percent of all of the income growth that occurred in our country went to the wealthiest 20 percent of people in this society. The rest of the 80 percent in this society had to settle for sharing that tiny little 3 percent. And yet this bill will in fact make that situation worse.

They think workers have too much power in the marketplace. In my view that is a joke. Yet their bill goes ahead and guts the ability of the NLRB to enforce laws to protect workers on everything from wages and hours to the minimum wage. It savages the ability of OSHA to provide a safe and healthy workplace; $1 out of every $4 that were present a year ago to defend the interests of workers in this society will be gone under this bill, $1 out of $4.

This bill, for instance, provides a healthy appropriation for the National Institutes of Health. I applaud that. They deal with diseases that anybody can get, whether you are the CEO of a plant or the janitor at that same plant. But the National Institutes of Occupational Health and Safety is supposed to be that one agency which does the research, the medical research which is supposed to underlie the actions that OSHA then takes to protect the health of American workers.

That agency is savaged. All ability to train occupational health workers in that agency is ended. Its budget, the budget to provide the desperately needed research, is gutted. I think the majority party ought to be ashamed of itself.

Mr. Chairman, I yield 5 minutes to the gentlewoman from California [Ms. PELOSI], who will begin essentially our side of this 1½-hour discussion on title I, focused on the problems that it presents to American workers.

Ms. PELOSI. Mr. Chairman, I thank the ranking member for yielding time to me, and once again for being such an articulate spokesperson for America's workers and America's families.

There are many reasons to be against this bill. Many of them have been enumerated in the debate thus far, and we will hear more later.

But this part of the bill, title I, deals with the war on American workers that this legislation has declared. Indeed, regardless of comments to the contrary from the majority Republican side, this legislation cuts $10 billion, $10 billion in programs that relate to family planning in title 10, workers protections, health, education. The list goes on and on.

This section, title I, goes to, as I said, the war on American workers. The Republican majority with this bill says to the American worker, essentially: Get lost. When it comes to your safety in the workplace, your pension protections, your employment standards and collective bargaining and job security, forget it. That is what the majority is saying.

This takes place at a time when workers in America are menaced by corporate downsizing to increase profits, the bottom line for corporate America, globalization, putting many U.S. jobs offshore, and the technological advances which we all support. Those factors make it even harder to understand why the Republican majority would strike out at the American worker at this very difficult time in our economic history.

We hear a great deal about competitiveness, how can we compete with our European and our Japanese competitors when they respect their workers? The American workers are the most productive workers in the world. Yet our reward to them is to say, in this bill, the law of the jungle will prevail. Laissez-faire reigns. We are not interested in your progress.

This committee bill reverses decades of progress to protect American workers. Out of respect for those American workers, I offered an amendment to restore funding for seven critical worker protections. Unfortunately, this amendment is not in order under the rule. Therefore, I want to explain to Members the implication of these cuts on American workers.

A vote for this bill, and I think every Member should be very conscious of this when they put their card in the machine, a vote for this bill is a vote for a 33 percent cut in safety and health enforcement in our country. Currently, 6,000 Americans are injured on the job each day, and these injuries cost America more than $112 billion a year. So it does not even make economic sense to make this foolish cut. These preventable injuries have a direct impact on American families.

In addition to that, they have a cut of 25 percent in safety and health research. Are you ready for this, my colleagues? Even General Motors is opposing this cut. This research ultimately saves the Nation billions of dollars annually in medical costs. Of course, the health care costs borne by the industry directly impact on the price of product, making global competition an issue as well. That is why General Motors is opposing this cut. Why do we not?

There are also cuts in mine safety. This means fewer mines will be inspected, exposing more miners to injury.

There are other reductions proposed in pension protections. The reductions proposed in this bill place in jeopardy working families' pensions. These cutbacks will result in pension plan losses of at least $100 million, and the number of pension fraud cases pursued will decline by 20 percent.

Employment standards enforcement is cut by 25 percent. These reductions will mean that $25 million in back wages owed to some 50,000 workers will not be recovered.

Mr. Chairman, for the record, I am putting elaboration of all of this in, but in the interest of time I am just

going to proceed to collective bargaining. The collective bargaining protections are cut by 30 percent. This is absolutely appalling. The National Labor Relations Board was created in 1935 to bring order to labor disputes.

This bill cuts 30 percent of the funds for the NLRB and handcuffs the board's ability to enforce existing laws and safeguards on employees rights and employers protection. The NLRB guards against unfair labor practices both by employers and employees. This is a direct attack on the basic rights of both.

The dislocated worker assistance program is cut by 34 percent. This means that 193,000 workers who lose their jobs in 1996, through no fault of their own, will not receive training.

Rapid advancements in technology, defense downsizing, corporate restructuring, and intense global competition result in structural changes necessary for economical growth. This program works. The inspector general has reported that workers served by this program were reemployed, remained in the workforce, and regained their earning power. Continuing our investment in dislocated workers is essential.

The cuts in these seven programs for worker protection, along with a long list of legislation provisions—limiting the authority of agencies to enforce child labor laws, laws which protect workers' right to organize, and regulations to protect occupational safety; and language blocking the President's Executive order regarding striker replacements—constitute a war on the American worker.

Mr. Chairman, American workers are the engine of our economy. They must be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protection. Cuts that will result in increased workplace accidents and fatalities will cost our society. This is the wrong place to cut back. Shame.

Mr. Chairman, we will go into this more as we try to bring up other amendments. All I am saying here today is that, if Members in this Chamber care about the American worker, they will vote against this bill.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Bentonville, AR [Mr. HUTCHINSON], a member of the Economic and Educational Opportunities Committee.

Mr. HUTCHINSON. Mr. Chairman, I commend the gentleman on his leadership that he has displayed on this very fine appropriations bill. I also want to commend my chairman on the Subcommittee on Workforce Protections, the gentleman from North Carolina [Mr. BALLENGER], for the work that he has done on OSHA reform.

We have had a number of OSHA hearings in recent months in which we have heard repeatedly the kind of horror stories of OSHA overkill. So I am very glad to support this bill, particularly because of the OSHA provisions in which we reduce funding for enforcement, investigation and imposition of penalties by 33 percent while increasing compliance assistance by 20 percent, as we can see on this chart.

This bill simply redirects OSHA's current philosophy of assessing excessive fines and penalties to one where OSHA will be required to work with and assist small businesses in their efforts to promote health and safety in the workplace. So we reduce the funding by 33 percent on the enforcement side while increasing funding by 20 percent on compliance assistance.

Surely it is not too much to ask of the Occupational Safety and Health Administration to work with small businesses to ensure the health and safety of their employees. After all, that is why OSHA was created.

We heard so many stories, but this story was faxed to me, and it is very typical of the kinds of stories we heard on OSHA overkill in our hearings. This small businessman operated for 21 years. None of his employees ever had a lost-day injury, not one. No workmen's compensation claim was ever paid. Yet after 21 years, that OSHA inspector came in, filed 21 alleged violations.

He said the allegations were that he was exposing his employees to hazards such as not having a crane operators manual, and not having instructions on how to pour diesel fuel, and not having a list of hazards on how to handle gasoline, grease, and concrete.

I will make a long story short. That happened in 1991, 4 years. After he contested the allegations, after he contested the citations, 4 years later and hundreds of thousands of dollars in legal costs later, all of the citations were vacated.

Would it not make a lot more sense had that inspector simply said, you have got 30 days to make the corrections on where we see violations and where you are out of compliance? The small businessman makes those corrections, and we go on with a good, safe workplace, saving the taxpayers of America hundreds of thousands of dollars in litigation costs.

That is what this bill moves toward. It refocuses its priorities toward assisting businesses in having a safe workplace.

OSHA inspectors are simply misguided in their efforts to promote a safe workplace. In recent years, eight of the 10 most cited standards by OSHA have been paperwork violations. With OSHA, it is regulation, inspection, citation and fine, fine, fine, and we want to change that.

We have heard that the 11-percent cut overall in Labor–HHS appropriations, the sky is falling, you have heard apocalypse now. You has heard, as one speaker said, that it is a declaration of war on the children. There has been a lot of talk about hurting our children. They say they are worried about our children. I want to say I am worried about our children. My son, about a year from now, will be getting married to a wonderful, wonderful bride. A few years from now they will be starting a family. His first child will be my first grandchild, and I am worried about them. I am worried about the future we are giving them. I am worried about the $18,000 debt that that little grandchild will inherit, the day he is born or she is born.

I am concerned about the $187,000 that they will pay in taxes just to pay interest on the national debt. So, when we talk about the children and the impact of this bill upon the children, please think about that. Think about the burden that we are imposing. And you will hear, as we have heard, that the minority leader said this bill is a dagger aimed at the heart of the children. No, it is not. It is a dagger aimed at the heart of runaway social spending. You heard that it is a war on American workers. No, it is not. It is not a war on American workers. It is a war on job-killing deficit spending.

□ 1600

It is time we made the start. This bill does that. Let us pass a good Labor-HHS appropriation bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I believe when 17 Rhode Islanders died on the job in 1992, that we are not doing enough to protect worker safety; but the Republicans in this bill are saying that we are doing enough. In fact, they are saying that we are doing too much to protect workers.

Just think about this for a moment, Mr. Chairman. When 6,000 workers die every year, and there is one worker-related fatality every 5 seconds in this country, the Republicans in this bill we say are spending too much money on worker safety. This is madness.

Since worker safety protections were put in place in order to address trenching fatalities, the number of workers killed has declined by 35 percent, and hundreds of trenching accidents have been prevented. In one instance, an OSHA inspector in a Cleveland construction site said that the workers had to wear fall protection gear while working on a scaffolding 70 feet above the ground. Four days later that scaffolding collapsed, 4 days later, while none of the workers were injured, because they were all wearing the protective gear that OSHA told them they should wear. This is the reason we need to protect it.

Mr. Chairman, since the agency was charged with protecting worker safety, and since it was put in place, overall workplace fatalities have declined 57 percent, so why is this bill cutting its budget by 33 percent? Obviously, as the Member just said, to save money. That is obvious. The question is, save money for what? Save money and lose jobs? Save money and lose lives? Save money so that the richest 1 percent of this country can get a $20,000 tax break? To me, that is deplorable, and we should not allow it.

Mr. ROBERTS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Hickory, NC [Mr.

BALLENGER], the chairman of the Subcommittee on Workforce Protections of the Committee on Economic and Education Opportunities.

Mr. BALLENGER. I thank the gentleman for yielding time to me.

Mr. Chairman, there has been a lot of talk about how if we make any cuts in OSHA enforcement we will directly endanger American workers. That kind of statement presumes that only the strong enforcement arm of OSHA stands between workers and serious injury and death. I think we all know that that's nonsense. Employers in this country have a lot more reasons than OSHA for providing safe workplaces. The fact of the matter is that once one cuts through the rhetoric, the evidence of an overall effect of OSHA in reducing injuries and deaths over the past 25 years is at best very limited.

It has been claimed that OSHA works because workplace fatality rates have decreased by more than 50 percent since the OSH Act was passed. In fact, workplace fatality rates have declined steadily since the end of World War II, and in fact the fatality rate decreased more during the 24 years prior to OSHA than it did in the 24 years after OSHA was created.

OSHA itself cites a 1993 study which, OSHA claims, ''confirmed that in the three years following an OSHA inspection and fine, injuries at the inspected worksite decline by as much as 22%.'' In fact, OSHA is trying to make that study's conclusions far more positive than the authors were. The authors of the study did estimate that in their sample of companies that had been inspected and fined there was a 22-percent decline in injuries over 3 years. The companies in the sample were very large manufacturing facilities; thus the number of injuries suffered was relatively high compared to all worksites in the United States. The authors did try to extrapolate their findings from this sample to all employers, and concluded that OSHA probably reduced overall injuries by about 2 percent. Indeed, nearly all economists' attempts to estimate the overall effect of OSHA on workplace injuries have concluded that the effect is between 0 and 3 percent.

Since OSHA began the Federal Government has spent over $4 billion directly in implementing and enforcing the OSH Act and directed that billions more be spent by American employers to comply. Why is there so little evidence that OSHA has had a significant effect on workplace safety and health?

If you talk to safety and health directors across this country, what you realize is that OSHA's preoccupation on enforcement is not only not effective, but often counterproductive. Let me just read a few comments from a safety and health director of a major printing company.

During the 1980's and my first five years with Donnelley, my department's focus was compliance based. During this time period, our accident rates and workers' compensation costs increased dramatically. During this time frame, we averaged about 10 OSHA inspections per year. None of the citations related to the main reasons our accidents were occurring. To use an analogy, all of our citations were for not putting a band-aid on a cut—none were for what was causing the cut. In the beginning of 1992, we returned to our historical focus of managing safety and not compliance. With the return to our historical focus on accident prevention, we achieved an accident rate reduction of 16%, a lost time accident rate reduction of 15% and a workers' compensation cost per claim reduction of 24% from 1991 through the end of 1994.

In my position, I spend approximately 50% of my time on OSHA compliance issues and our plant safety coordinators spend approximately 80% of their time on compliance activities. The majority of our resources are dedicated to paperwork and programs that are not the cause of our problems. OSHA could be a helpful resource in our efforts to prevent accidents, but the agency needs to be refocused.

The problem is that OSHA's emphasis has been on compliance with regulations, many of which have only indirect or minor relationship to safety. More reasonable regulations, combined with other strategies which focus on safety and health rather than punishment—expanded consultation services, incentives for good safety records, provision for private sector workplace reviews, more leeway for employee participation and safety committees, and directing that enforcement focus on serious health and safety concerns—will make OSHA more effective, as well as less onerous.

Reforms to OSHA are badly needed. We are trying to reform OSHA in my subcommittee. This appropriations bill is a realistic reflection of where OSHA is today. Don't be deceived by the talk about increased worker injuries. The evidence just doesn't support those claims.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, this bill is not merely about saving money. Very little money is saved in the reductions, the cuts on OSHA. This is about micromanaging the Department to achieve certain targeted objectives.

There is a conspiracy to wipe out OSHA. There is a conspiracy to destroy the effectiveness of OSHA. Thirty-three percent of the enforcement budget is cut, 33 percent is cut from an already small work force. With the number of inspectors that OSHA has presently, it would take them 86 years to inspect every business establishment in America one time, 86 years already. Now they are going to cut that by one-third. There is a conspiracy.

Mr. Chairman, that conspiracy is documented in a Washington Post article, two articles, which appeared July 23 and 24, and I intend to submit them in the Committee of the Whole for the RECORD, the entire two articles from the Washington Post. These articles expose the fact that there is a covert war to obliterate OSHA and MSHA. This conspiring has been underway since the beginning of the 1994 election campaign.

The Post article indicated that the down payment for the contract to assassinate OSHA was $65,000 in North Carolina. I am certain that similar war bonds for the destruction of OSHA and MSHA were being purchased in other States, also. They are specifically going after certain aspects of OSHA to please the business community. The world already knows how the Republican Party has turned over the Waco investigation to the NRA. That is well documented.

Thanks to this article in the Post, we now know that certain parts of what I call the Death and Injury Act in the authorizing committee was turned over to similar outside vested interests, and certain aspects of this appropriations bill have been turned over, to be written by outside interests.

Mr. Chairman, we are talking about life and death. We are talking about a bill which will go after the standards which protect the health and safety of American workers. Fifty-six thousand workers die per year. Ten thousand died last year directly on the job. The rest of them died as a result of complications suffered by conditions on the job or diseases contracted on the job, but 10,000 died directly.

In North Carolina, we know about the 25 people who were killed in one fire in a North Carolina plant that had not been inspected by OSHA. In Georgia, on March 17, 1994, Mr. Sangster, an employee of the Industrial Boiler Co., was killed while attempting to test fire a boiler. The boiler exploded and the left front door struck Mr. Sangster, killing him. There were quite a number of such deaths in the State of Georgia. I mention that because there are prominent Members of the State of Georgia delegation on the committee seeking to assassinate and destroy OSHA.

Also in Georgia, on April 18, 1994, a Mr. Powel, an employee of Harbert-Yeargin Co., was killed while in the process of erecting scaffolding. He bent over to pick up his hammer and his safety lantern got caught in an ungraded drive shaft. Mr. Powel was dragged into the shaft and killed.

In Pennsylvania, where the head of our authorizing committee that is out to assassinate and destroy OSHA resides, on December 13, 1993, a Mr. Rever, an employee of Hartlaub's Used Cars and Parts, was crushed to death. No safety chain assembly was being used, nor was the vehicle jacked and blocked as it is supposed to be to prevent the falling. As a result, when Mr. Rever used an impact wrench to remove parts, the van fell on him, crushing his head and chest.

Mr. Chairman, this is a life and death matter for American workers. Not only the members of labor unions but all American workers are affected. Since

OSHA has existed, the number of deaths and injuries have gone down. We must save OSHA from this micromanaging, and the authorizing language in this bill, which is part of the appropriations for appropriation, is part of the conspiracy to destroy it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, there are so many cuts on middle-class working Americans in this bill, it is hard to know where to start. However, one example is an organization called the National Institute for Occupational Safety and Health, including the Southwest Center at the University of Texas in Houston. That is not in my district, but what that center and other regional centers do affect people across this country in every congressional district.

This program is purely scientific. It is a research organization. It is headed by scientists, not by politicians, not by bureaucrats, but scientists who are trying to prevent injury and illness in the workplace, to protect people so there are not lawsuits, so there is not government interference, so there is not an accident or an illness to start with. It is that program that is about prevention, not prosecution, that is about research, not redtape, that gets slashed in this Republican proposal.

By cutting this proposal, what Republicans are doing to middle-class working Americans is to cut research to improve the protective clothing for our firefighters, to cut research to cut out the investigation of new ways to improve respirators for our pilots, to cut research in painful and debilitating illnesses, like asbestosis and lead poisoning, that affect workers in the workplace, to cut research about workers who get crushed by machinery, who get crushed in accidental rollovers of large equipment.

Additionally, the Republicans abolish vital training and education programs that produced 2,700 health and safety professionals last year. They proceed to kill continuing education programs that taught 150,000 working men and women last year about the dangers of injury and illness. The goal of all these programs is to prevent injury and illness before it occurs. Stop the testing, stop the training, close the labs, turn out the lights. That is what this program is all about.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 4 minutes to the distinguished gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I think the committee has struck a good balance with what we are trying to accomplish in this Congress, and what we are trying to accomplish in this Congress, in my opinion, is to fulfill the mandate of the November election. Unfortunately, some of my colleagues apparently believe that caring is equated and shown by how much commitment you have to fund bureaucracies in Washington, DC.

I would like to tell them the best I can that people in this country understand we can care without spending billions and billions of dollars on Federal bureaucracy. I care about safety in the workplace, but what I have been elected to do is reform government so we have a government that is efficient, that meets the needs of the people, and I think our OSHA structure does not meet the needs of the American businessman nor the American worker. When 8 out of 10 violations are paperwork violations, you can have a safe workplace but it may not be OSHA safe.

□ 1615

For every dollar that you take away from a small business or a large business, that is a dollar you take out of the pocket of an employee who works for that business.

Mr. Chairman, reality has finally come home to Congress. The reality is that we are broke up here. We are looking at ways to save money, but we want to do it in an efficient way without hurting people. We can care about the American worker without funding OSHA at the extent that people up here want it funded. There is not enough money in the printing press to satisfy the needs of some of the people that serve in this body to fund Washington, DC.

Mr. Chairman, I had a city councilman come up to me and talk about the EPA reforms that we are engaging in. He says, Congressman, what are you going to do if I dump raw sewage in the river? I said, well, the EPA is going to get you, because we have not changed that. That is still a bad thing to do. However, one thing you forget, Mr. City Councilman, is your citizens are going to throw you out of office.

People care in our community. One way to regulate what happens in the community is to have people involved without bureaucrats in Washington, DC always being involved. What we have done in this bill is we have reduced the enforcement gotcha provisions and we have replaced it with money to help people comply.

If you want to make your workplace safe, we are going to reinvent government so that you can come and talk with us and we will sit down and talk with you about how to make the workplace safe, rather than sending in a bunch of inspectors and take money out of your pocket because the paperwork does not add up. That is the new Congress, that is what I got elected to do.

One way to make sure nobody ever gets hurt is to do away with the ability to have a job in America. If we do not control our spending and the way we regulate in Washington, DC, we are not going to have any workplace injuries because nobody is going to have a job. That is what this Congress is about, trying to reinvent government with some reality in the way it is run in Washington, DC.

The working stiff, I heard that mentioned 20-something times in my committee. I serve on the Workplace Protection Subcommittee with Secretary Reich. Well, let me tell him this, that in my district the average income is $13,200. I am the first Republican to get elected in 120 years. I am the first person in my family to graduate college because my parents worked hard. Let me tell you, the working stiff has broke the code. Caring and funding Federal bureaucracies do not necessarily go together.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman form California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, this Congress has passed some bad legislation, but this bill is worse than I ever thought possible.

It actually signals the end of the Federal Government's obligation, to protect the health and safety of the workers of our Nation.

I am a member of the Economic and Educational Opportunities Committee, a committee I call the Opportunity to Cut Everything Committee and working families from across this country have told me they are frightened by the new majority's efforts to gut workplace health and safety rules and support.

These workers' families tell me they are willing to see some of their taxes go toward enforcing health and safety rules, so that their loved ones come home at night from work safe and sound.

Mr. Chairman, that's a reasonable tradeoff for our working families, and that's a sound investment for our Nation.

This bill, however, makes it clear that the GINGRICH Republicans would rather invest in a tax break for the fat cats, than invest in the health and safety of American workers.

I urge all Americans who care about the health and safety of their loved ones to tell their representatives to oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, this bill does not trim, it literally guts Occupational Safety and Health by one-third and will adversely impact millions of workers across this country. This very morning an individual was killed in my district in an oil refinery. He was using high pressure hydroblasting equipment to clean refinery equipment, was hit by water sprayed at a pressure of in excess of 10,000 pounds per square inch, and was killed. This accident could have been prevented.

Mr. Chairman, 55,000 workers die in our country and another 60,000 are permanently disabled each year in work-related deaths and injuries. Just in my region in the last 6 months there have been 11 work-related fatalities, a record number, two electrocutions, a

fall from an elevated platform where no fall protection was used, an individual crushed by a forklift, a woman who was working on structural steel and was killed by a piece of that steel, a worker overcome by fumes while filling a rail car with CO_2. Let us stand up for people who work. Let us value life. Vote ''no'' on this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PAYNE].

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

Mr. PAYNE. Mr. Chairman, I am here to speak out against the 25-percent reduction to the National Institute for Occupational Safety and Health.

NIOSH is the only Federal agency charged with conducting research to identify the causes of work injuries and diseases and develop approaches by which workers can be protected. This is not to be confused with OSHA. OSHA does not conduct research, although they rely on it.

Every day 17 Americans die from work injuries and illnesses. Every week 67,000 workers are disabled by workplace injuries and illnesses. What is more disappointing is the fact that most of these illnesses and injuries are preventable.

NIOSH has been making a difference to working men and women. Research and studies conducted by NIOSH has led to a reduction in work-related injuries, however, we still have a long way to go.

In July 1991, a 47-year old female had her entire scalp from the back of the neck to the browline removed.

Other workers have needed amputation and on average about 16 workers have been killed annually in entanglements involving rotating drive lines on agricultural machinery.

In 1991, NIOSH eased public concern over an unknown hazard and a possible link between use of video display terminals and a cluster of miscarriages.

At that time, there were over 7 million women operating video display terminals [VDTs] and there had been widespread concern that the cause of the highly publicized clusters of miscarriages among workers were caused because of exposure to VDTs. But thanks to NIOSH, these stories have happy endings. NIOSH published the definitive report that found no connection between VDTs and miscarriages. The NIOSH relieved anxiety of both employers and workers.

We must continue to protect our nation's workers. Do not support these cuts.

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

Mr. FAWELL. Mr. Chairman, I certainly rise in support of this legislation.

I would like to make reference to several of the labor references which are in the legislation. We have heard a lot of talk about the fact that there are tragic cuts being made here, but people often overlook some of the labor legislation we have on our books which are wasting a great deal of money.

One reference I would like to make is the economically targeted investments which have come to light as of recently. There we have the Department of Labor that has entered into what they call economically targeted investment, being investments in projects selected primarily for the social benefits that they purport to generate rather than the financial return and safety that they would give to America's pensioners.

We are talking here about the ERISA law, which has been a tremendous success in this Nation, by the way, and it is private financing which is going into the private infrastructure in investments. It is all done voluntarily by employers under the ERISA law.

Under that law for the last 20 years we have had this tremendously effective private pension plan project in this land of ours, the fiduciaries of ERISA and the pension plans rely upon what is called the prudent man rule, which is a very simple, basic rule that is well understood by the fiduciary community, the investment community, in this land.

Along comes the Department of Labor, and they issue what is called an interpretation of the prudent man rule, which is Interpretive Bulletin-94 that was issued in February 1994, where they try to interpret what is a socially beneficial investment, basically. Then, they follow that up by contracting for more than $1 million to implement what they refer to as a clearinghouse.

This was done in September 1994. Indeed, they went ahead, without any congressional clearance, to give a contract to Hamilton Securities Advisory Services at a cost of over $1 million to design and develop and operate a clearinghouse for the promotion, basically, of these economically targeted investments.

But the word that the financial community gives to the Department of Labor is, do not waste these millions of dollars in that regard. Do not promote or encourage or push any specific class of investments. You do not have to do that, because we have a very effective working prudent man rule in this land which has worked very well in regard to what is a proper investment being made in the private pension community.

Of course, what the Department of Labor would like to do is to be able to look at that $3.5 trillion of pension funds which are out there, having been successfully invested, and they would like to, of course, steer those investments into what they deem to be socially correct, but that simply is not required. If economically targeted investments are just as sound as other investments, which is what the Department of Labor likes to say, then promoting them through a clearinghouse at a cost of over $1 million just to get it started is superfluous, because the market obviously will direct capital to them.

Mr. Chairman, another area where we are spending money, for instance, and do not have to do at all, is the Presidential Executive Order 12954 which prohibits Federal contractors from hiring permanent replacement workers in an economic strike. Now, the President ignored completely that for 60 years the established labor law in America was that the workers did, indeed, and do, indeed, have the right to strike.

Also, as a last resort which no employer wants to ever utilize, the employer has the right to hire permanent replacement workers in a economic strike if indeed he finds that he has no other course but to go out of business if he cannot take that particular course.

Now, it is amazing to me that the President would just go ahead and take this action when there is no implied right, no basis in law under the procurement law, which he claims is his basis, to be able to enact a law like this. Presidents cannot just simply declare what the law shall be. It is not only not based on any kind of law, but also it is unconstitutional.

Mr. Chairman, we should think on these things as we criticize what this new Congress is trying to do.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. CLAY].

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

Mr. CLAY. Mr. Chairman, let me tell my colleagues what the cut proposed in this bill to the budget of the Pension and Welfare Benefits Administration [PWBA] will mean to working people and their families.

It means that a New York woman who needed emergency surgery to correct problems related to her breast cancer would have faced bankruptcy to pay her hospitals bills.

It means that a group of Kansas City employees would have lost all the hard-earned money they contributed to their employer's profit sharing plan when the employer failed to forward their payroll deductions.

It means that more than 13,00 annuitants of terminated pension plans would not have been protected with a guarantee of more than $200 million when their insurance company failed and went into receivership. These are examples of the conscientious people the PWBA helps.

Mr. Chairman, this bill will seriously endanger the security of workers' pensions and health benefits. It will make hard earned pensions and benefits much more vulnerable to thieves and scoundrels. This bill could be called the ''Pension Grab Authorization Act.''

The Republicans propose to slash the budget for the Pension and Welfare Benefits Administration for fiscal year 1996. The PWBA is a lean, mean pension watchdog. In fact, a recent Brookings Institution report praised the PWBA as ''The most highly leveraged operation in the entire Federal government.'' On average a single employee of

the PWBA oversees $4.8 billion in assets. So while the Republicans talk about eliminating wasteful bureaucrats, they contradict themselves with this cut. And while the Republicans talk about protecting pensions, they contradict themselves with this cut.

Three trillion dollars in pension and health assets covering more than 200 million Americans are protected by the agency. This enormous amount of money is an inviting target for flimflam artists and embezzlers.

Last year, the PWBA responded to 158,000 requests for assistance. And its cases resulted in 141 criminal indictments and restored $482 million in pension wealth to workers. But if the Republicans have their way, $100 million that belongs to workers won't be recovered. One out of five pension thieves the agency would have indicted will be able to commit fraud with no repercussions. And 30,000 requests for information and assistance from working families concerned about their health care and pension benefits won't be answered.

Mr. Chairman, despite their claims to the contrary, the Republicans are willing to jeopardize workers' hard-earned pensions and benefits by gutting the PWBA. Vote against this bill.

□ 1630

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, the massive crippling in this bill of the National Labor Relations Board is a punitive effort to restrict the agency responsible for ensuring the rights of workers to organize and bargain collectively.

This agency was created in 1935 to bring order and reduce violence in labor organization disputes. The agency has served our Nation for over 60 years, guarding against unfair labor practices by both employers and employees.

Mr. colleagues who want to gut the NLRB should consider whether or not they really want disputes to be settled back in the streets, because that is where we are heading. In fact, with these massive cuts, it is going to take over 1,000 days before decisions are rendered by the NLRB. By disabling this agency, this bill strikes a hard blow against working Americans.

Mr. Chairman, let us stand up for working families. Let us vote ''no'' on this bill.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Tucson, AZ [Mr. KOLBE], my colleague on the Committee on Appropriations.

Mr. KOLBE. Mr. Chairman, I rise to discuss the Labor-HHS-Education bill before us today. Although we are now on title I, my comments are more general in nature.

Chairman PORTER deserves credit for the outstanding job he has done in his subcommittee. He has been patient in the face of extremely difficult circumstances as one bad amendment after another was attached to his bill during the full Appropriations Committee consideration. Unfortunately, this bill has now become a tar baby. Through no fault of the chairman, the Labor-HHS-Education bill is now fatally flawed.

Let me enumerate some of the problems I have with this bill. First, it contains extremely restrictive language on a woman's right to choose. It prohibits from receiving Federal funds ob/gyn residency programs that provide abortion training. The message we are sending is that while abortion is legal in our country, we are not going to train physicians on how to safely perform this procedure. This is an unprecedented Government intrusion into medical education.

Second, this bill contains a provision which allows Federal funds to be available for abortion under Medicaid in the cases of life of the mother, rape, or incest. However, States are only required to provide abortions under Medicaid in the case of life of the mother.

This language was added during full committee consideration of the bill as a States' rights issue. I had an amendment, that was not made in order, which would have reinstated the current Hyde language that makes Medicaid abortions available in circumstances involving life of the mother, rape, or incest. But, it would relieve the States of any financial participation in cases of rape or incest if they choose not to fund them.

Last year, there were all of two Medicaid-funded abortions in the entire country in cases of rape and incest. This amendment was a fair compromise for Members who support States' rights, but who recognize that poor women who are pregnant as a result of a heinous crime like rape or incest should not be discriminated against in the process. Unfortunately, Members of this body will not have the chance to vote on the Kolbe-Pryce-Fowler amendment. I therefore will sponsor with Congresswomen LOWEY and MORELLA a motion to strike this language—though I would have preferred my reasonable alternative.

Third, the bill zeros out critical money for family planning services—though we have an opportunity to restore this when we take up the Greenwood amendment.

Finally, this bill includes a measure which provides for much needed Federal grant reform. I strongly support the substance of this measure which will curb Federal subsidies for political advocacy groups. I have serious reservations, however, about attaching this very complicated and large bill to an appropriations bill without the benefit of hearings or a markup in the authorizing committee.

I wish that I could stand here today and tell you I support this bill. It is in line with the budget resolution. It reduces overall spending by $6.8 billion over current funding levels and terminates 176 overlapping programs—helping to move us toward a balanced budget by 2002. The bill also increases funding for the National Institutes of Health, cuts the bureaucracy at the Department of Health and Human Services, maintains funding for community and migrant health centers and increases Pell grant levels. It reforms labor and OSHA rules that are in need of reform. Coming out of the subcommittee it was a good bill.

Unfortunately, with the changes made in the full committee, the bad outweighs the good in this bill and I must oppose it.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, we can argue over the size of the budget cuts, but we also know that very often a budget cut of not a tremendous amount can cripple an agency, and that is unfortunately what our colleagues on the other side of the aisle intended to do when they sought the cuts against the National Labor Relations Board.

This is the arbiter of America's workplace. This is where employers and employees go to get a resolution to the conflicts that erupt in the workplace. This is where employers go to get issues resolved, and employees go so they can go back to work, they can go about their business, they can provide for their families, they can provide for their businesses and get on with life.

But what has happened is that they now seek to attack the National Labor Relations Act both through the budget and legislative language that would prevent the National Labor Relations Board from seeking an injunction if they find activities, by both unions and employers, which are so egregious that they prevent a fair election from taking place. They want to enjoin those actions. The National Labor Relations Board does not enjoin those actions; they go to the district court and they make a case.

Now they are changing the number of votes you will need on the board to go and get that injunction. Why? Because one of our colleagues is upset with the rendering of an injunction against Overnight Transportation Co., whose actions were so egregious that in 19 regions, action after action was sought against them because of what they were doing to their employees, withholding wage increases and promotions and the job opportunities of anybody who wanted to organize that workplace.

They made a determination that a fair election could not be conducted unless the injunction was offered.

What did our colleagues from Arkansas do? They wrote a letter and threatened the National Labor Relations Board and they said, ''If you issue this

injunction, we have the ability to take action against you,'' and they did. They cut their budget by 30 percent to cripple the agency.

Mr. Chairman, this means that businesses and worker organizations will be stymied in their efforts to reconcile the differences that exist in the workplace, but it also means that the National Labor Relations Board that uses injunctions in only 6 percent of the cases against unions and 2 percent of the cases against employees, but egregious cases they are, will now be rendered ineffective from doing that. That is the goal.

That is what is wrong with this legislation. Time and again, we see private agendas coming into appropriations bills to undermine the laws of this country. If you have a problem with the National Labor Relations Board, we have an Education and Labor Committee. We will deal with that just as we are dealing with OSHA.

But that is not what is going on in this legislation, Mr. Chairman. There is a private agenda, and there are campaign contributions, and threatening letters by Members of Congress to an agency. When that does not work, because they are an independent agency, we now see them being punished in the legislative process.

It is unconscionable that a nationwide independent agency like the National Labor Relations Board would be threatened and then stricken with these kinds of budget cuts and this kind of punitive action against them, when in fact they provide the basis on which workers and employers can get a fair shake about the terms and the conditions of working in that place of employment.

Mr. Chairman, we now believe we have the most productive workers in the world in any industry we point to, but what we do here is a deliberate attempt to go after those workers to stymie their ability, to get a decision rendered on a timely basis so that they can get on with providing for their families.

This legislation, time and again, strikes, through legislative language, on an appropriation against the protections that workers need, against the protection that employers need, so that they can conduct productive workplaces.

Mr. Chairman, I urge my colleagues to vote against the legislation.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I want to tell this House about someone who took off work to travel all the way to Washington to argue against this bill. His name is Donnie McDonald. Donnie worked at the Canny Creek mine in Muhlenberg County, KY, from 1963 to 1989.

In 1974, Donnie was in an accident where a loaded coal rail car fell on him He lost his arm and was off work for 6 months. But he went back to work and worked for another 16 years.

Donnie says that because of the Mine Safety Administration his line of work is much safer today than it was in 1974 but he warns that we cannot go back to the kind of loose regulation we used to have in the mining industry. He says that the $15 million cuts that this bill will impose in Federal mine safety efforts will do just that and that we should defeat this bill.

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Topeka, KS [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I rise in strong support of the bill today.

The bill does a number of things that I think are very important and necessary. What it does immediately is, it makes tough choices and it does it now. It cuts $11.1 billion out of a $256 billion set of funding. It does so now and does not put off future decisions so that we do not have higher deficits into the future.

Mr. Chairman, I have heard a lot of talk on the floor recently about private agendas or that we need to help people out. We clearly do. I would contend the best way to do that is to pass bills like this one that cut back on Government funding. They cut back on Government programs so we can get to balance.

The cruelest thing we can do to the people of our Nation is to continue to add to this deficit. This bill terminates 170 programs, so we can get to balance, and it does so now. It is what we need to do.

Mr. Chairman, this is not a private agenda; this is a nation's agenda of balancing the budget, and that is what we have got to do. We have a nation's agenda of balancing the budget, and it involves making tough choices.

Mr. Chairman, the committee has done an excellent job of doing that. I commend them and rise in strong support of this bill.

□ 1645

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise to strong opposition to this assault on working men and women made to pay for a tax cut for the wealthy. This bill doesn't just pull the rug out from under American workers, it pulls out the entire floor.

The deepest cut is made in crucial worker training and education programs that help displaced workers get back into the workforce. That cut is shortsighted and wrongheaded.

The American people are this country's greatest asset as we try to compete in a global economy. But, this bill puts people dead last. It puts working families dead last. It says—if you lose your job, you're on your own.

I know about the need for worker retraining. I live in a State that has lost more than 200,000 jobs over the last several years. Many of those jobs have been lost because of the defense build down. Many of those jobs aren't coming back.

And, the bad news just keeps coming for my State. We now face a plant closure at the AlliedSignal tank engine plant in Stratford, CT, in my district. The decision by the Army to close this facility will mean that we lose another 1,400 jobs. These workers in Connecticut, and workers like them all across the country, need our help.

Defense workers aren't looking for a handout. They're looking for a helping hand. After years of working to maintain our country's strong national defense, these workers are now being told that their skills are no longer needed. Their work helped us win the cold war, but now they are the ones being left in the cold.

The Republican leaders in this House say they are cutting across the board in order to balance the budget. They want us to believe that this is a shared sacrifice for a noble purpose.

But, this sacrifice is not shared and it is not noble. There is nothing noble in asking people who are out of work to pay for a tax cut for the wealthiest Americans.

Mr. Chairman, we have an obligation to help our displaced defense workers. We have an obligation to provide them with the training and education they need to get back on their feet. This bill fails our obligation to defense workers and that's why I will oppose it.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Lexington, NE [Mr. BARRETT], a member of the Committee on Economic and Educational Opportunities.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of the provision in H.R. 2127, that would prohibit the enforcement of President Clinton's Executive order, banning the use of permanent replacement workers on Federal contracts of $100,000 or more.

To put it simply, I believe that the President's Executive order is unconstitutional, and is a direct challenge to the prerogatives of the Congress to set labor law. The President's order—in the opinion of many—is nothing but a backroom deal to coddle favor with labor unions, and is a direct challenge to decades of well-established labor law which permits the use of permanent replacement workers.

Allowing employers to hire permanent replacement workers has been a long-standing right that employers have used, though sparingly, in order to countermand the union's use of the strike. I wouldn't say that either option in today's workplace is perfect, but it has provided a careful balance that has enabled neither side to claim an unfair advantage.

Instead of allowing this issue to be settled by Congress, the President has circumvented Congress and has allowed purely political goals to enter into the fray of employer-employee relations.

As a member of the Economic and Educational Opportunities Committee, I believe the committee has rightfully recognized the improper use of the

President's Executive order, by reporting out H.R. 1176, which would make the order null and void.

Mr. Chairman, the provision in H.R. 2127 preserves the right of Congress to set labor laws, and would reverse a dangerous precedent-setting Executive order. I urge my colleagues to vote against any amendment to strike these provisions.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I encourage my colleagues and others to examine what we have just heard from the last speaker. This is a situation, or as Ross Perot used to say, here is the deal. You are an American worker, you are under contract, your employer violates the contract. What is left for you to do? Well, you probably try that cherished American right: You withhold your labor in protest.

Most Americans support that. Not these Republicans. They say if you go to that cherished American right of withholding your labor, you are fired, you're fired. You are a woman, kids at home, you are trying to make it, you have this job, you are fired, you lose health care. Same thing with a man, of course. You lose your position, you lose your retirement, you lose your tenure, you lose everything you put in that company, you are fired.

Somebody is permanently hired for your job, and you are not offered it back. You are fired. Why? Because you dared to withhold your labor, because the boss broke his part of your deal, his part of the contract. But you? You are fired.

Bill Clinton, President Clinton, said, well, we are not going to let you use Federal money to do that, to fire these people. If you have a job and the taxpayers are paying for it, you cannot fire these American citizens just because they withhold their labor under the law, legally withhold their labor. The Republicans say oh, yes, you can, you can fire them. That is extremism run nuts, and that is what is in this bill, extremism run nuts.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Mount Holly, NJ [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, if I said to all the folks here who are in this room that I wanted to talk to you for a couple of minutes about how pension fund managers invest pension moneys, I would see a bunch of people yawn and you would all think it was pretty boring, and you would be right. But if I said to you that I want to talk to you about your pension check when you retire, the size of it and the security of it, and to be sure that it would come every month, I am sure there would be a lot more interest.

But if I said to you and anybody else that could hear that the pension fund, total amount of pension fund moneys in our country, has grown since 1983 from a level of about $1.5 trillion to about $4.8 trillion today, you know, that is kind of hard to relate to. But if I said to you that particularly people who are beginning to think about retirement that that pot of money is where your paycheck is going to come from after you retire and that it should be protected with all due diligence, that would be interesting.

So let me talk about that for a minute, because the Clinton administration, particularly Secretary of Labor Robert Reich, has done some things over the last year which I think are very unsettling for people who are beginning to think about retirement, particularly if their savings for their old age are invested in private retirement funds, because you see, in June 1993, Secretary Reich reinterpreted the law that provides safeguards for those savings in private pension funds.

Secretary Reich calls the program economically targeted investments. What he is saying to the people that manage all of that money for us so that we can retire with it, ''We want to change the rules a little bit to permit you to do some things that you were not permitted to do before,'' because, before, they were considered to be too risky and, in my opinion, while nothing has changed to make the things that Secretary Reich would like us to do less risky, he wants us to go ahead and begin to invest in other kinds of things with other people's money that they are saving for their retirement. Now, I think it is a bad idea.

For years, what the gentleman from Illinois [Mr. FAWELL] refers to often as the ''prudent man'' rule was followed, and in the late 1960's and early 1970's, private pension funds began to have some problems, and so in 1974, and I think correctly, the Congress passed a law known as the Employee Retirement Income Security Act, which we refer to as ERISA. It says clearly that the people that manage those moneys in private pension funds must follow one rule, that those moneys must be invested for the sole purpose of providing benefits to the participant in the plan, the sole purpose. Secretary Reich would like us to do some other things with the money and is encouraging pension fund managers to do so, to invest in socially good programs, to make social investments, to invest in housing projects, to prop up a failing company if it means jobs for a community.

They are worthy goals, but if I want the moneys that I am investing for my old age in a private pension fund invested in those kinds of investments, then I will take my IRA fund and invest in some social good.

Most people do not choose to do that, and Secretary Reich, in my opinion, should not be encouraging pension fund managers to do that with my money either and the money of all the Americans, the 600,000 or so that I represent, and I think you will agree, Members on both sides of the aisle, that you do not want your constituents' money tampered with in an unsafe investment either.

This bill cuts back on funding that Secretary Reich and his staff are using for the purpose of encouraging pension fund managers to make these investments.

Now, we have lots of information that says that these are not good investments and they are not safe. For example, in one study at the University of Pennsylvania, Olivia Mitchell determined that the public pension funds which were required to make certain investments generated lower rates of interest, lower returns, and were less safe.

So I urge everyone to support this bill the way it is.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we do not need to look at theories or predictions as to what will happen when OSHA is cut the way it is cut in this bill. I think OSHA is a agency in need of reform, and I am sure there are some bureaucrats in OSHA who are not necessary and who ought to go. That is not what this bill is going to do.

Make no mistake about it, this bill means fewer inspectors, fewer inspections, and more risks for workers. We do not need to theorize or guess what happens when you have too few inspectors or too few inspections.

We do not have to look to the future. We can look to September 1991, in Hamlet, NC, when the North Carolina Occupational Safety and Health Administration, with too few inspectors, too few inspections, underfunded, permitted a facility, a chicken packing plant that had committed egregious violations prior to September of 1991, to create a situation where 25 people burned to death. That is what we have to look for. That is why we should oppose this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to tell this House today about someone who came to Washington to argue against this bill. This is the gentleman that I am speaking about. His name is Jim Hale. He is a resident of Chattanooga, TN.

He works in the construction industry. He is opposing this bill because his brother was killed 30 years ago at the age of 23 in a construction accident.

Jim will tell you that construction is a dangerous trade under the best of circumstances, and he will tell you that since he started working, it has become

much safer, that it is safer because Federal rules that require employers to take steps have made it safer in these last 30 years or so. Jim believes that his brother might be alive today, that his brother would have had an opportunity to get married and raise kids if the protections that we have today had been there in the 1960's, and he feels so strongly about that that he took off work and came here to oppose this legislation that takes us back to the 19th century.

□ 1700

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

Mr. Chairman, I rise today to say that the appropriations bill before us is fraught with cuts in programs that are important to the working men and women of this entire country, a 30-percent cut in the National Labor Relations Board, a 33-percent cut in OSHA, elimination of the summer youth employment program, and cuts in funding for job training for dislocated workers. The working men and women of this Nation deserve our gratitude and our thanks, Mr. Chairman, for a job well done. Instead we offer this bill which guts the very programs and protections we, as a Congress, created for them. We should reward them for their hard work, not punish them.

There is much more than just the labor provisions that are wrong with this bill. This bill is fraught with all kinds of problems, but the labor provisions are enough in and of themselves to say no to this bill, and, therefore, I urge my colleagues to say no to this bill.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I know that there is a drive here to provide a great deal of deregulation in order to provide much more freedom in this society. That may very well be legitimate, but I think we ought to ask who is going to be free, what will they be free to do, and who will they do it to?

I want to give my colleagues some examples of who they will do it to. Take Jack Gray Transport, Inc. Truck drivers who worked in their facility in North Carolina began an organizing campaign in January of 1994, and they signed cards trying to recognize the union. In response their employer coercively interrogated those employees about their union activity, they threatened them with a loss of jobs if they did not sign a letter disavowing support for the union, and finally they laid off eight members of the organizing committee. Based on the facts, the district court used the injunctive relief at NLRB which is now available to prevent further action by that company, and they helped save those workers' jobs. That injunctive authority would be eliminated by this bill.

Krist Oil Co. in Michigan and Wisconsin. In 1993 a man by the name of Richard Johnson found out that their pay was being cut by being required to perform additional duties for insufficient compensation. They met at a park to discuss what appeared to them to be a wage crisis. They wrote a letter politely raising a number of questions. Two days later the company fired Mr. Johnson, in part, it conceded later, because of that letter. Cashiers Yvonne Mains and Jodi Creten were fired after presenting the complaints by their store employees to a supervisor during a meeting at one of their homes. Mains told the boss that the employees were considering contacting the union. The company wrote a letter notifying Mains of her termination because she was, quote, creating a mutinous situation, end of quote. Again the NLRB used their injunctive relief to provide those workers with help. That would be gone under this bill.

Wilen Manufacturing Co.: On June 2 of 1994 the union was certified on the day of the election itself. The employer interrogated employees about their election, about their election votes, and threatened them with discharge and other reprisals for voting for the union. The board sought 10(j) injunctive relief in order to prevent further damage to the workers.

One example of workers who are not protected:

On August 28, 1989, the Gary Enterprises company fired Jerry Whitaker for having previously filed an unfair labor practice charge with the Board. The Board decided in Mr. Whitaker's favor. The company ignored both the Board and the report. After being discharged, Whitaker had a hard time finding work, and finally took a job hauling logs. He had a heart condition, and frequently complained to his wife that the driving job was killing him. He was required to spend nights away from home, and had no money for lodgings. He slept in his truck. One morning, while the contempt case was pending before the court, Whitaker was found dead in his truck from a heart attack at age 55. The Board is still trying to collect the backpay owed to his estate by the company.

That is the kind of case that today could be considered for the injunctive relief which is being squeezed out of the law by the legislative provision in this bill.

People on that side of the aisle talk about OSHA as though it was created by a bunch of left-wing social engineers. The father of the OSHA statute was a man by the mane of Bill Steiger, a respected Republican Member of Congress from Wisconsin who, when I came to this House as a freshman, was my best friend here.

We have had some successes under OSHA. The fatality rate is down 57 percent for workers in this country, and OSHA has contributed to that in a very significant way.

Along with Silvio Conte I helped create at OSHA the first fine-free consultation service, and we provided for some narrow exemptions in the case of small business and small farms. We did that all on a bipartisan basis.

Mr. Chairman, I would urge our Republican friends not to walk away from a bipartisan commitment to OSHA, to OSHA enforcement and worker protection. I urge them not to make this issue a partisan issue. Vote against this bill because of these provisions.

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FAWELL] for a response to the gentleman from Wisconsin [Mr. OBEY].

Mr. FAWELL. Mr. Chairman, I simply wanted to respond to the previous speaker when he indicated that the 10(j) injunction had been eliminated.

Now that just is not so. The 10(j) injunction will be alive and well. It will require the usual equitable grounds to be shown before one gets a preliminary injunction, because a preliminary injunction means they get the final determination ahead of time, but understandably they must be able to show a likelihood of success, an irrevocable and irreparable harm, and a balance of the hardships between the complainant and the respondent, and that the injunction relief is in accordance with public interest.

So, that is the accurate way of setting that forth.

Mr. GOODLING. Mr. Chairman, the American system of collective bargaining is based on the balancing of interest and risk, including the right to strike, the right to maintain business operations during a strike, if necessary, by hiring replacement workers. The executive order takes away this balance in the Federal contractor arena. Permanent replacement is not the same as being fired. Permanently replaced workers have a right to be recalled until they get equivalent employment, and they may vote in union elections for 12 months. But the issue in relationship to this legislation is who has the responsibility under our form of government to legislate, who writes the laws, who passes the laws. I do not think there is anybody in this Chamber, anybody in the Congress, anybody in the United States, that does not understand under our form of government we do that, not the executive branch, and what the President has done is usurped our power, and we should guard our power jealously. The separation of powers was put together very carefully, and we should make sure that we guard that.

So, the issue is who has the responsibility to legislate, who has the responsibility to pass laws, and the answer is very clearly we in the Congress of the United States.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I again thank the gentleman from Wisconsin [Mr. OBEY], the ranking member, for yielding this time to me and for his leadership on these workers' issues. I think it was perfectly appropriate that he closed his part of the debate on this in speaking about individuals and how this policy so cruelly affects them and speaking in their own words. I, too, want to bring to the attention of our colleagues and individual case of how people are affected by the cuts in this legislation. I want to tell the House about someone who traveled to Washington all the way from California to argue against this bill. Her name is Beverly Reagan, and she is a Republican. She votes Republican, but came here to fight against the passage of this bill.

Beverly is a food service worker. She works for private contractors at a U.S. Navy base. Repeatedly these contractors have won bids to operate food service facilities and then failed to make the pension and health insurance benefits that were required under the terms of the contract.

Beverly and her coworkers have had the experience of going to the doctor and finding that the health insurance that they thought was there to cover their expenses was not there at all. She is not alone. Tens of thousands of Americans find themselves in the same situation each year. And like Beverly, the only recourse they have is the Pension and Welfare Benefit Program in the Department of Labor.

This bill cuts that program.

I urge my colleagues to do what Beverly is asking and vote against this bill, protect the health benefits and pension plans of our constituents, and vote ''no'' on this legislation. This is only one of many cuts in the bill that deal harshly with the American worker. The cuts in these seven programs for worker protection, along with a long list of legislation provisions limiting the authority of agencies to enforce child labor laws, laws which protect workers' right to organize, and regulations to protect occupational safety, and language blocking the President's Executive order regarding striker replacements constitute a war on the American worker.

When I was interrupted by the gavel earlier, I was talking about this dislocated worker assistance program which I want to call to our colleagues' attention once again, which is being cut in this legislation by 34 percent. This means that 193,000 workers who lose their jobs in 1996 through no fault of their own will not receive training. Rapid advancements in technology, defense downsizing, corporate restructuring, and intense global competition result in structural changes necessary for economical growth. This program works. The inspector general has reported that workers served by this program ''were reemployed, remained in the workforce and regained their earning power.'' Continuing our investment in dislocated workers is essential.

Of all the cuts in this bill, it is so very difficult to understand why, with all of our talk of free trade, et cetera, we will not deliver on our promise to dislocated workers who are affected by that kind of change.

Mr. Chairman, American workers are the engine of our economy. They must be treated with dignity and respect. They also deserve a safe workplace. Despite our budget challenges, we should not retreat on worker protections. Cuts that will result in increased workplace accidents and fatalities will cost our society.

There is only one word to describe this, Mr. Chairman: Shame.

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

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me.

This entire bill just shows how mean-spirited and radical the Republicans have been with this proposal, and it really is for shame because from the moment this Congress began we have seen the majority try to hurt working men and women of America, we have seen them purge the name of Labor from the old Education and Labor Committee, we have seen them refuse to raise the minimum wage, we have seen them cut OSHA now here by about a third. More American workers are going to die and be injured on the job because of these OSHA cuts. We have seen them slice the National Labor Relations Board which monitors unfair labor practices. We see them slice money, cut money, for dislocated workers.

Why hypocrisy. We talk about getting people off the welfare rolls, and here we have workers that are losing their jobs, and we want to cut funding to help them locate new jobs; Davis-Bacon, which pays prevailing wage, that is cut.

So, we have a pattern here, and this bill fits that pattern.

In my 7 years in Congress this is the most disgraceful appropriations bill I have ever seen, and it ought to be defeated.

□ 1715

Mr. BONILLA. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. DICKEY], a member of the Committee on Appropriations.

Mr. DICKEY. Mr. Chairman, I have a button here that I am not allowed to wear, but I will show it. It says, ''Why does the NLRB have 628 lawyers?''

Why does the NLRB have 628 lawyers? What happened in committee with the NLRB appropriation was something like this. The chairman came in with a 15 percent reduction in the NLRB budget. I did not think that was enough so I scurried around and got an amendment together, and I said 15 percent more is what is more like it. A total of $52 million in reductions. The $26 million that I put in that particular amendment was done only after I had tried to find some way to do otherwise.

First, when the NLRB came to our committee, I asked them, ''Please help us find a way to cut this particular department. Will you do that?'' The asnwer was no. I got the general counsel, the general counsel of the 628 lawyer law firm to come to the office, and I said, ''Will you help me? Will you tell me just what you can do to cut the expenses created by these 628 lawyers?'' The eighth largest law firm in the United States was in his jurisdiction, and I said, ''Can you help? He says, ''Oh, heaven sakes, I cannot do that because we have such a caseload.'' I said, ''Is there nothing we can do?'' He said, ''No, there is nothing we can do.''

Mr. Chairman, I said, ''OK, if they are going to stonewall us and say no to that and not help us, from their position of expertise, then we were going to have to cut blindly in some way to get their attention and help the American people and reach this deficit.''

Here is what they have at the NLRB, and maybe others can tell me if there is anyplace to cut. There are over 2,000 employees. I have mentioned that it is the eight largest law firm in the United States. They have 628 lawyers that they let loose on American business and industry. Each NLRB Commissioner has between 18 and 22 lawyers assigned to him or her.

Mr. Chairman, our Supreme Court Justices, with all of their responsibilities and load, only have five. So we have all the way from 18 to 22 for the NLRB Commissioners, each one have that many lawyers, and the Supreme Court Justices only have 5. They have a D.C. office building that pays rent of $21 million per year. It costs $21 million a year for rent to keep up a house for these lawyers, to keep them going.

In Los Angeles alone they have three different offices so they can have more lawyers closer to business and industry, to interrupt the business and to interrupt workloads and cost our economy untold amounts of money. Here these people are saying they do not have any room for cuts. They are not going to help us with this. There are 50 field offices.

Mr. Chairman, we went to the committee, and after some hour and a half, maybe 2 hours of listening to the committee members talking about title I for the children and Head Start for the children, this 15 percent was not sent back that we were going to cut in this amendment. It was not sent back to the deficit, it was not taken to any other programs except Head Start.

Mr. Chairman, we have 628 lawyers on this side and we have all these children in Head Start, and there are some persuasive arguments that Head Start, in fact, is needed. I said, ''We will take the $26 million from the lawyers and put it over here in Head Start. Will you vote for this particular provisio if that

is the case?'' Eight people on that committee said, yes, they would vote for that; that lawyers are not in the priority position when you compare them with children. We will take from lawyers and give to the children. The liberals on that committee, to the person, all five, said, no, we will vote for the lawyers. We will keep the $26 million in this burgeoning legal intrusive type of department, one that will not tell us what to cut. We would rather go with lawyers than children.

Mr. Chairman, I tell everyone this because it should give them an idea of how this particular Congress has existed for all these years. The argument about children, and the argument about Head Start was not the last time we found out that people were not sincere. We also had an amendment to transfer $135 million from the oldest American project of some sort, $135 million from that to Head Start. That was voted down also.

Mr. Chairman, what we are having here is a commitment to lawyers. Not everyone will understand it, if they are not businesspeople. Those who are business people will understand it. Lawyers are not deal makers, they are deal breakers. I say we vote for this and support the amendment and the economy.

The CHAIRMAN. All time for general debate on title I has expired.

The Chair will now recognize Members for amendments in title I.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment, number 70.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STOKES: 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 $2,941,154,000, and on line 21 strike $95,000,000 and insert $100,000,000.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today, the gentleman from Ohio [Mr. STOKES] and a Member opposed will each be recognized for 20 minutes.

The chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, while the bill's $55 million, or 22-percent cut in school-to-work would devastate the viability of this initiative, my concerns extend well beyond this symbolic amendment to the broader devastating funding cuts in career and employment training.

Mr. Chairman, while global competition requires a highly trained workforce, while our technology driven and increasingly changing labor market requires a highly skilled work force, and while the American business community recognizes the importance of training, the majority on the committee have gutted funding for employment training.

No job training or re-employment initiative whether for our youth or older Americans was safe from the majority's budget ax. The 60 percent, or over $2 billion, cut in employment and related training means that 194,000 dislocated workers, individuals laid-off through no fault of their own, will be denied the re-employment and skills training services they desperately need to re-enter the work force; 80,000 Americans will no longer have access to the employment training they need to compete in the job market; 3 million individuals will be denied vocational education skills training they need to earn higher wages; over 275,000 young people will be denied the employment training they so desperately need; and over 600,000 youth will be denied summer jobs they need. It is important for us to realize that the unemployment rate for teens is three times that of the general population. And, for African-American teens, the rate is more than six times higher than that of the general population. In fact, the unemployment rate is approximately 40 percent.

Employment training works. Mr. Chairman, the real wages of American workers are declining and there is growing disparity between the rich and poor. Base closings and corporate downsizing are devastating American families. According to the Department of Labor, 2.5 million workers will be permanently laid off in 1995. Employment training is the key to better jobs and higher wages for the American people. Skills matter, job training pays off. Skilled high school graduates earn approximately 19 percent more than their nonskilled counterparts. Skilled college graduates earn over 40 percent more than their nonskilled counterparts.

Now is not the time to gut employment training. I ask my colleagues to restore the Nation's investment in the future of the American people. Overturn the $446 million cut in dislocated worker re-employment assistance, the $299 million cut in vocational education, the $55 million cut in school-to-work, and the over $300 million cuts in adult and youth employment training. And, my colleagues, overturn the majority's elimination of summer jobs for America's youth.

Mr. Chairman, H.R. 2127 is bad for our children, the elderly, families, and the country. I strongly urge my colleagues to join me in defeating H.R. 2127.

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

The CHAIRMAN. Does the gentleman from Illinois wish to be recognized in opposition to the amendment?

Mr. PORTER. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. PORTER] is recognized for 20 minutes.

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

Mr. Chairman, the gentleman has raised the value of job training programs generally, and I would agree that there are some that do some good. There are others that do not at all.

For example, if we look at adult job training and we look at the Department's own reviews, they indicate the program is not very effective. The inspector general audit reports indicated only 53 percent of the participants in the adult job training obtained jobs. Furthermore, of the ones who got jobs, half said they found them without JTPA assistance. Last year the IG testified the program is being asked to address educational failures, physical dependencies, and emotional and physical disabilities with no demonstrated pattern of success. The IG said in testimony in 1993 that we continue to find phantom JTPA participants, bribery, and overbilling by consultants and contractors, abuses by brokers and other middlemen, and just plain stealing of JTPA funds by those who administer as well as participate in the program. In other words, there have been problems in the program.

Youth job training. Little evidence that the program is successfully training people for the future job market. The Department's own evaluation shows this program has been found to be unsuccessful in raising youth employment or earnings, and that it does not appear that JTPA youth training has had significant positive impacts.

The Summer Youth Employment Program. The program has not provided permanent skills training or education. It is basically an income supplement and the jobs are public sector jobs that do not meet critical needs. The Department's own reviews indicate that subsidized work experience ''has generally not had long-term positive effects on employment in earnings.''

The Displaced Worker Program. Effectiveness of short-term training has been questioned by departmental evaluations. According to the Department of Labor, short-term skills training has not been successful in producing earning gains for dislocated workers. Further, only a minority of displaced workers are likely to enter long-term training if the option is offered to them.

The School-to-Work Program that is the subject of the gentleman's amendment. Here we have seen a program that still, even with the cut, would receive nearly twice what it received in fiscal year 1994, and we had to make a cut here for budgetary reasons, obviously. This is a program that will be under intense pressure to turn the program into a permanent subsidy rather than a demonstration program, which it is, and I would simply have to rise and oppose the gentleman's amendment for that reason.

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

Mr. STOKES. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Missouri [Mr. CLAY], the ranking minority member of the Committee on Economic and Educational Opportunities.

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

□ 1730

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio [Mr. STOKES]. School-to-work is an initiative that should command broad-based bipartisan support. Of all of the provisions in this bill, the proposal to reduce job training for dislocated workers is among the dumbest. As a result of Republican priorities, 193,000 workers who lose their jobs through no fault of their own will not receive retraining in 1996.

This ill-conceived effort is ill-timed. Last month, the Base Closure and Realignment Commission recommended closing 132 military bases, disrupting 100,000 careers. In June, U.S. corporations announced more than 40,000 job cuts.

Let us look at some of the school-to-work success stories. Cassandra Floyd-Dade, of California, had been a clerk-typist at the Norton Air Force Base, earning $8.27 per hour. After being laid off, she entered classroom training to become a nurse. She completed her classwork with flying colors and passed the licensing exam. She now works at the Robert Ballard Rehabilitation Hospital, earning $12 an hour.

There is Susan Day. She was a nuclear technician at the Charleston Naval Shipyard. Before leaving the shipyard, she took advantage of training in business fundamentals. Then she and two of her friends opened a computer retail outlet in one of the most competitive fields in business today.

There is also Jeffrey Bartlett, who lost his job at the University of Minnesota in August of 1992. He collected unemployment benefits for 4 months before finding out about dislocated worker training. The services helped him with his job search and his computer skills. In August 1993, Jeff found a job at the Metropolitan Sports Commission. He has since moved on to become a facilities manager for a computer firm. His salary is now higher than it was when he lost his job at the University.

Mr. Chairman, training for dislocated workers actually works. It gives workers and their families renewed hope. Shame on those who want to cut it. Vote no on this bill.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. DICKEY], a member of the subcommittee.

Mr. DICKEY. Mr. Chairman, I would like to make a case here that the Summer Job Program is obviously just a cash distribution system that our Government has set up. It is a 12–week program. I see it because I am in the restaurant business and we have a surge of business during the summer, and we go out and try to find people to work for us during that period of time, just the period of time that coincides with being out of school.

What we find is we find ourselves competing with the Federal Government and we cannot cut it. We cannot match it, because the Federal Government does not require anything of the people who they give money to other than you be at your home, we will come pick you up or come to the office somewhere around—come into the city hall, or whatever it might be, somewhere around 9 o'clock, and we are going to have you go out and stand in some ditch and act like you are doing something.

Now, what harm is what? What harm is that? First of all, let us look at it from the standpoint of our Government. It is wasting money. It is saying we want to give you sugar rather than protein and calcium. We do not want to give you any skills.

When I see someone is on a job program coming into my business with that on the resume, I say aha, we are going to have to undo what that person has learned from being a part of the welfare system and being a part of the cash distribution system that our Government gives, and then after we work that out, we are going to have to teach them what it is like to really try to satisfy customers, to really be accountable, and to really have some consequences from their actions.

That is what we are doing in this particular program. I cannot see in 12-week programs that we are doing anybody any good. We cannot find workers. We find people during the summer that we find we cannot satisfy the demand because workers are off doing those sort of things.

I just think what we need to do is, if nothing else, for the consideration of the kids, get us off this program, have the money brought back into the Government, and watch when people smile and say our tax dollars at least are not being wasted on a cash distribution system called the Summer Jobs Program.

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

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

Mr. LEVIN. Mr. Chairman, I have been listening to the explanations for the majority position. Your bill is extremism run amuck. It rips whatever mask is left off of so-called concern about the people of this country.

I want to speak to the millions of Americans who will be permanently laid off in the next 2 years. To 46,000 of you, the Republican majority says ''Forget it, no training in employment services.'' To 84,000, the Republican majority says ''Tough luck, no training grants for you.'' And what does the Republican majority have for the kids of America? Your training grants are cut 80 percent; your summer jobs are eliminated.

I have seen training work in Michigan in the Transition Program, those laid off who were building tanks for this country, nowhere to turn. The transition center in Sterling Heights has helped these people get back on their feet. And you come here today and mock those programs. Shame on you.

Mr. PORTER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I just heard the previous speaker say that the Republican position on the bill on the floor is extremism run amuck. After listening to him, I think his statement is hyperbole run amok. The fact of the matter is again we hear this Chicken Littleism. ''The sky is falling. Call Henny Penny. The world is going to come apart at the seams.''

My goodness; $270.9 billion is appropriated in this bill to help people. A major credit card, perhaps the biggest domestic credit card in the history of the free world, paid for by the courtesy of the American taxpayer, to help people in need.

Now, he says all the job programs are going to be eliminated. All the people that ever lose their job in the next year, move from one job to the other, are going to be without help.

My goodness, there are currently 163 separate programs for Federal employment training operations, across 15 departments and agencies, with 40 interdepartmental offices. That is according to the GAO. That is what the General Accounting Office says. For the youth at risk on which we hear the concerns of the gentleman from Ohio, there are 266 additional Federal programs across eight departments and agencies.

For JTPA, the training program that the gentleman talked about that sometimes works and sometimes does not, we would spend $3.3 billion; $1 billion on the JOB Program; another $1.1 billion on Job Corps.

Sooner or later we have to get some common sense. The fact of the matter is, the inner-cities are in deplorable condition because we have taxed the people who run businesses out of the cities and left the poor folks who just do not have the opportunity to gain employment to remain.

Now, it seems to me that common sense says that maybe we ought to stop doing the things the way we have been doing them over the years. Maybe we ought to be giving tax incentives to businesses to return to the cities, and let the real purveyor of wealth, the private sector, take over and generate the jobs to put poor kids in the inner-cities to work.

The gentleman has no more compassion for those out of work than I do. I will tell you that I have been working in summer jobs since I was 14 years old. I believe in summer jobs. I think that summer jobs are important for youngsters. They train them for skills that

they will need in later life. But the Government is not the employer of last resort.

The fact of the matter is, the only useful skills that employees acquire on the job emanate from the private sector. If we can encourage every business in America to go into the inner-city and hire one kid, then we will make a remarkably better gain toward reducing unemployment in this country than the current programs that the gentleman is complaining about that are being trimmed back.

We can consolidate. We can trim. We can scale back. We can save the taxpayer money. We can make the programs more efficient. And in the long run we can put more kids to work, give them more training, and give them better skills, so that they in turn will be productive citizens. And when they get a little bit older, maybe they will be rich enough to go out and hire other kids and put them to work.

The hue and cry, from the liberals who have shown us their policies that have failed day in and day out for the last 60 years, is just intolerable. It is hyperbole run amuck. The gentleman's amendment should be discarded.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the full Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I would like to respond to my hyperventilating friend from Louisiana if I could. Let me simply say that we are resisting the cuts in worker training for one very simple reason: Because corporate profits are headed up, and wages are headed down, and we would like to see the two traveling upward together. That is why we are doing it.

There are millions of Americans who are going to be downsized out of their jobs this year. It would be kind of nice if we provided them the same thing every other industrialized society does, which is some decent job retraining. It would also be kind of nice if we did not ignore kids who are not going to college. That is the purpose of the School-to-Work Program, to take kids who are not going to college, who usually flounder around for 3 or 4 years in our society, unlike other societies who provide a good number of apprenticeship programs. We want to take those kids, put them in a program tying together their high school, their technical school, and employers, and give them a track into a decent job.

This bill cuts the guts out of most of these programs. We passed NAFTA last year and we passed GATT, and I did not vote for them. But what we told workers at the time was ''Look, don't worry; if you are going to lose your job, you will get some retraining help.''

Instead, what you are doing is cutting 34 percent out of training programs. There are going to be 193,000 American workers who cannot get help which they would have gotten previously under the displaced worker program.

Now, you talk about all of the duplicative programs in labor. The fact is, and you know it, the Secretary of Labor is already reorganizing those programs. He is consolidating a lot of them, and we said, five times now, we support the elimination of those programs in this bill. Write it down. We support the elimination of that duplication. What we do not support is cutting job training by one-third so you can provide a $20,000 tax cut for somebody making $300,000 a year. That goes too far.

□ 1745

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas, Mr. GENE GREEN, a member of the Economic and Educational Opportunities Committee.

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

I am proud to serve on the committee, the authorizing committee, and let me talk about some of the things that are being cut. The job training, 17 percent less than what was spent last year; dislocated workers, 31 percent less than what was spent last year; the school-to-work that our ranking member talked about, 22 percent. School-to-work is a program designed to be successful because it takes those young people who may graduate from high school and not have anything to do, but it gets them before they get there, so they can have that skill that they will be able to sell.

This bill takes away our future because it cuts the job training for the young people. It cuts the adult training for people who are laid off, the dislocated workers. It cuts the summer jobs for next year.

I know on the rescission bill we fought long and hard and had summer jobs restored for this year. That is great. But if our chairman of the committee, the gentleman from Louisiana [Mr. LIVINGSTON], said anything, we need more than the 1,000 jobs that we may have in Houston. We need 18,000.

I hope private business will step up like he said and do it. But that does not mean we need to cut out the summer jobs that are across the country that are provided by the summer youth program. In Houston we have 6,000 young people who would not be working this summer without that. If we pass this bill today, they will not have that job next summer.

We need to triple that amount but not to cut it from the Federal program.

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

Just to respond to the gentleman from Wisconsin, the School-to-Work Program was $50 million just 2 years ago. The figure in the bill is $95 million. That is almost a 100-percent increase in 2 years. The fact that we are not increasing it 400 percent is what is sticking in the gentleman's craw.

I have to say that with $3 billion remaining in the JTPA Program, I think we are making a very, very healthy commitment to America's workers and protecting them at the same time we are rationally and reasonably downsizing spending throughout Government.

Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BONILLA], our colleague on the Appropriations Subcommittee.

Mr. BONILLA. Mr. Chairman, I would like to begin by saying that one of the most fortunate occurrences that I have been fortunate to be part of in the last 2½ years is the privilege of having worked with the gentleman from Ohio [Mr. STOKES] on the subcommittee. He is one of the most thoughtful and most sincere and a man with strong convictions and every day works very hard for the people of his district in trying to do the right thing for this country.

I rise, however, today in opposition to this amendment. I would like to make a couple of points in my remarks.

First of all, I would like to point out how strong the Republican support has been for TRIO programs, which will be debated in a later portion of this bill, but is a strong, strong job training program that leads to job training. It keeps kids in school, and it helps them get a degree in higher education and, therefore, be a contributing member of society as they enter the workforce.

We have also supported very strongly in this bill, to show our commitment towards job training, the Job Corps program. This bill provides 1.1 billion for the Job Corps program. Job Corps prepares our disadvantaged youth for the workforce. its strength lies in providing students with the skills to help them succeed later in life.

I have a Job Corps program in Laredo, TX, which is one of the most outstanding programs that is run in this country. It has done so for many years. The kids that you see come through that program turn out to be responsible, well-behaved members of society and go on to lead productive lives in the workforce. Laredo sets an example for the rest of the country. There are other programs in other parts of the country as well that are part of the Job Corps program that work very well.

Even though we are expanding Job Corps, we have also sent a clear message to those running Job Corps facilities across the country. That message is and says very strongly that, if you are mismanaged and will not be effective, we will change leadership or shut you down. We are closing two centers, and we instruct the Department of Labor to think about closing some of the chronic poor performers under the Job Corps program.

Two weeks ago the latest performance figures were released by the Department of Labor. They showed that 7

out of 10 Job Corps people found jobs or went on to further their education. This is a good, solid record. Oftentimes representatives from training programs have come before our committee that were part of the 163 job training programs that we have. Often they cannot cite success stories like the Job Corps training program can. The report also shows that students placed in jobs are earning good wages, with nearly half working on jobs related to the training they received while enrolled in the program; again, a good way to measure the success of Job Corps.

Job Corps is the only program of its kind serving at-risk youth. The alternatives, welfare, unemployment, or incarceration, are more costly and lack any short- or long-term benefits. Job Corps is an investment which continues to yield returns for businesses, communities, and the youth who go on to better their lives.

I am sure if Job Corps graduates like heavyweight champion George Foreman were here today, they would thank this Congress for its leadership in funding the Job Corps program.

Mr. STOKES. Mr. Chairman, I yield 1¾ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, this bill is not about change; it is about retreat. Anybody listening would be confused about whether we are spending more or less.

Here are letters from America's mayors, Republicans and Democrats that say, do not do it. Do not do this to job training. Do not do this to summer youth. Why? Because they know we are spending less. We are sending them less, Republicans and Democratic mayors alike.

If we are to remain competitive in the world marketplace, we need to make sure that our workers, yes, including the new workers that will come on into the workplace market, have the skills necessary to move ahead. This is a terrible bill.

For my State of Montana it would be devastating. We would reduce adult training funding in my State in this bill, reduce it by more than $1,500,000.

The bill will reduce youth training funds to go to my State by close to $4 million. It eliminates every single dollar of summer youth program for the State of Montana and for every other State in this country.

The chairman on the Republican side might say that is not a cut, to go from what we spend today to zero next summer. The chairman would be wrong.

Finally, let me tell Members this: I serve along with the good chairman, the gentleman from California [Mr. MCKEON], a Republican chairman, of the committee that has redesigned the Job Training Partnership Act. In a bipartisan way we agreed to a 20-percent cut in job training funds. That is not what this bill does. This bill cuts funds for youth 54 percent and for everyone else in this country 27 percent. On a bipartisan basis, the education authorizing committee has accepted 20 percent and no more. You are cutting beyond us.

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

Mr. STOKES. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. RANGEL].

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

Mr. RANGEL. Mr. Chairman, let me thank the Republicans for their candor in how they intend to resolve some of the problems.

I wish the chairman of the Committee on Appropriations was on this floor because now I fully understand, having been born and raised and living in the inner city, that our problems were and have been today the fact that we taxed the rich too much. And if we relieve the rich of this burden of tax, they will come back to the inner cities where they fled.

What we are trying to do is to do for those who are held hostage in the inner city the same thing that we do for Americans no matter where they are born: to give them hope, to give them vision, to give them job training, to give them opportunity, to allow them to look forward to raising a family; and to be able to live the American dream.

You keep talking about how much money you are giving. Where do we get this idea of reducing the rate of increase? What we are saying is that if the poor are getting poorer and coming up in larger numbers, you do not cut back the resources that are necessary to give them the strength to get back on their feet to become Americans. What have you cut? Have you cut out communism, socialism, or any of the things that Americans want get rid of? No; you are honest enough to cut those things and stand up to the American people, summer jobs for our kids, school-to-work programs, one-stop employment centers—that is not welfare, my brothers and sisters—and drug treatment to have people be able to stand on their feet.

It is a shame what you are doing in order to make the rich even more rich.

Mr. STOKES. Mr. Chairman, I yield 45 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman from Ohio for his leadership. As I shred this sheet of paper this symbolizes the rights of Americans under this legislation. Under this bill, American workers simply have no rights. Passing this legislation results in a loss of money for Job Corps, and a loss of money for summer jobs. This legislation disregards the need of job training for dislocated workers. And simply, we are not listening to our constituents, for we are not listening to the school districts in Houston, the colleges in Houston that say school-to-work programs do work.

With a 22-percent cut, I do not know what we are saying to the American worker and to the young student who needs to have an opportunity. I certainly do not know what we are saying to those who are advocates of valuable social policy who are to now be gagged by this particular legislation so that they cannot speak out on issues dealing with those least able to access government.

Mr. Chairman, I would say that I rise to support the Stokes amendment because I do believe that the school-to-work program is a valuable tool in providing students real career options. I do believe that the Bill of Rights works, the Constitution works, and I do believe that we should support the Stokes amendment because we are doing nothing under this present legislation but eliminating the rights of Americans and taking away training and retraining opportunities for Americans.

Mr. STOKES. Mr. Chairman, would the Chair advise how much time remains on each side?

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] has 4½ minutes remaining, and the gentleman from Texas [Mr. BONILLA] has 6 minutes remaining.

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

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, the tragedy with the amendment is the fact that, and I suppose that is why it was presented, it gives 40 minutes of talk time. It gives no money to do all the things that Members are talking about doing in job training, et cetera.

When you look at the authority in relationship to the amount of money available, you cannot do any of those things. So basically, the amendment gives 40 minutes of talk, zero of dollars in relationship to doing the kind of things Members are talking about. I just want to make sure that everybody understands that.

Mr. STOKES. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just do not understand the reasoning of the Republicans. They say they want to fight welfare and put people to work. But they cut job training programs. They say they want to fight crime, they want to straighten out our young people, but then they cut summer jobs programs and school-to-work programs. I just do not understand.

They are cutting the vocational education program by $300 million or 27 percent. People ask me at town meetings, why do we not have apprenticeship programs like they have in Germany to give our kids technical skills? They say, Congressman, our jobs are going overseas. What are we doing to improve the skill level of our young people? Sad to say, I will have to tell them, the Republicans want to cut vocational training by 27 percent.

We talk about our young people. We say we ought to get our young people on the proper career tracks. But they cut the school-to-work program by 22 percent. I do not understand.

This puts seniors into a job environment that actually creates jobs. Then they talk about fighting crime, but they are cutting summer jobs. They are cutting almost 600,000 possible summer jobs, 7,000 jobs in my State of Maryland.

Mr. Chairman, I just do not understand their reasoning.

□ 1800

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. DICKEY], a member of the committee.

Mr. DICKEY. Mr. Chairman, I would like to respond to three different accusations that have been made. The middle class understands what the members are saying about who the rich are. It is anyone who works and pays taxes. It is the middle class that we are trying to help. If we are helping the middle class and we are helping other people, they want to be helped, and the heck with whether or not other people are being helped also, so they are not being fooled.

Better training comes for our young people in businesses, where they need to be accountable in their consequences. We do not need to start our kids on a welfare program by teaching them they are doing something when they are not. Abstract training is not any good. We know that.

One hundred sixty-one million dollars was attempted to be restored in the subcommittee for Head Start. We need to stop talking about this particular provision, because not one vote on those restorations came from the liberals on that subcommittee, not one vote. They voted to keep programs that they think of as higher priority than Head Start, so we ought to stop the talk.

Mr. STOKES. Mr. Chairman, I yield 45 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I ask my colleagues, do they not know that before Congress passed the school-to-work program last Congress, America was the only industrialized country that did not have a national program to prepare young people to go directly from school into a job? That is why last Congress we crafted a bipartisan plan to give students who are not going to college the knowledge and skills they need to move directly from high school to high-skills, high-wage careers.

The school-to-work program gives all young people the chance to support themselves and their families, and to be able to participate in the American dream. The school-to-work program is a sound investment in the future of our youth and of our country. I urge my colleagues to support the Stokes amendment.

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

Mr. STOKES. Mr. Chairman, I would ask the Chair, do I have the right to close under my amendment?

The CHAIRMAN. The gentleman from Texas [Mr. BONILLA], who advocates the committee position, would have the right to close, and the gentleman from Texas is presently reserving the balance of his time.

Mr. STOKES. Mr. Chairman, may I inquire as to whether the gentleman from Texas has other speakers?

Mr. BONILLA. Mr. Chairman, we have no additional speakers at this time, and no objection if the gentleman from Ohio [Mr. STOKES] would like to close.

Mr. STOKES. I accept the gentleman's offer that I be able to close.

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

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 2 minutes and 45 seconds.

Mr. STOKES. Mr. Chairman, I appreciate the gesture on the part of the gentleman from Texas [Mr. BONILLA]. Let me say that it has been a pleasure to serve with him on this subcommittee, and there are many matters upon which he and I agree and upon which we have worked jointly.

In closing, Mr. Chairman, let me just respond to remarks made by the chairman of our subcommittee, the gentleman from Illinois [Mr. PORTER], where he made reference to consolidation and elimination of small programs. We agree to that. We also have agreed to the elimination and consolidation of these programs, but we also support funding of the training programs, because they work.

I want to just cite from the adult training program valuation: ''It is the only federally funded job training program that has undergone a major controlled evaluation. The national JTPA impact evaluation showed that participants earned 10 to 15 percent more than those who do not go through some form of education or training.''

Mr. Chairman, those of us who have seen unemployment in our cities, those of us who see in some cities black youth unemployed in excess of 50 percent, those of us who walk the streets in our districts and have people yell at us ''Hey, Stokes, how about a job,'' this is a meaningful way of us trying to provide an opportunity. We have told people over and over again that ''All you have to do is work hard in this society, work hard on the job, and you can become a success in life. You can have a part of the American dream.'' This is what we are asking for here today: Give these young people and give these adults in our society a part of the American dream.

When we talk about the middle class, we are not talking about a lot of Americans who will never be able to get into the working class without a chance to just work a job. We owe every American that opportunity. This amendment would provide the opportunity for us to do that.

The CHAIRMAN. All time has expired.

Mr. STOKES. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. OBEY

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

the Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 18, strike lines 17 through 24.

On page 19 strike out all beginning on line 1 through line 14 on page 20.

On page 20 strike out lines 15 through 22.

On page 20 strike out all beginning on line 23 through line 12 on page 21.

On page 21 strike out lines 13 through 23.

On page 41 strike lines 6 through 8.

On page 51 strike out all beginning after ''1996'' on line 12 through line 18 on page 52.

On page 54 strike lines 6 through 18.

On page 58 strike all beginning after the word ''purposes'' on line 20 through page 60 line 8.

On page 69 strike lines 12 through 17.

On page 70 strike all beginning on line 17 through line 8 on page 71.

On page 71 strike all beginning on line 7 through line 15 on page 72.

Strike title VI of the bill beginning on page 76 line 1 through line 7 on page 88.

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today the gentleman from Wisconsin [Mr. OBEY] will be recognized for 20 minutes in support of his amendment, and the gentleman from Texas [Mr. BONILLA] will be recognized for 20 minutes in opposition to the amendment.

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

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

Mr. Chairman, I have often had constituents ask me the following question: Why does Congress always seem to have so many riders attached to bills that have nothing whatsoever to do with what those bills are supposed to accomplish? If this bill passes, they are going to be asking a lot more of those questions, because this baby sets a new record in terms of illegitimate legislation on what is supposed to be a budget bill. There are 29 pages of legislative riders stuffed into this bill, which is supposed to be a budget bill to fund education and health care and social service and labor programs, 29 pages.

I want to tell the Members, there is a clear pattern emerging in this House. We saw it on the bill earlier this week, the HUD bill, on the environment, and we are seeing it all across the board on this bill. There are 17 different items that should not be here that were stuffed in because either Members have individual gripes with programs or

agencies, or else because the authorizing committee chairmen do not apparently have the courage to bring these bills before us out of their own committees, so that we can debate those policy issues and have amendments offered to them the way we can in the authorizing process, and we cannot do that in the appropriations process. Therefore, I think we are having a clear pattern.

Whether the issues affect women, whether they affect workers, whether they affect health, safety, or bargaining rights, they are rolling back basic law in a bill which is not supposed to write new law but only supposed to provide funding for budget items. I want to give the Members one example. Virtually every time I am in my district going through some plant or some business I run into somebody in an office, usually a woman at a typewriter, with a device on her wrist. I say, ''What is the problem?'' She says, ''I have carpal tunnel syndrome.''

OSHA is in the process of trying to develop a standard to protect workers from a malady which costs $20 billion a year, motion injuries, $20 billion a year. Yet, they are not going to be allowed, under a legislative rider attached to this bill, they are not even going to be allowed to collect data on those injuries. They are not even going to be allowed to prepare a possible standard, because the whiz kids on that side of the aisle have said, ''No way. We know better than the agency charged with the responsibility for enforcing the law.''

We have another provision which says that the President cannot weigh in and try to help workers who will see their jobs replaced when they go on strike by permanent strikers. I will tell a little story. Last year I was in my district. A company that I helped get an industrial park for, so they could develop their company in a new location in my district, that company decided they wanted their workers to have to work Sundays.

The workers had been willing in most cases to work Sundays, but they wanted to maintain the option, because some of them wanted a little room for family and a little room for church on Sundays. Therefore, they went on strike when they could not get the company to leave working Sundays on a voluntary basis. Three days after they went on strike, that company started advertising to hire permanent replacement workers.

Shame on people like that, shame on that company. Yet, what you do is ram a provision in this bill which says that the President cannot take any action whatsoever to help on that front.

Then there is the Istook amendment. This is the Constitution of the United States, article 1. Unless Members have read it, if they have not read it lately, let me read what it says: ''Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.'' Yet, we have the Istook amendment, which says that if you happen to get any kind of a Federal grant, even if you are using your own money, you have to zip your lip. You can no longer lobby the Government on matters of public policy.

Does it say that for defense contractors? Oh, no. Lockheed can continue to run full-page ads supporting this multi-billion dollar or that multi-billion dollar program. Do we try to stifle them? No. It is only the nonprofit organizations, who are trying to in many cases help people in this society who are at the lowest rung of the ladder.

Mr. Chairman, there are some people on the Republican side of the aisle who are offended by that. We already have laws on the books about illegal lobbying. That is clear. What they are trying to do in addition to that is to stifle freedom of expression and the right to redress one's own Government with one's own money. That is going too far. A lot of Republicans on this side of the aisle know that, as well as a lot of Democrats.

This bill has traditionally been a bipartisan bill. I appeal to my Republican friends on this side of the aisle, do not abandon that bipartisan tradition on this bill. They know this goes too far on a number of items, including these legislation items that have been attached and rammed through this bill, many times over the objection of the chairman himself.

Mr. Chairman, I would urge the Members, return this bill to the middle ground. Get rid of this stuff. If Members want to bring these legislative items up, have guts enough to do it through the right process. Have the right chairman from the right committee who has jurisdiction bring it up and debate it here, full-blown, so we can amend these crazy items, and possibly get them in a position where we can have both parties support them. If they are not willing to do that, I ask them to take out the junk. We also got it removed in the HUD bill last week. We lost by one vote. Let us hope we have a better result this time around.

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

Mr. BONILLA. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, we are opposed to this amendment presented by the gentleman from Wisconsin [Mr. OBEY]. It strips out a lot of hard work and a lot of issues that we attached to this bill that are going to do a lot to help the American people. I am proud of the guts that members of this committee on our side showed in trying to advance some of these issues. I will point out two, because there are other Members who have other issues to discuss as well.

The first I would like to discuss involves ergonomics. Ergonomics is one of these words that has small business in America shaking in its boots, because it is another tool, a potential tool that OSHA is going to use to impose unfair fines and unfair burdens and unfair paperwork on small business across this country. Ergonomics is a fancy term for designing jobs and tools to fit the physical and physiological limits of people.

In the private sector, there have been many efforts so far to improve productivity, to try to help the working environment so people are at work more often, have fewer absences, fewer injuries, and fewer illnesses. This is a great tribute to the commitment that the private sector and small business has to helping their employees. There is a myth that exists on the other side of the aisle that somehow employers are not interested in keeping workers on the job, keeping them safe, keeping them productive, and somehow that we are simply concerned about removing any worker safety that exists in this country.

OSHA was born many years ago as a good idea that now, like many cases, is a government program that is out of control. The pendulum has now swung too far in the wrong direction. We have OSHA now that is a four-letter word in the offices of many small businesses in this country.

Ergonomics is an overly ambitious, burdensome, and possibly the most expensive and far-reaching and intrusive regulation ever written by the Federal Government. We are not opposed, long-term, to implementing ergonomics rules in the workplace. We just say at this time that we cannot let OSHA move forward with an aggressive agenda, a burdensome agenda, with no scientific background, with no research to base their efforts on. We must give OSHA and those responsible for worker safety time to develop a thoughtful, scientific basis for implementing any kind of rules related to ergonomics. We are simply asking in this bill, which is part of this bill now we want to protect and therefore must work to defeat the Obey amendment, to preserve the ergonomics aspect of this bill.

☐ 1815

Mr. Chairman, I would also like to address something in this bill that the amendment of the gentleman from Wisconsin [Mr. OBEY] is trying to strip, and that is the amendment I put in to prohibit funding of the office of the Surgeon General. I thought I was doing the current president and future Presidents a great service by eliminating funding for the Surgeon General.

How much time has the executive branch spent on this issue? How much time has the Senate spent on this issue, which has served to do nothing more than embarrass the White House in the last several months in trying to fill this job? The Surgeon General serves no role in terms of policy-making. It is simply a public relations job that the President has at his disposal.

You have a person walking around the country dressed in one of these uniforms, and it looks like they work on the Love Boat creating controversy all around America. So we do not need this anymore. We want to save the executive branch and the Senate a lot of grief and agony in the future by not allowing this to happen.

Mr. Chairman, I want to emphasize that we think advocating good health care policy is important, and this could be done by an assistant secretary out of Health and Human Services, or is a role that could be filled by the head of the Centers for Disease Control in Atlanta, or the private sector could provide leadership in this role via the American Medical Association, or many other groups that do a lot of work to advance good health care policy in this country. Therefore, eliminating the office of the Surgeon General is not in any way to say that we are not interested in advocating good health care policy.

Mr. Chairman, please vote against the Obey amendment, because it strips these two elements which are among a list of good reforms that the majority is trying to implement in this bill.

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

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, one of the many, many virtues of the amendment offered by the gentleman from Wisconsin is that it would strike from this bill the incredibly ill-conceived provision generally referred to as the Istook amendment, which attempts to control speech and political advocacy in this country. It is often described as if the only objective were to keep Federal funds from being used for Federal lobbying. That is already essentially against the law.

This proposal would go far further than that innocent-sounding purpose and fundamentally put the Federal Government in the business of crippling the ability of anyone who is covered by this amendment to participate in the political life of this country.

Mr. Chairman, if it were to become law, large numbers, probably millions of Americans, would end up having to file, or participate in the filing, if you can conceive of this of a certified annual report detailing their political activity. Incredible.

The proponents of this amendment often trot out a picture of a pig eating Federal dollars. I guess that pig is supposed to represent farmers and small business people, the Girl Scouts, the Red Cross, the YMCA, the U.S. Catholic Conference, some of over 400 organizations that are opposing this provision. The proponents say their purpose is to keep these people and organizations from spending more than a minimal amount of money to affect Federal policy, but the real guts of this is to keep Americans from spending their own money, their own money, on political advocacy.

It flies in the face, as the gentleman who opened this debate indicated, of the first amendment, whether we are talking about university researchers, churches getting funds for day care centers, companies receiving help for displaced workers, gun clubs being allowed to do target practice on a Federal reservation, on and on and on, being swept into this incredible proposal.

Perhaps worst of all, this amendment would establish a big government, big brother system of political controls. It would bring about the creation of a national database of political activity, and if you can believe this, a master computer file in Washington, DC, covering everything from communications to contributions made by covered groups and their employees, managed by the Government of the United States.

Mr. Chairman, a shame, an absolute shame. How any of us who took an oath to uphold the Constitution could stand still for this kind of nonsense on the floor of the United States House of Representatives in a free land, especially those who've spoken over and over again about wanting to restrain the reach of the Federal Government, is absolutely incredible.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COMBEST], the distinguished Chairman of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Chairman, I thank my most able friend from Texas for yielding time to me.

Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Wisconsin [Mr. OBEY]. In particular, I am concerned because it would strike a provision in this bill that denies funding for the Department of Labor to enforce the Hazardous Occupational Order H.O. 12, which prohibits teenagers from merely loading a baler.

I have been involved in this issue ever since these outdated restrictions were brought to my attention by grocers in my district who were fined by the Labor Department for violating H.O. 12. A fine of up to $10,000 can be issued every time a cardboard box is simply tossed into a silent, nonoperating baler by teenage employees under 18.

Unfortunately, efforts to change this regulation through the Labor Department fell on deaf ears and that is why we are here today arguing against this amendment.

Mr. Chairman, in typical bureaucratic form, it took 7 months for the Labor Department to respond to a letter signed by over 70 Members on both sides of the aisle that requested a revision of H.O. 12. The Labor Department did not even have substantial evidence to support the prohibition of teenagers to load nonoperating balers. In addition, in the last Congress, language was included in this very bill that instructed the Labor Department to do a review of H.O. 12.

If I remember correctly, in the last Congress the gentleman from Wisconsin and the gentleman from Ohio, the chairman of the committee and the subcommittee. The Labor Department then promised to issue a notice of proposed rulemaking by May. We have heard nothing yet.

Mr. Chairman, you will hear that this provision will undermine child safety, but that is a far cry from the truth. The Labor Department admits it only has 11 documented cases involving baler-related accidents, but in 6 of these there was operation of the baler, and under the provision in the bill, operation of the baler would still be illegal.

One case the Labor Department lists happened next to a baler when a piece of metal happened to fall that was leaning against it. In another documented case an individual had a paper cut when they picked up the box.

Mr. Chairman, this amendment should be defeated.

Mr. BONILLA. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to strongly, strongly oppose this amendment on many grounds, but for the point of this debate, let us just talk about his language that strikes the provision to control OSHA and ergonomics. Now, what is ergonomics? Ergonomics is simply repetitive motion. It might occur from playing tennis, it might occur from skiing, it might occur from fly fishing, perhaps it even can occur from using a computer too long.

If we have ergonomics, what really does it do? Well, they call it repetitive strain injury. I think we can all agree that there is such a thing. All of us over 50 know that there is repetitive strain injury. But how pervasive is it? Well, do not bother to find out. There is no correct answer.

Mr. Chairman, OSHA estimates that such injuries account for 60 percent of all workplace illnesses. The Bureau of Labor Statistics says that that figure is 7 percent. The National Safety Council thinks, well, maybe it is 4 percent. Well, that is the problem, the reason repetitive strain injury is the workplace's most complicated and controversial problem.

Now, beyond the fact that we know that there is such a thing, there is little agreement on this subject. One problem is that no one can determine the scope of the phenomena. Remember, these divergent statistics are offered by OSHA and the National Safety Council, but another involves the question of cause and effect, a science that is very muddled at best when it involves RSI, repetitive strain injury.

For instance, two secretaries work the same hours every day. One develops stiffness in her fingers and the other does not. An assembly line worker suffers from crippling backaches. His colleague who works right beside him and

does the same thing whistles all through the day.

Now, did the employer's work cause the pain, or something else? What should an employer reasonably be expected to do about this? The way OSHA looked at the issue, every job would become a disorder waiting to happen. In its zeal to protect workers' health, the agency drafted a report identifying risk factors on the job from heavy lifting to working in cramped spaces. The 4-inch thick, 600-page document offers guidance to companies in reducing those risks. OSAH's regulations would have affected everyone who moves or works on the job.

Mr. Chairman, medical science cannot yet determine the cause. It affects everyone, and medical science cannot pinpoint the cause. This will not change the basic fact that there are not always clear causes or remedies for RSI. You cannot mandate a fix if the fix is not out there. However, we have an agency today who would mandate a fix. We have an agency today, and people in that agency, that we cannot allow to write ergonomic standards. We all want health and safety in the workplace, but this particular OSHA should not be allowed to do such a dangerous thing to the economy of this country and the consumers of every one of our districts.

Mr. OBEY. I yield 3 minutes to the gentleman from New Jersey [Mr. ANDREWS].

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

Mr. ANDREWS. Mr. Chairman, I thank my friend from Wisconsin for yielding time to me.

Mr. Chairman, this act is misnamed. It should be called the Special Interest Relief Act of 1995. One of the special interests that is no doubt dancing with glee over the contents of this act is the student loan industry, which has siphoned over $1 billion a year from the taxpayers of the United States of America, until 1993 when we adopted what I think was a good Republican idea called competition. In 1993 we said we would have two student loan systems compete with each other side-by-side. One was the expensive and complicated status quo system run by the banks, and the other was a new, more efficient system run through the college campuses called direct lending.

Everything that we have seen from around the country, Mr. Chairman, says, direct lending is winning. Students like it, universities like it, taxpayers like it, but the special interests who profit from the student loan system most certainly do not.

So what they have done in this bill is to cut off the competition at its knees. Language in this bill which would be removed by the Obey amendment says, direct lending will be effectively killed, dead and buried as a result of this. That is wrong. It is wrong for taxpayers because direct lending costs less than the bank-based system. It is wrong for students and administrators because around this country, a vast majority of them have said that they prefer the direct lending system. Perhaps most importantly, Mr. Chairman, it is wrong as a matter of process. It is wrong because it is based upon a CBO report which cooked the numbers.

Mr. Chairman, anyone who follows this issue and is familiar with it knows that the conclusion that somehow or another the direct loans cost more than guaranteed loans was a conclusion CBO was told to reach for reasons of political convenience, and it is also wrong, Mr. Chairman, because this debate and this issue is being tucked away in this appropriations bill.

Mr. Chairman, the special interests of the student loan industry know that they cannot win a fair fight on this issue, because they do not have the facts on their side. So what they have done is to load it up in this bill, tuck it away in a corner where a lot of other issues will take precedent and it will not see the light of day. The Obey amendment is a way to correct that and bring us into the light so that there can be a fair and balanced debate. For that and many other reasons I would urge my colleagues to do the right thing and vote ''yes'' on the Obey amendment.

□ 1830

PARLIAMENTARY INQUIRY

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

The CHAIRMAN (Mr. WALKER). The gentleman will state it.

Mr. OBEY. Mr. Chairman, as you know, the Chair is considering rolling some votes. The next amendment scheduled to be discussed, depending upon whether or not my amendment passes, is the Pelosi amendment, which, in contrast to my amendment, is only trying to remove some of the legislative language with respect to some labor problems or worker problems.

Mr. Chairman, my question is this: How do we proceed to the Pelosi amendment if we have not actually had a vote on my amendment; and should we not, therefore, vote on my amendment before we proceed to the Pelosi amendment?

The CHAIRMAN. The Chair has the authority to postpone the votes. The inconsistency of the amendments does not necessarily impact on the Chair's decision with regard to postponement.

Mr. OBEY. Mr. Chairman, further parliamentary inquiry.

Is it the Chair's intention to roll the vote on the Obey amendment now before us?

The CHAIRMAN. The Chair is at the present time considering that matter and leans toward postponement of votes.

Mr. OBEY. Mr. Chairman, since we are not at a point where the Chair has to make that decision, I would urge that the Chair make that decision in consultation with both sides, not rolling that specific vote, so that we could, if it fails, proceed to the Pelosi amendment; unless, of course, the committee wants to accept the amendment, in which case we do not have any need to go to the Pelosi amendment.

Mr. Chairman, in fairness to both sides, I think it would not make sense to vote on the Pelosi amendment, or spend the time debating it, if mine passed. I am not asking for a determination now, but I would urge the Chair to consider that problem.

The CHAIRMAN. The Chair will take the gentleman's point under advisement.

Mr. BONILLA. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Texas [Mr. DELAY], the Republican whip.

Mr. DELAY. Mr. Chairman, I hope Members are watching this debate and paying very close attention to what the gentleman from Wisconsin [Mr. OBEY] is trying to do. It is a huge amendment that affects a lot of issues that are very important to a lot of Members.

Mr. Chairman, the gentleman is trying to remove legislative language that deals with striker replacement. In a situation where the President has, in my opinion, stepped way beyond the bounds of his authority by writing legislation through Executive order, we are trying to correct that.

The gentleman also strikes a provision in the bill that I think is very, very dangerous, if Members do not know about it and vote for this amendment, and that is the legislative language that prevents the raiding of pension funds by the Department of Labor, a position that has gotten a lot of people exercised about a new way of spending, designed by the Secretary of Labor, by going in and raiding pension funds.

The gentleman from Georgia [Mr. NORWOOD] has already talked about the ergonomic standards, another example of overzealous regulatory agencies trying to write regulations on an issue that the scientific community has no consensus on, yet they are trying to write regulations that would have a severe impact on jobs in this country.

The gentleman is also attempting to stop summer jobs. In this bill, we have language that prohibits the Labor Department from stopping individuals under the age of 18 from using cardboard balers in grocery stores. Right now, they are trying to stop high school kids who work summer jobs in grocery stores from operating the cardboard balers in those stores. The gentleman strikes that language.

Also, those that understand, particularly in light of the recent Surgeon General, we do not need a Surgeon General in this country. The gentleman strikes the language that does away with the Office of Surgeon General. We go on and on and on.

Mr. Chairman, the gentleman from Wisconsin [Mr. OBEY] even includes some of the abortion language, so those

Members who consider themselves pro-life had better look very carefully at this amendment, because it strikes the language that stops medical experimentation on human embryos outside the womb. I do not think anybody is offering a single amendment to strike that particular language.

I understand the point that the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking member of the Committee on Appropriations, is making. The point is, he is upset with legislating on an appropriations bill.

Mr. Chairman, let me just say that in taking over the majority in the short period of time that we have had, we did not have time to legislate through the normal process; and we feel that it is very important to do these kinds of things to stop an overzealous administration from accomplishing some really bad things.

Mr. Chairman, I urge my colleagues to vote ''no'' on the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, we should support the Obey amendment because this legislation is just such an incredibly comprehensive raid on the rights of American workers.

Whether those American workers seek to have a bargaining position with their employer over their working hours, terms, wages and conditions, where that right is taken away because of the attempt here to overturn the President's Executive order; whether those workers seek to work in a safe workplace, where we see as serious a problem as the ergonomic standards being set aside in this bill; going even further, not letting OSHA collect the data. Apparently, the Republicans on this side do not know this when they see it.

Let me tell my colleagues, we see it every time we get on an airplane. We see a flight attendant with their hands in the braces; people that cannot do the job on the airplane, because their hands are in braces.

We see it on the assembly line and we also see it when almost 3 million claims are paid for the injuries that are suffered for this.

Mr. Chairman, the question is, do we stick our heads in the sand, as the Republican amendment would have us do, or do we go out and try to meet this problem? This is about whether or not our workers get to continue to be able to work without disability or whether they are sent home from the workplace and they are put on disability and they see that their ability to support their families is dramatically reduced.

This is about our families. This is about Americans. This is about people who go to work every day and do not want to be hurt, yet 2.7 million of them file claims and were paid. Mr. Chairman, we know the kind of workplace loss that that takes.

We see it in our own offices. There are people walking around this Capitol with braces on their hands, on their elbows and shoulders from that kind of work. Do we not owe it to them?

Mr. Chairman, we also know that employers and insurance companies recognize it. They are trying to develop a safer workplace. They are redesigning machine tools and redesigning the assets to the people working on the assembly lines.

Somehow the Republicans have just lost sight that these are people; these are families; these are bread winners; these are spouses; these are mothers; these are fathers; these are sons or daughters who are out there working.

Do they not deserve a safe workplace? The answer in this legislation is ''no'' from the Republican side of the aisle.

I think we have got to understand it extends even further in terms of the workers, where there is disagreement in the workplace between employer and employee. They make it much more difficult to go and get those conflicts resolved. What does that mean? That means it costs business more money, it costs workers wages and we do not get on doing what this country does very well, and that is produce goods and services, not only for this country, but for the international economy.

Mr. Chairman, why is this necessary? Because they will not deal with this through the authorization process as opposed to the appropriations process.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. ISTOOK], a member of the Committee on Appropriations.

Mr. ISTOOK. Mr. Chairman, I find it interesting that some people object now, saying that we should not do other things on appropriations bills. I looked at last year's version of this very same piece of legislation when the other party was in power and there were in excess of 30 examples of what we call authorizing language on the appropriations bill.

Mr. Chairman, this is nothing new or unique; it is something that is common. But what is not common in this place, Mr. Chairman, is the type of outcry that we have heard from the special interests, because they realize they are threatened by this piece of legislation.

This piece of legislation defunds special interests. This bill is to stop the system of patronage, that has gone on through so much of the government bureaucracy, that hands money out to allies of the governing party and uses them to come back and lobby the taxpayers.

We have steps, not only by reducing the level of spending in this bill, but we have what we call the grants reform language, the stopping of welfare for lobbyists that goes to the heart of the problem.

Mr. Chairman, we will never get spending in this country under control if we do not stop using taxpayers' money for advocacy of political positions. This bill contains the language to correct it.

Mr. Chairman, I heard the gentleman from Colorado [Mr. SKAGGS], my friend, say, ''Oh, this is going to create a national database.'' My goodness, I hope the gentleman realizes that lobbyists already have to register. There is already a database. There is a database of grantees. There is nothing new in that.

Mr. Chairman, perhaps some people want to hide from public view the amount of money that is going to special interest groups. The President of the United States, yesterday, decried the special interests in Washington. Here we have a bill to take money away from them to make them stop taking advantage of the taxpayers and people treat it as though the sky is falling.

Mr. Chairman, this bill on so many fronts addresses the problems with how Washington operates, the way that taxpayers' money is used to fund giant bureaucracies in the private sector, as well as the government sector. This bill is to put a halt to that.

Mr. Chairman, the Obey amendment tries to gut this piece of legislation. It needs to be defeated and the bill as a whole needs to be passed.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in support of the Obey amendment and I want to make an observation to the gentleman from Oklahoma [Mr. ISTOOK], my friend with whom I serve on two of the subcommittees. The fact of the matter is, we have not had a bill since I have been a member of the Committee, January of 1983, in which this kind of language was protected. Not one in that 14 years. It was not protected last year or the year before that or the year before that or the year before that.

Mr. Chairman, what has happened not just in this bill, but in numerous bills, the authorizing committees have been ignored and we are trying to jam through legislative language on appropriations bills.

Mr. Chairman, we ought to reject it. Pass the Obey amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I think this amendment highlights the philosophical differences between the parties. We believe in Americans and what they have built on their own. We think workers and employers, subject to reasonable rules and regulations, are pretty capable of creating jobs and economic growth and not helpless and unable to protect their own safety.

The other side believes that we are going to have massive problems, unless these people are minutely watched by

an agency whose record is largely unblemished by success, and I refer to the Occupational Safety and Health Administration.

Mr. Chairman, I want to talk specifically about the fall protection standard, which is in this bill and on which there were hearings in my subcommittee.

□ 1845

The fall protection standard OSHA recently applied to all work above 6 feet in height, it was at 16 feet, they applied it to all work above 16 feet, which means it applies to all residential remodeling, all residential roofing, and, Mr. Chairman, everybody in this business, management, labor, everybody hates it because the workers have to tie on these harnesses and these lanyards and move anchors. It is tremendously inefficient, and it is unnecessary, and they resent the Federal Government telling them, experts in this, what they have to do in order to protect themselves.

OSHA says if we get full compliance with this fall protection standard at 6 feet, and every roofing job and every remodeling job in America, and I guess they are going to have cars in every subdivision to watch people, if we get full compliance, it will save 20 lives every year. I asked the head of OSHA, ''How much does this increase the costs of these jobs?'' Because the evidence we have, again pretty much undisputed, was that it would increase the cost of labor on the jobs about 10 percent, because the workers have to move so much slower. What happens when you increase the cost of this work? What do homeowners do? They turn to fly-by-night contractors, to handymen, to people who do not know and understand safety on roof tops, or maybe they do the jobs themselves.

What happens if you get a bunch of people working on roof tops who do not know what they are doing?

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

Mr. Chairman, the issue is not whether you like the language on paper balers. The issue is not whether you like the language on erogonomics or whether you like the language on any other OSHA action. The issue is whether or not this language ought to be considered as a slipped-in provision in this bill with no chance for hearings, no chance for examination, or whether we ought to do it in a more orderly way.

One of the previous speakers said that I was trying to prevent jobs because we are taking out the language on paper balers. We are not trying to prevent jobs. We are trying to prevent the killing of kids. The fact is that it is true that some balers meet the new industry standards. But only one in five current machines meets all of the requirements, and 15- and 16-year-olds are sometimes not the most cautious of people. There have been six deaths because of paper baler machines, deaths of children.

The ergonomics standards, I do not, frankly, know what the standards ought to be, but I do not believe that the agency ought to be precluded from even developing data on the injuries associated with this problem, and that is what this language does.

Let me simply state, in response to the gentleman from Oklahoma [Mr. ISTOOK], about other labor-health bills providing legislative language. The difference is that every single one of those provisions was brought to this floor under an open rule, and if a single Member of Congress objected, they could strike it on a point of order. That meant the only provisions in the bill were noncontroversial, and they were not special interest sweet dreams, as these are.

Let me simply say that when you take, as you have done, 17 different legislative provisions and jam them into an appropriations bill, do not try to kid us. You know what you are doing. What you do is you circumvent the process. When you put it into an appropriation bill, what you do is you circumvent the normal congressional hearing process and the authorizing committees. You circumvent the process which is designed to make certain all of the parties who were impacted by a decision have an opportunity to comment on it before we, as the publics' Representatives, make a final decision and a final choice. What you are doing now when you slip it into an appropriation bill, you make sure that only certain special pleaders get taken care of. And the other folks who are affected by it? ''Sorry buddy, but you are not involved. We got it in before you even knew we were doing it. Your comments do not even get heard.'' That is not the way to do business when you are dealing with people's lives, when you are dealing with people's rights to have a safe and healthy workplace, when your dealing with the ability of families to save some money on student loans. That is not the way to do business. This is simply, pure and simple, a special interest end run of the normal legislative process. If you truly believe that some of this legislative language is correct, and some of it may very well be, then the way to deal with it is to have the proper committee bring it out under conditions which allow us to amend that language and change it. You cannot legislate, supposedly, on an appropriations bill, so we cannot do that here. Except you have slipped in these items so we cannot get at them through the normal point of order process. You know that these are special interest proposals. You know, if, for instance, you are going to subject a woman to fewer choices because she is a victim of rape or incest, it would be nice if she at least had a chance to comment on it. They have not, not the way you have brought this here.

Strip out all of this language. Bring it here before us in the correct process. Some of it may pass. Some of it may fail. But at least you will give everybody in the process a square deal.

Mr. BONILLA. Mr. Chairman, I yield the remainder of my time, 2 minutes, to the gentleman from Indiana [Mr. MCINTOSH], a great champion of free enterprise and small business.

Mr. MCINTOSH. Mr. Chairman, I rise in opposition to the amendment. I think the American people have sent us here to get our work done. They are tired of us saying we cannot do it on this bill, we cannot do it on this vehicle. We have to go through this hearing. They sent us here last fall to change the very nature of this city and of this Government.

This bill takes a giant step in the right direction to accomplish that. It says to the agencies we are not going to continue giving you money to spend on regulations that do not make sense. It says to the President, ''We think you have politicized the Surgeon General's office, and we are not going to give you more money to finance that operation.'' It says to the lobbyists here in Washington, ''We are going to cut off your taxpaper funding, no more welfare for lobbyists under this Congress.''

The time to act is now, Mr. Chairman. The American people want these measures. They sent us here to do this work.

The committees and the Committee on Appropriations and subcommittees have worked hard to fashion this bill and to craft these provisions in a way that reflects the will and the interests of all of the committees here in Congress. This is an effort to stop us from doing what the American voters sent us here to do, to change America, to cut back on regulations, to end welfare for lobbyists, to send a signal that it is no longer business as usual.

We are going to do what the people sent us here to do and fundamentally change the nature of this Government. I rise in strong opposition to this amendment. Support the committee bill as it is written, because it does move in the direction of changing this Government for the better and for the American people.

Mr. EWING. Mr. Chairman, I rise in strong opposition to this amendment, which would strike section 107 of the bill, which prohibits funding for the enforcement of Hazardous Occupation Order 12, relating to paper balers.

The language in section 107 is based on H.R. 1114, legislation which has 119 bipartisan cosponsors. It would reform a Labor Department regulation which has been on the books since the 1950's and is very outdated. The regulation prohibits teenagers from working around paper balers in grocery stores, despite the fact that modern paper balers cannot cause injury while they are being loaded. The Department has been passing out fines up to $10,000 to small grocery stores for allowing teenage employees to simply toss an empty box into a nonoperating baler, even though they are safe. As a result, many grocers have stopped hiring teenagers.

Our language would simply allow teenagers to load paper balers and compactors, but would not allow them to operate or unload the

machines. Additionally, they could only load the modern machines which have the strict safety standards established by the American National Standards Institute.

This is a jobs issue as well as a safety issue. This small change will encourage supermarkets to start hiring teenagers again without the fear of huge fines. It will also make the workplace safer for all grocery store workers by providing an incentive for grocers to get rid of any old machines which are still in use and replace them with the modern, safe machines.

Congressman LARRY COMBEST and I have been working for well over 2 years to get the Labor Department to modify this regulation, and they have resisted our requests. Last year the Democratic Congress included language in this appropriations bill directing the Labor Department to review H.O. 12. In response, the Department told Congress that it would issue a ''Notice of Proposed Rulemaking'' on H.O. 12 by May of this year. As of today that Notice has still not been issued. That is why we strongly support the language contained in this bill.

The language in the bill is strongly supported by the Food Marketing Institute, which represents grocery stores in every congressional district.

Mr. Chairman, I include for the RECORD a letter from the Food Marketing Institute concerning this amendment.

I strongly urge my colleagues to support the committee bill.

FOOD MARKETING INSTITUTE,
Washington, DC, August 3, 1995.

Hon. TOM EWING,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN EWING: The Food Marketing Institute (FMI) on behalf of the nation's supermarket industry, wishes to express our strong opposition to the amendment that will be offered by Representative Nancy Pelosi to the FY 1996 Labor/HHS Appropriations bill (H.R. 2127).

Among other things, this amendment will allow the Department of Labor (DOL) to continue issuing huge fines against grocery stores for situations when there is clearly no risk of injury to 16 and 17 year old employees. As you well know, the amendment seeks to preserve as is, Hazardous Occupation Order Number 12 (HO 12), a relic of a regulation that has remained unchanged since its adoption in 1954.

Similar to the important principles embodied in H.R. 1114 that you and Congressman Larry Combest are sponsoring, the language in the FY 1996 Labor/HHS Appropriations bill calls for common-sense reform to HO 12. This important language rejects the status quo and embraces safety standards that have been issued by the American National Standards Institute (ANSI) for cardboard balers and compactors. As provided for in H.R. 1114 and in the FY 1996 Labor/HHS Appropriation bill, employees who are 16 or 17 years of age would be permitted to place materials into a baler or compactor that cannot be operated during the loading phase because the equipment complies with current ANSI standards.

FMI strongly endorses H.R. 1114 and the common-sense reform relating to HO 12 as specified in H.R. 2127. A vote against the striking amendment achieves the following: Fairness to employers because fines will not be assessed for situations in which there is no risk of injury to workers; enhanced safety in the workplace as supermarkets upgrade or purchase new equipment that meets the ANSI standards; and finally, job opportunities for young people, as grocery stores will once again be encouraged to hire teenagers.

Sincerely,

HARRY SULLIVAN,
Senior Vice President and General Counsel.

Mr. FAZIO of California. Mr. Chairman, I agree with Mr. OBEY. If he's said it once, he's said it a thousand times: This legislative language has no place in an appropriations bill.

The issues that this bill touches—from abortion to workers' rights—are complicated and controversial. They should be considered out in the open in the committee with primary jurisdiction. If the Majority is proud of this legislation, its members should have the opportunity to hold public hearings to discuss these matters with the public. If this legislation—and that's just what it is—is so important, it should stand on its own, and not hide behind the cover of an appropriations bill.

That said, I rise in support of Mr. OBEY's amendment to strike the pages and pages of legislative language in this bill.

This inclusion is more than unnecessary and a waste of our time. It is malicious. It targets the most vulnerable in our communities, women who have been assaulted by rapists, and children who have been victims of incest. In some cases, this bill rescinds years of legal precedent. In this bill, court decisions in labor cases are overruled.

The demolition does not end here. The supporters are attempting to give political pay back to their conservative supporters. Let me give you two examples.

The language in this bill about gender equity in college sports is unfair to our daughters. Title IX enforcement ensures that our sons and daughters have an equal chance to take part in sports while they are in school. The language in this bill would halt Title IX enforcement. Intercollegiate athletic opportunities for female students—hampered as they already are—would be limited even more. My daughters—each one a better athlete than her father—have been denied the access that I had to college sports. Halting enforcement of Title IX when there is still so much work to do is simply wrong.

The other example that I find intolerable as well as ironic addresses the training of obstetricians and gynecologists. Supporters of this language will say that it protects those who have moral and religious reservations about abortion from discrimination. But the Accreditation Council for Graduate Medical Education—the independent, organization of medical professionals who set the standards for medical education—does not mandate abortion training. Anyone, either an individual or an institution, with a legal, moral, or religious objection to such training is not required to participate.

I would argue that the language in this bill serves a different purpose. It serves to restrict academic freedom. It serves to restrict knowledge about a legal medical procedure its supporters find personally unacceptable. In an ironic twist, in order to satisfy the personal priorities of many proponents of small government, they have inserted this language which represents an unprecedented intrusion into the actions of a private organization.

To repeat, this language has no place in an appropriations bill. Vote with Mr. OBEY to strike all of these unnecessary and outrageous provisions.

Mr. Chairman, I rise in support of Mr. Obey's amendment to strike the pages and pages of legislative language in this bill. Legislative language has no place in an appropriations bill.

This bill addresses complex and controversial issues—from abortion to workers' rights. The American people demand and expect that these issues be subject to full Congressional scrutiny—out in the open—in the committee of jurisdiction.

Yet, the Republican back-door strategy is designed to circumvent this process.

This is wrong. Their legislative language deserves to stand on its own. These provisions deserves to rise or fall on their own merits, not on the basis of some legislative shenanigans.

My Republican colleagues speak highly of this bill. They are clearly proud of their efforts.

Yet, one could reasonably conclude—based upon the Republican decision to insert legislative language in this bill—that they seek to avoid a direct confrontation over this language.

Their motivation is clear. Many of these provisions reflect the most radical and extreme elements of Republican agenda.

This language targets the most vulnerable members of our society: rape victims and the victims of incest. In some cases, this bill rescinds years of legal precedent. It over-rules a number of significant court decisions in the area of labor relations.

This is a simple instance of political pay-back. My colleagues are advancing the interests of narrow, special-interests and right-wing conservative supporters.

Here are just two examples:

Language in this bill addressing gender equity in college sports is outrageously unfair. Currently, title IX enforcement ensures that our sons and daughters have an equal opportunity to participate in sports while at school.

Language in this bill would halt title IX enforcement, and intercollegiate athletic opportunities for female students—already limited—would be further scaled-back.

My own daughters—each one a better athlete than their father—have been denied the same access that I had to college athletics—support, facilities, scholarships, * * * the list is long. Undermining title IX—while so much inequity remains—is simply wrong.

Let me present another, more pernicious example of legislative meddling:

Language in this bill interferes with the training of obstetricians and gynecologists. While seeking to protect from discrimination, those with moral and religious reservations about abortion, this language actually serves to restrict academic and personal freedom. This language ignores the facts.

The Accreditation Council for Graduate Medical Education—the independent, organization of medical professionals that sets the standards for medical education—does not mandate abortion training.

Anyone, either an individual or an institution, with a legal, moral, or religious objection to such training is not required to participate.

This language has the intended consequence of restricting knowledge about a

legal medical procedure that some find personally unacceptable.

In an ironic twist, in order to satisfy the personal priorities of many proponents of small government, they have inserted this language which represents an unprecedented intrusion into the actions of a private organization.

In closing, let me repeat what Mr. Obey has stated so forcefully: This language has no place in an appropriations bill.

Vote with Mr. Obey to strike all of these unnecessary and outrageous provisions.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

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

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

The CHAIRMAN. Pursuant to the order of the House, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

Are there further amendments to title I?

AMENDMENTS OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer three amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc are as follows:

Amendments en bloc offered by Ms. PELOSI:

Amendment No. 60: Page 20, strike lines 15 through 22 (relating to OSHA ergonomic protection standards).

Amendment No. 61: Page 58, line 20, strike the colon and all that follows through ''Act'' on page 59, line 8 (relating to NLRB and salting).

Amendment No. 62: Page 59, line 8, strike the colon and all that follows through ''evidence'' on page 60, line 8 (relating to NLRB section 10(j) authority).

The CHAIRMAN. Pursuant to the order of the House, the gentlewoman from California [Ms. PELOSI] will be recognized for 10 minutes, and the gentleman from Texas [Mr. DELAY] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

PARLIAMENTARY INQUIRY

Ms. PELOSI. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Ms. PELOSI. Mr. Chairman, I thought we were 20–20.

The CHAIRMAN. The amendment offered by the gentlewoman from California is 20 minutes total, 20 minutes on each side.

Ms. PELOSI. That is for all three, the en bloc?

The CHAIRMAN. The en bloc amendments specified under the unanimous-consent request was for 20 minutes, 10 minutes on each side.

The Chair recognizes the gentlewoman from California [Ms. PELOSI].

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

Mr. Chairman, in light of the fact that I only have 10 minutes and I though I had 20, I will take less time, obviously.

My en bloc amendment addresses three shortsighted riders to the Labor-HHS bill regarding worker protection. It deletes the ergonomics rider and can save American corporations $20 billion a year in workers' compensation costs. It eliminates one of the chief causes of a debilitating work-related disorder.

My amendment reverses the effects of this misguided rider which falls under OSHA. In addition to that, I have two amendments which address the NLRB.

As we know, earlier today we discussed some of the cuts in NLRB, a 30-percent cut.

The rules prevent me from introducing an amendment which would restore these cuts. Instead, I am addressing some of the legislative language in the bill that addresses the NLRB, two provisions in particular, the 10(j) provision and salting.

Section 10(j) of the National Labor Relations Act gives the NLRB the power to go into Federal court against an employer or a union to get the court to issue an order for interim relief. This is a very preliminary step. Such orders, for example, can require an employer or union to stop committing additional violations and to reinstate employees fired to chill organizing or withdraw illegal bargaining demands.

Mr. Chairman, what is important to note about this is when these 10(j)'s are issued, most of the time the overwhelming percentage of the time, the issue is dealt with expeditiously and in only a small minority of cases does it go to the next step.

This legislation in this bill would say that in order for the NLRB to go to Federal court against an employer or union, it would require a four-fifths vote of the NLRB, 80 percent. You talk about minority rule, 20-percent rules, a veto power of one person on the NLRB, so I think that in a sense of fairness, our colleagues would recognize that this is silly legislative language.

In fact, had this legislation been in effect at the time of the baseball strike, on which the NLRB voted 3 to 2, we would never have been able to proceed to the resolution of that strike. I think that the figures there speak for themselves.

Mr. Chairman, I have so much more to say on these issues, but will not, in the interest of time,

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

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DELAY. Mr. Chairman, could I, under the rules, transfer the management of the opposition to another Member by unanimous consent?

The CHAIRMAN. The gentleman, by unanimous consent, could do that.

Mr. DELAY. Mr. Chairman, I ask unanimous consent to allow the gentleman from North Carolina [Mr. BALLENGER] to control the time in opposition.

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

There was no objection.

The CHAIRMAN. The gentleman from North Carolina will be recognized to control the time in opposition to the Pelosi en bloc amendments.

Mr. BALLENGER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. FAWELL], a member of the committee.

Mr. FAWELL. Mr. Chairman, I am going to try to, in the 5 minutes I have, make reference to the National Labor Relations Act provisions which are involved in this particular amendment.

First of all, in regard to the 10(j) injunction, I think that is oftentimes misunderstood, but basically all that this bill is doing is to, in effect, require uniform standards in regard to the issuance of a preliminary injunction. Nobody, obviously, should be against something like that.

We are also setting forth that the basic equity principles that always apply in all other areas of our civil law in regard to the issuance of a preliminary injunction would apply here.

Here again, when we talk about a preliminary injunction, we are talking about a very extraordinary remedy, and you must understand that where ordinarily speaking—and any of my lawyer colleagues listening in on this would agree—that you do not get a preliminary injunction just as a matter of course, which is what the NLRB has been doing for the last 2 years. You have got to show a likelihood of success, you have got to show irreparable damage that would be done if the preliminary injunction were not granted. You would have to show a balance of hardships between the complainant and the respondent, and you have to show the public interest is something that demands it. That is what is being requested here.

In the last few years, we have had a great increase in the use of the 10(j) injunction, and both the new chairman, Mr. Gould, and the general counsel, Mr. Feinstein, have made a number of speeches where they have said that they are going to increase the use greatly and, indeed, they have.

Since 1947, when the Taft-Hartley law first authorized this kind of an injunction, it was used on average over the years no more than 30 or 50 times per year.

□ 1900

Now we are getting it at something like 160 over a 16-month period or roughly 10 times for each of the 16 months, and all of this means that what we have, as far as the small business person is concerned, a very costly and a very intimidating result because he is dragged into Federal court to try to defend himself, and then all too often we have, without these provisions

applying as would ordinarily apply, we have an injunction that is issued against the respondent. The small business person especially cannot stand that cost, and it is an intimidating procedure to go through, and oftentimes we get what is called a settlement, but it is not really a settlement. There is nothing to worry about here if my colleagues understand that these kinds of preliminary injunctions should never be issued anyway unless there are these extraordinary circumstances.

In regard to the so-called salting issue, this involves unions that are sending paid or professional union agents and union members into nonunion workplaces under the guise of seeking employment, and the question raised in a number of appellate court cases is whether the union paid and employed applicants for a job can be classified as an employee who would meet the definition of employee under the National Labor Relations Act.

So the issue basically is simply this: Should the NLRB's general counsel proceed to investigate and prosecute unfair labor practice charges against employers who refuse to hire an applicant who is employed by a union fulltime and under the control and the supervision of the union and there basically to organize?

In the most recent case, which is now before the Supreme Court, the Supreme Court stated, and I quote, ''union members who apply for jobs so that they can organize workers are not employees under the protection of the National Labor Relations Act,'' so what is being suggested here is that they should not spend all that money that is necessary to prosecute and to investigate business people. We should not be spending all this money when we have a Supreme Court case which will very soon make a decision. As soon as that decision is made, then this particular ban in regard to spending would be lifted.

So I think in both of these areas we have some very commonsense suggestions.

Ms. PELOSI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

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

Mr. OWENS. Mr. Chairman, 10(j) injunction processes allow the NLRB, the National Labor Relations Board, to do the job they set up to do. They operated for the last 60 years, done a great job for labor relations in America, but in their zeal to destroy organized labor and their zeal to destroy the workers of this Nation, the Republicans, the majority, has moved in this appropriations bill in a way which is abusive, abuses their power and makes a mockery of the democratic process. It trivializes the institutions that we have built for the last 60 years.

The 10(j) process, when it was not in existence, caused the National Labor Relations Board to be impotent in cases which were life-and-death matters. I am going to give my colleagues one extreme example.

In August 1989 the company fired employee Jerry Whitaker for having previously filed an unfair labor practice charge with the Board. The Board ordered the company to reinstate Whitaker, and the Fourth Circuit Court of Appeals enforced the Board's order in 1992. The company ignored both the Board and the court. This is Gary Enterprises ignored the court and the Board, and the Board was forced to bring a contempt case and forced the company to comply. After being discharged, Mr. Whitaker, while he is waiting for this process to take place, had to find work. He could not find work. He finally found work hauling logs. He had to sleep in his car. He had a heart condition, and one morning while a contempt case was still pending before the court, Mr. Whitaker was found dead in his truck from a heart attack at age 55. The Board is still trying to collect the back pay owed to Mr. Whitaker's estate by the company. This is the kind of case that today would be considered for a 10(j) injunction. It could not happen today. The use of the 10(j) injunction today successfully could have put Mr. Whitaker back to work promptly, reduced the back pay owed by the company, and possibly saved and prolonged Jerry Whitaker's life.

This is a life-or-death matter, and we are using a shortcut process in the appropriations process to deal with it.

Mr. BALLENGER. Mr. Chairman, I yield 1 minute to the gentleman from Geogia [Mr. NORWOOD], a member of the committee.

Mr. NORWOOD. Mr. Chairman, I appreciate the gentleman from North Carolina [Mr. BALLENGER] yielding this time to me.

Mr. Chairman, I rise to oppose this amendment on the same grounds that I opposed the Obey amendment 10 minutes ago. We must not allow OSHA to write an ergonomic standard about a medical condition they know nothing about. We do not even know for sure how many repetitive-strain injuries occur in this country. How can we say that it costs $20 billion when we are not sure exactly who has a repetitive-strain injury? How is it two employess can do the exact same thing, and one of them has a strain injury, and one does not?

Mr. Chairman, OSHA cannot write this standard yet. They do not have the ability, medical science does not have the ability, to determine when a person has a repetitive-strain injury.

I ask, ''Is your sore elbow sore from tennis, or is it sore from work? Is your sore ankle from skiing, or is it sore from work?''

Mr. Chairman, we do not have the ability yet to understand this. Vote against this amendment.

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

Mr. Chairman, responding to the previous speaker, it is interesting to hear our colleagues talk about needing a scientific basis for OSHA before proceeding with further ergonomic regulations. We do have that scientific basis with NIOSH, and these same colleagues want to cut $32.9 million of our safety and health research [NIOSH] which is the foundation for the OSHA work.

Mr.Chairman, I also would like to point out to our colleagues who are railing against the ergonomics regulation that a letter received in our offices that came from the Office of Inspector General, the House of Representatives. The letter says that among the provisions we recommend the Chief Administrative Officer develop proposals for the approval of the Committee on House Oversight to phase out nonfunctioning furnishings with ergonomic modern furnishings over the next 9 years.

Let us take the advice of the administration of this House and have ergonomics considerations for people outside as well as in the Congress.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California [Ms. PELOSI] for yielding this time to me.

Mr. Chairman, my father has never skied in his life, my father has never played tennis in his life. I doubt he even wore a pair of skis or touched a tennis racquet in his life. But for more than 50 years he did work with a pick and shovel, and now my father has tendons in his hands which are contracted and tendons in his hands which are hardened.

Pick and shovel and constantly stooping down, that is what my father did in building the great Nation that we have in America.

Now was it repetitive action that caused those tendons to contract and harden? I do not know, but we should have information to determine if in fact that is what caused my father's tendons to contract and harden. But this legislation does not even allow OSHA to collect the information to make that determination.

Whether or not we should have standards now, I will not make that judgment, but we should at least be allowed to collect the information needed to make that judgment. This bill under the Republican leadership would not allow it to happen.

I will go back and tell my father what the Republican Congress wishes to do on this particular issue.

Mr. BALLENGER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from North Carolina [Mr. BALLENGER] for yielding this time to me.

Mr. Chairman, I rise in opposition to the Pelosi amendment to strike the OSHA ergonomic provision, the provision on the 10(j) injunctions, and the provision regarding the processing of

salting charges by the NLRB. We have talked about these issues in our Committee on Economic and Educational Opportunities. We concur with the work that has gone on here in the Committee on Appropriations. These provisions included in the bill simply are statements by the Committee on Appropriations that these are areas which are not a priority for the expenditure of resources.

Mr. Chairman, we are in a time of making difficult choices. The ergonomic provision would prevent OSHA from issuing an overly expensive regulation as indicated by the draft proposal already issued. When there are other demands on OSHA, we should focus OSHA's limited resources on reducing fatalities and workplace accidents rather than on developing regulations to protect workers from repetitive injuries and other ergonomic hazards, regulations which will cost jobs, create paperwork, and will not work.

What we need to do in the area of repetitive-motion injuries is use common sense and not look for a bureaucratic paperwork maze to solve our problems.

The provision on 10(j) injunctions requires the Board to pursue injunctive relief to be guided by uniform standard in determining when injunctive relief would be appropriate. It would also allow parties impacted by injunctive relief a opportunity, an opportunity to present their cases to the Board to open up the process. These seem to me to be matters of simple fairness and due process.

The provision on salting merely requires the NLRB to suspend processing of charges until the Supreme Court has made a determination of whether or not these employees are covered under the National Labor Relations Act. It does not make sense for the NLRB to expend resources in an area where it might ultimately be determined that the NLRB has no jurisdiction.

Ms. PELOSI. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, the labor title of this legislation really is not about money. It is all about legislating a return to the labor philosophy of the 19th century just as we are entering the 21st century. The amendment by the gentleman from Wisconsin [Mr. OBEY] corrects some of the worst of those features, but, pending that, the amendment that the gentlewoman from California [Ms. PELOSI] has offered removes some of the limitations on the NLRB's actions, but it also allows OSHA to set standards protecting workers from repetitive-motion injuries, and that is clearly going to be one of the largest of the issues of the communication and information revolution that we are going to be having in the 21st century.

So, this is an extremely important amendment that we adopt and make certain that we go ahead with the ability to deal with ergonomic standards now and on into the future that is part of the communications information revolution of the 21st century.

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

Mr. Chairman, this Congress passed a number of regulatory reforms which have benefited America's employee community as much as its employer community. We have said that we cannot protect the safety of the employees without destroying their jobs. We can reduce the risk without reducing employment. This is why we passed risk assessment, cost-benefit, and a regulatory moratorium.

OSHA has said that in developing ergonomic standards it wants to do business as usual, no matter what Congress says. Cumulative trauma disorders represent less than 4 percent of the workplace illnesses, but to drive this 4 percent higher, OSHA arbitrarily decided to include back pain, which would increase the figure to 28 percent. But there is a great controversy in the scientific community over whether such back pain can be attributed to workplace causes.

In Australia, when an ergonomic standard was adopted in the 1980's, injury rates increased. Workers' compensation costs increased as much as 40 percent in some industries, and a single company lost more than $15 million in 5 years due to increased production costs.

As Tom Leamon, vice president and research director for Liberty Mutual Insurance, a company which has worked with OSHA to try to develop a standard, has concluded:

> I've spent a long time trying to make jobs better and lighter, but there is amazingly little evidence to support a mandatory standard.

□ 1915

Ms. PELOSI. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentlewoman from California has 2½ minutes remaining.

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

In that time I want to urge our colleagues to support this amendment which supports American workers, and to give to the people in America concerned about ergonomics the same opportunity that the leadership of this House of Representatives wants to give to the workers in the Congress of the United States.

I believe that the calling for a four-fifths majority for 10(j) injunction is really antidemocratic. I urge our colleagues to vote for fairness and against that proposal in the appropriations bill. Please vote for the Pelosi amendment to support American workers and to treat them with the same fairness in regard to ergonomics we wish to have in this Congress.

With that, Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. OBEY], the ranking member of the committee.

Mr. OBEY. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentlewoman from California has 2 minutes remaining.

Mr. OBEY. Mr. Chairman, there are a lot of people here that seem to laugh at OSHA as a pointy-headed agency. I want to tell you a story. The first day I ever served on this subcommittee, I walked into the hearing and I heard a witness saying that 40 percent of the workers, shipyard workers, who had worked with asbestos in World War II, had died of cancer. That got my attention because I used to work with asbestos.

What I found out, after I started to dig into it is, that Manville Corp. knew since 1939 that their product killed people. They knew that workers like me were at risk. They did not bother to tell anybody. It is only the protection you get from an agency like OSHA that assures that people eventually find out what threatens their health in the workplace.

Mr. Chairman, the issue is not whether you like individual OSHA standards or not. Frankly, none of us are qualified to determine exactly what those standards should be because those should be scientific not political judgments. All I am saying with this amendment tonight, on these labor issues, on these worker health related and worker rights related issues, all we are saying is leave the choice to the people who are supposed to be objective about it. Do not turn each and every one of these choices into political decisions.

The gentleman from North Carolina [Mr. BALLENGER] smiles. With all due respect, he is not objective on this issue and neither can I. We have both had our personal experiences. That is why we established these agencies, so they can make neutral judgments based on the best possible scientific information and based on the best possible legal evidence.

If we want to toss this into the political arena and have worker health decided by a bunch of politicians based on which special interest got to them last, vote against the Pelosi amendment. If we think workers deserve better, vote for it.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the amendment submitted by my colleague from California, Congresswoman PELOSI—an amendment which will restore some equilibrium to the relationship between American workers and employers.

By reducing funding for and restricting the operations of the National Labor Relations Board [NLRB], this bill damages one of the most important tools that we have in this country for ensuring that fairness and balance remain in the collective-bargaining process.

The NLRB ensures that American workers do not lose their legal right to choose whether or not they will be represented by a union, and it keeps both unions and employers from interfering with the organizing and collective-bargaining process. The NLRB is an independent agency and acts only in response to charges—charges that can be initiated by either employers or employees.

Impeding the work of the NLRB just makes it harder for middle-income workers and their families. By striking at the very heart of labor-management cooperation and teamwork, erosion of the NLRB lays the groundwork for making millions of American workers more vulnerable to the whims of employers who want to avoid the rules of fair labor practice. By undermining the collective-bargaining system, we pave the way for unfair labor practices, and contribute to the disintegration of the American middle class. Without the protection of the NLRB—safeguards that ensure that both workers and managers engage fully in the collective-bargaining process—we are on the road back to the days when workers had no security. We cannot backslide to the days when the relationship between employers and employees was ruled solely by management. I urge my colleagues to support fairness and balance for American workers, families, and companies by supporting Congresswoman PELOSI's amendment.

Mr. NADLER. Mr. Chairman, I rise to express my support for this amendment and my strongest opposition to the provisions in this bill which seek to limit the responsibilities and enforcement authority of the National Labor Relations Board.

The NLRB measures in this bill chip away at the basic organizing rights of American workers.

This attack on the NLRB could mean the closing of half of the NLRB field offices—an obvious attempt to dismantle the ability of the NLRB to halt flagrantly unfair labor practices by employers and to provide necessary worker protections.

The NLRB now takes over a year to resolve unfair labor practice cases. Ten percent of the cases are not resolved for 3 to 7 years. In the meantime, workers who have been improperly fired for union organizing activities remain out of work. Is it any wonder many workers are intimidated from being involved in organizing? The Republican leadership, by cutting NLRB funds by 30 percent, even in the face of this backlog, shows its true intent to make the rights of American workers, enshrined in the National Labor Relations Act of 1935, to choose freely whether to join a union, a fiction.

This provision is a direct attack on the democratic rights of workers. It is an attack on their right to organize, and on their basic right to a fair, safe and healthy workplace. It is an attack on every working American.

Mr. Chairman, I urge my colleagues to ensure the basic rights of America's working men and women and support this very important amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment by the gentlewoman from California [Ms. PELOSI].

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

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

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentlewoman from California [Ms. PELOSI] will be postponed.

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2, amendment number 2–3, offered by Mr. CRAPO: Page 88, after line 7, add the following new title:

TITLE VII—DEFICIT REDUCTION LOCK-BOX

SEC. 701. SHORT TITLE.

This title may be cited as the ''Deficit Reduction Lock-box Act of 1995''.

SEC. 702. DEFICIT REDUCTION LOCK-BOX ACCOUNT.

(a) ESTABLISHMENT OF ACCOUNT.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''DEFICIT REDUCTION LOCK-BOX ACCOUNT

''SEC. 314. (a) ESTABLISHMENT OF ACCOUNT.—There is established in the Congressional Budget Office an account to be known as the 'Deficit Reduction Lock-box Account'. The Account shall be divided into subaccounts corresponding to the subcommittees of the Committees on Appropriations. Each subaccount shall consist of three entries: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

''(b) CONTENTS OF ACCOUNT.—Each entry in a subaccount shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

''(c) CREDIT OF AMOUNTS TO ACCOUNT.—(1) The Director of the Congressional Budget Office (hereinafter in this section referred to as the 'Director') shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable subaccount balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

''(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

''(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

''(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill, under section 314(c), as calculated by the Director of the Congressional Budget Office.

''(d) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

''(e) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

''Sec. 314. Deficit reduction lock-box account.''

SEC. 703. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 704. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end of the following new paragraph:

''(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2), as calculated by the Director of the Congressional Budget Office, and the revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.''.

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end of the following new sentence: ''Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the Director of the Congressional Budget Office shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballoctions shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.''.

SEC. 705. PERIODIC REPORTING OF ACCOUNT STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: ''Such reports shall also include an up-to-date tabulation of the amounts contained in the account and each subaccount established by section 314(a).''.

SEC. 706. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount of the adjustment to the section 602(a) allocations made under section 602(a)(5) of the Congressional Budget Act of 1974, as calculated by the Director of the Office of Management and Budget. The adjusted discretionary spending limit for outlays for that fiscal year, as set forth in such section 601(a)(2), shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. Reductions (if any) shall occur upon the enactment of all regular appropriation bills for

a fiscal year or a resolution making continuing appropriations through the end of that fiscal year. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 707. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1996 or any subsequent fiscal year.

(b) FY96 APPLICATION.—In the case of any appropriation bill for fiscal year 1996 engrossed by the House of Representatives on or after the date this bill was engrossed by the House of Representatives and before the date of enactment of this bill, the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and the Committees on Appropriations and the Committees on the Budget of the House of Representatives and of the Senate shall, within 10 calendar days after that date of enactment of this Act, carry out the duties required by this title and amendments made by it that occur after the date this Act was engrossed by the House of Representatives.

(c) FY96 ALLOCATIONS.—The duties of the Director of the Congressional Budget Office and of the Committees on Budget and on Appropriations of the House of Representatives pursuant to this title and the amendments made by it regarding appropriation bills for fiscal year 1996 shall be based upon the revised section 602(a) alloations in effect on the date this Act was engrossed by the House of Representatives.

(d) DEFINITION.—As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Idaho [Mr. CRAPO] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. OBEY] will be recognized in opposition for 20 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have finally made it to where the lock-box amendment is now getting an opportunity to be debated and voted on the floor. It has been nearly 2 years since a bipartisan group has been working to try to get this critical budget reform brought forward, and I want to thank the gentleman from Oklahoma [Mr. BREWSTER], and the gentlewoman from California [Ms. HARMAN], from the Democratic side, for their support and continued effort to try to bring this issue forward.

Mr. Chairman, I also want to thank the gentleman from California, Mr. ROYCE, the gentleman from New Jersey, Mr. ZIMMER, the gentlemen from Florida, Mr. FOLEY and Mr. GOSS, the gentleman from Michigan, Mr. UPTON, the gentleman from Oklahoma, Mr. LARGENT, the gentleman from Wisconsin, Mr. NEUMANN, the gentleman from New York, Mr. SOLOMON, for their strong effort on the Republican side to be sure that this important reform comes forward.

In a nutshell, Mr. Chairman, what does this amendment do? It corrects one of the basic problems in our budget process. Right now, as we vote to reduce spending, to try to balance our budget, and we reduce spending in a particular program, project or line item of our budget, all that happens is that particular program or project is eliminated. The money allocated to that project is not eliminated. It simply goes into the conference committee so that those in the conference committee can reallocate it to their special projects.

Mr. Chairman, it is important for us to have a system where when we make a cut that counts, and that when we talk about deficit reduction on this floor, our cuts reduce the deficit. This bill does just that. It takes those cuts and puts them into a lock box and makes certain when this bill is conferenced, those lock-box items are used to reduce the statutory as well as the budgetary limits on our spending.

I encourage the support of the Members of this body for this critical reform and think that we are now going to take one of the major steps in this Congress for budgetary reform.

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

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the idea behind the lockbox is that, supposedly, when savings are made on the floor in bills that are brought out of the Appropriations Committee, that that money, instead of being used for another purpose, is locked up in a box and used for deficit reduction. Sounds great.

I think we ought to go through the history of the lockbox in this Congress. The first time that it was raised as a major issue was on the rescissions bill, when major reductions in the existing fiscal year's budget were being considered by this House. In that bill, in committee, the gentleman from Pennsylvania [Mr. MURTHA] tried to offer an amendment assuring that every dollar that was cut in that bill be used for deficit reduction, not for tax cuts. That amendment was defeated.

We then came to the floor, and our Republican friends in the majority had a change of heart. Essentially, they were looking for votes. What they said was, ''All right, I tell you what. We will support the Murtha amendment.'' They supported the Murtha amendment and they also supported the Brewster amendment, which said ''No money for tax cuts, just use it for deficit reduction.''

One day after it was adopted, Mr. Chairman, the Republican chairman of the Committee on the Budget said, ''Oh, that was just a game to get the votes to pass the rescissions bill.'' They dumped it in Congress and came back with a hugely modified provision which allowed only the first year's savings to go for deficit reduction, and they allowed all of the out-year savings, billions and billions of dollars, over 90 percent of the savings in the bill, to be used for their tax cut.

Guess who gets most of that tax cut, Mr. Chairman? The folks at the top of the heap. Folks making $100,000 a year or more.

We then tried to help the gentleman from Utah [Mr. ORTON] and others, the gentlewoman from California [Ms. HARMAN] another, who wanted to have the lockbox attached to other appropriation bills as they moved through here. Bill after bill, ''Sorry, kiddo, no way.'' It was not done.

Mr. Chairman, now, when we have the last of the major appropriation bills before us, or almost the last, all of a sudden the lockbox is attached to this bill. Why? Because our Republican friends are desperately looking for some Democratic votes for this turkey of a bill on final passage. I want to assure our friends on the Republican side of the aisle, I do not think that there are very many people on our side of the aisle naive enough to think that this lockbox provision is going to be sweet enough to make them vote for this labor, health appropriation bill.

Let us not be fooled, Mr. Chairman. There are $9 billion or more in cuts in this bill from last year, but none of those dollars are going to go in a box for deficit reduction. Those babies are all going to be used to help finance that nice fat $20,000 tax cut for somebody making $300,000 a year and all of the other tax cuts associated with it.

I would simply suggest, Mr. Chairman, lockbox has been spectacularly manipulated politically for the past 7 months. I find it ironic that the only bill that you wind up debating this on is this bill which contains funding for the poorest people in this country and for middle class working people.

It did not apply when the Klug-Obey amendment passed to eliminate a fat subsidy for the nuclear power industry. Oh, no. You would not apply the lockbox to that. You would not apply the lockbox to pork projects when we had the public works bill before us. Oh, no. You would not apply it to the transportation bill when we had transportation pork out here. Oh, no. Now that it affects education, health, labor, however, now you are going to say, well, let us save the money.

Mr. Chairman, I do not think there will be any amendments adopted which cut this bill anyway. What that means is that this is an empty gesture from the majority party. It is a desperate effort to pick up a few votes on our side. Frankly, I do not care how people vote on this amendment, because it is so meaningless, but I hope it does not divert Members from the fact that if anyone really cares about a fair balancing of budget priorities in this country, they will vote against the underlying bill when the opportunity presents itself.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I want to say to those who have been following the progress of the Republican revolution, this amendment today on the

lockbox is critically important. There are a lot of people all over this country, we call them C–SPAN junkies, and many of them are as informed as any group of people you can find within this country, but they did not know, many of them, that if you actually cut spending on an appropriations bill, the money does not go to reduce the deficit; that the money, instead, will go for another spending program. This has been the practice now for about 40-plus years.

The Republicans have now been in the majority since January. This is now August. We have essentially been in charge a very limited period of time. Within this very short period of time, however, we are actually, today, going to pass the first official lockbox bill on the House floor, so that as we cut spending, instead of using Washington rules and using it to spend on something else, this actually is going to reduce spending and we will use it to reduce the deficit.

You know what that is, Mr. Chairman? That is Main-Street-USA common sense. People on the other side criticize us for the way in which we have got lockbox to the floor. I say wait a minute. The minority had 40 years to do it, why did they not do it? They response is, ''Well, if we would have just had one more week to be in control, we would have got it done.'' That is kind of a joke around here. We could give them another 40 years and it probably would not have been done because this means real spending cuts, real reductions in the deficit, and it means common sense, USA, a Main-Street-America idea.

The beauty of this, Mr. Chairman, is it is on this bill and we are going to permanently extend the lockbox for as long as the Republicans, joined by some Democrats who have stuck their necks out, in order to get a lockbox and save this country's fiscal future.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me time, and I commend him for his effective leadership on this issue.

First of all, I agree that Mr. OBEY that the lockbox should have been passed a lot sooner. Had we had a lockbox at the beginning of this Congress, $479 million in cuts from 11 appropriations bills would have been in it. Instead, today, the lockbox, sadly, is still empty. It will be empty at the end of this bill, because, as has been pointed out, we do not expect to cut money from this bill.

Nonetheless, Mr. Chairman, we start today on a very good footing with a bipartisan lockbox amendment that many of us have worked on for years. Had it been adopted in the last Congress it could have included more than $600 million in cuts adopted to appropriations bills.

I would like to commend the many freshmen on the other side whose involvement was critical in moving the amendment as quickly as it did move. Let me not forget my colleague, the gentleman from Oklahoma [Mr. BREWSTER], sitting to right whose formidable presence and leadership on this issue made a big contribution. I also thank Rules Committee Chairman TERRY SOLOMON and PORTER GOSS for their concerted efforts to report H.R. 1162.

Let me say, Mr. Chairman, that a reasonable person would believe a cut in a cut, but not here in Congress. Money cut from one appropriation bill is simply shifted to another.

□ 1930

Lockbox will stop this practice and make a cut in spending a cut in the deficit. The lockbox, as I have said, has many fathers, but I am its mother, and as a mother, I would like to say how proud I am that after a very long gestation the baby will be born.

Congratulations again to all the bipartisan group that worked on this. I offer my strong support for the Crapo amendment.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I rise in support of this bipartisan effort to make our cuts, the cuts that we make on this House floor, count. What this bill would do would be to ensure that spending cuts to appropriations bills will be designated directly to deficit reduction. They will not disappear in conference to be respent later.

This reform, I should share with Members, is supported by such bipartisan groups as the Concord Coalition. It is supported by Citizens Against Government Waste, Citizens for a Sound Economy, and the National Taxpayers Union. The amendment makes a statutory change to the Budget Act of 1974, and would require that all net savings below the budgeted 602(b) allocation, whether from amendments on the floor or in committee, will go toward debt reduction and not for other spending projects.

In the case of this bill, the committee is already $320 million under its 602(b) budget authority allocation, and the net amount of savings and any more savings adopted on the floor of this House will be credited to the deficit reduction lockbox. The lockbox provision applies to this bill and to any other general or special appropriations bill or measure which follows, including supplemental appropriations, deficiency appropriations, and continuing resolutions upon their engrossment by either house.

I want to share with Members that had this passed last year, we would have saved $659 million that we cut on this floor, but was later respent rather than go to deficit reduction.

Mr. Chairman, this provision is supported by the American people. They desperately want and need deficit reduction. Interest on the national debt is now the third highest item in the federal budget, and a child born today will have to pay, on average, taxes of $187,000 over his or her lifetime just to cover their share of interest on the national debt. That does not include the off-budget impact of the national debt itself, which causes higher interest rates on everything from homes to cars.

Please support the amendment.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Chairman, as somewhat of a technician in the effort to devise a lockbox mechanism that could work and still meet the legitimate need of flexibility for those who must write our spending bills, I am pleased to rise in strong support of this lockbox proposal. Our Rules Committee—members and staff—worked long hours to ensure that lockbox would be more than just a catchy phrase—that it would be a powerful and workable budgetary tool to help us meet and maintain our commitment to a balanced budget. And I believe we have succeeded in that effort.

When the House and the Senate vote to save money in spending bills, those savings should not be spent elsewhere, they should be credited toward deficit reduction.

On its face, this appears to be a simple matter—and the principle, that a cut should be a cut, truly is simple. But given the complexities of our current budget process, this simple principle becomes complicated in its application and one can get hopelessly mired in arcane commentary on such things as 602(a) allocations, 602(b) suballocations, statutory spending limits, and the like. These are beltway terms but they are important to understanding the minutia of how this thing will work.

As chairman of the Rules Committee's Subcommittee on Legislative and Budget Process, I am deeply committed to reforming our entire budget process—it is complicated, it is cumbersome, it is confusing, it is often redundant, and it is generally geared toward spending and preserving the status quo.

While we proceed on the larger reform effort, there is no reason not to move forward now on this one important piece of the budget process reform puzzle. I urge strong support for this lockbox proposal.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do not think there is anyone in this House that is not pleased to see us with a lockbox amendment finally before us so that when we do see cuts being made, we

know they are not just going to be for naught, because the money that will have been saved will go on to other programs within that particular agency.

If I may, I would like to propound a question to the sponsor of the amendment and tell the gentleman that I noticed something. This is an amendment that was made in order by the Committee on Rules. It was printed up. Unlike many amendments that were not included within the Committee on Rules report, this one was. As I understand it, this amendment applies to all the cuts and savings that will be made henceforth.

But as the gentlewoman from California mentioned, there were $400 million worth of cuts that have been made in the previously passed appropriations bills over the last couple of weeks, but those $400 million will not be put into this lockbox. They will be used for other purposes, which I imagine include a tax cut for the very wealthy.

So I would ask the gentleman, when he went to the Committee on Rules, if he had asked the Committee on Rules to make this lockbox amendment applicable retroactively to the appropriations bills which we have passed over the last 2 weeks?

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

Mr. BECERRA. I yield to the gentleman from Idaho.

Mr. CRAPO. Mr. Chairman, I appreciate the gentleman yielding.

I agree that we have been trying to get this lockbox amendment put into the process much earlier, and it should have been, so we could have caught some of the savings we already voted on. We did ask for retroactivity. We found there were some significant technical problems with that. The amendment has been written to give as much retroactivity as we can within the process that we are working in. I have to say it is not going to catch all of that which has now gone under the bridge.

Mr. BECERRA. Mr. Chairman, reclaiming my time, I thank the gentleman for this response, because that worries me, because I know this committee can do quite a bit, technical or not, to make sure we save the money. It is unfortunate we did not take the opportunity to do so.

Mr. CRAPO. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, who has been of great assistance in this bill.

Mr. SOLOMON. Mr. Chairman, I took the well on this side of the aisle to look straight at two people sitting over here, because this truly is a bipartisan effort, and it is so badly needed. You know, there is nothing more disheartening for any Member of Congress than to stand up here and have the guts and the courage to vote for cuts of programs, some good program, but you have to do it. You have to get this deficit under control. And then, after you have cast that tough vote, to see the moneys not go toward lowering the deficit. That is so discouraging. The American people are just so disturbed with that.

Finally we have a lockbox that is going to correct that. That means when the gentleman from Oklahoma [Mr. BREWSTER] or the gentlewoman from California [Ms. HARMAN] or the gentleman from Idaho [Mr. CRAPO] or all of the rest of us, when we have the courage to come out here and vote for those cuts, it means now they are going to lower the deficit, and we are going to get this deficit under control.

I think this is a great day. I am just so excited I can hardly stand it. I want to jump up and down. Come over here and vote for this. I want to give the gentleman from Idaho [Mr. CRAPO] great credit, because for 2 years the gentleman has pursued this. Now we are going to get it. Pass it overwhelmingly. I thank the gentleman for the American people.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I tried to listen to the previous speech with a straight face. I just want to say that it was my impression that just last night the gentleman from Texas [Mr. FROST] tried to, in the Committee on Rules, amend this proposal so that the lockbox could be applied to all of the appropriations bills which had passed the House in this section, and that in fact he was turned down. It seems to me that that fact indicates the basic disingenuousness of the situation in which we find ourselves.

Mr. SOLOMON. Mr. Chairman, will my good friend yield?

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

Mr. SOLOMON. Mr. Chairman, I would just say that there is nothing we would rather do than make this retroactive, to make it affect everything. But the gentleman knows after you pass these bills, and the gentleman from Wisconsin, DAVID OBEY, is one of the smartest Members of this body, once we had made those cuts and then the 602(b) allocations has been redistributed, where had they been redistributed to? Mostly to NASA, which people felt we had to reinstate some of the cuts, and mostly to veterans affairs. We could not do that.

Mr. OBEY. Mr. Chairman, reclaiming my time, I would simply say that I did not see that side of the aisle getting any double hernias trying to do heavy lifting in order to get the lockbox adopted on the rescissions bill. In fact, I saw them after they accepted the Brewster amendment, the rescission bill in this House, applying the lockbox principle to all of the savings, both near year and outyear in the rescissions bill. I did then see them swallow a process in which all of the outyear dollars were diverted for the tax cut, rather then for deficit reduction.

I find it interesting that the lockbox will be used to provide tax cuts for somebody making $200,000 a year, but we will also pretend we are going to make additional savings in this bill for people at the lower end of the economic scale, when in fact we know that all of the savings you are going to have in this bill have already been made, they have already been cut, and, again, they are being used to justify a tax cut.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like to say if the only argument that we have to overcome in order to pass this lockbox is simply that it is not good timing, that I look forward to an overwhelming vote on the lockbox, because that is no argument against voting for the lockbox. I am encouraged by that. It is fun to take the field with so little opposition.

For the last month, we have been going at the annual ritual of offering amendments to reduce spending in the Federal budget. As a freshman and a freshman of the Committee on the Budget, to find out only hours later that we really did not reduce spending, we merely reallocated it, was really frustrating. I can tell you that in all sincerity we have been working morning, noon and night to try to get this lockbox retroactive, to get it passed as quickly as possible, and get it passed as a freestanding bill, which we are still committed to do, in order to make this lockbox truly effective right now. We want to make it effective yesterday and last month.

This is the best we can do, and I am glad to see that we should expect overwhelming bipartisan support.

Mr. CRAPO. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I do agree it would have been an excellent idea to have enacted the lockbox earlier. In fact, it would have been an excellent idea to have enacted the lockbox shortly after the gentleman from Idaho introduced the legislation along with the gentlewoman from California in the 103d Congress. Think of all the money we could have saved if it had been passed under the previous majority.

But, fortunately, we have today for the first time a meaningful lockbox amendment before us, and it will establish that the budget allocations that we so solemnly adopt each year will be not floors, but ceilings. It will make it clear that we can reduce spending below those allocations and have those spending cuts stick. Budget cuts can go straight to deficit reduction, so we can reduce the amount we add to the national debt every single day until that blessed day when we finally reach a balanced budget.

Those of us who have been fighting to cut the budget over the years have felt

sometimes like Sisyphus, the mythical character who would roll a rock up a hill only to see it roll back down again. Every cut would be reallocated and respent.

□ 1945

And more than that, the effort to make the spending reductions in the first place would be undermined because everybody here knew that the reductions were not real cuts in spending, so why bother to make enemies by voting not to find programs.

What we are doing is truth in packaging. What we are doing is authenticity in Government. We are making good on our promise to be fiscally responsible. Vote for the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in support of the Crapo amendment. I commend the gentleman, and also the gentlewoman from California [Ms. HARMAN] and the gentleman from Oklahoma [Mr. BREWSTER] for the bulldogged work that they have provided this year to see that we have a chance to vote on this tonight.

I have had an interest in the lockbox idea for several years myself. In fact, Tim Penny, the gentleman from Ohio [Mr. KASICH], and I included in our commonsense budget reform bill last year, but this provision was one of only four of our provisions that the House did not approve.

This amendment would simply guarantee that spending cuts we approve as part of any appropriation bills could be designated for deficit reduction, a novel idea.

Having watched year after year after year spending cuts voted in the House never ever, ever becoming true spending cuts, to say that we are a little bit excited about the possibility this time in spite of the fact that this is the second time this year we have done this, perhaps this time we are going serious and that this will not only pass tonight but that it will receive the full and complete support which it deserves and see that it in fact becomes the law of this House. This is a commonsense legislative effort.

When Congress votes for cuts, we should not deceive the American public or ourselves about what those cuts mean. Citizens assume a cut means a reduction in the deficit, not just a reshuffling of funds as has always been the case. With this change, budget savings will be placed in the lockbox, locked in for deficit reduction, without loopholes. These spending cuts should be initiated automatically unless otherwise specifically designated or transferred, which can be done.

I commend the gentlewoman from California [Ms. HARMAN], the gentleman from Oklahoma [Mr. BREWSTER], and the gentleman from Idaho [Mr. CRAPO] for the effort, the leadership that they have shown in seeing that we have an opportunity tonight to vote for this amendment.

Mr. CRAPO. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. FOLEY].

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

Mr. FOLEY. Mr. Chairman, I am delighted to join the gentleman from Idaho [Mr. CRAPO] in this effort. I also commend the gentlewoman from California [Ms. HARMAN] and the gentleman from Oklahoma [Mr. BREWSTER] on their leadership on this issue.

The American public is telling us to quit spending their money, quit wasting their dollars. This is a mechanism by which we can start locking up some of those savings and putting them towards deficit reduction.

Simply put, I cut a project the other day $25 million. I found out hours later that that money, that $25 million, was swept off the table and spent somewhere else. It frustrated this Floridian to know that all of that effort was in vain because somebody else spent the dollars.

Let me tell my colleagues, the gentleman from Oklahoma [Mr. LARGENT] spoke eloquently on the freshman class. I want to read you from the Fort Lauderdale Sun-Sentinel an editorial, ''Applaud House Foley, for 'revolt' '':

> Congress has played the old shell-and-pea game with the appropriations process for years, shifting federal money from shell to shell with so much speed and dexterity that the befuddled taxpayer soon loses track of the pea.
>
> Foley and many of his colleagues in the Class of 1994 were sent to Congress partly because they pledged to get serious about reducing the deficit. In this instance at least, they seem determined to make good on their pledge. Foley's prominent role on this important issue may not endear him to the House leadership, but it should earn him some deserved points with the people he was elected to serve.

My colleagues, we were sent here from districts across America to serve the taxpayers, not the leadership of this Congress.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

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

Mr. BREWSTER. Mr. Chairman, today first I want to thank my good friend from Idaho, Mr. CRAPO. We have worked on this project for 3 years, were joined by the gentlewoman from California [Ms. HARMAN] last year, and it has been a long road. But we finally reached the point of getting a vote.

Mr. Chairman, I rise today in support of the lockbox amendment to H.R. 2127. Many Members on both sides of the aisle have worked tirelessly to get to this point. We have many times seen amendments come up on the floor. We have made difficult votes to make cuts in those bills out there and then seen that money spent later by the Committee on Appropriations on other programs. That is just not right. Since I came here in 1991, I have been astounded that those kinds of things continued to happen.

I committed myself to make sure this practice would not continue. Today we have a vote on the lockbox amendment. This lockbox represents the most substantive change in the way this place does business that has occurred in many decades.

The gentlewoman from California [Ms. HARMAN] and I have appeared before the Committee on Rules on every appropriations bill this year. I am sure the gentleman from New York [Mr. SOLOMON] is tired of seeing us there.

As we testified for the Brewster-Harman lockbox to be made in order, savings were slipping away and being used by the Committee on Appropriations elsewhere. Although a lockbox amendment does not capture the $480 million in cuts the House has already made this year, it symbolizes our commitment toward deficit reduction.

I thank the gentleman from New York [Mr. SOLOMON] and the gentleman from Florida [Mr. GOSS] for bringing this issue before the House today and agreeing to also debate H.R. 1162 as a stand-alone bill after the August recess. I think this twofold process is important for the House to work its will on the lockbox issue and to better ensure that the lockbox becomes law as soon as possible.

Our constituents sent a message to Congress last November to reduce the deficit. Let us be honest to our constituents. Let us make sure a cut is really a cut, not additional spending for someone else. I urge my colleagues to vote for the lockbox amendment.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, let me ask this question: If you asked the American people, do we need to change the way Congress works, I think you would get a large percentage that would say yes.

There is another question. Shortly we are going to see on this voting board around here the votes on this amendment. The American people are going to look to see who votes against this very simple amendment for a lockbox. That is the other question. Let us show the American taxpayers that we are serious, very serious about reducing the deficit. Supporting this amendment should make it clear that we are going to put our money where our mouths are. In other words, we will ensure that any savings realized in the appropriations bill will automatically go into a lockbox and not be spent in another way.

Such a trust fund is long overdue, my colleagues. If we show the folks back home that we are truly committed to

reducing the deficit, it will be easier for our citizens to accept some of the other tough choices we are asking them to accept.

Again, I want to compliment my colleagues for offering this amendment. I am proud to be an original cosponsor. I support the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, first, I will start by complimenting my Republican colleagues for what I think is an excellent proposal and also those Members on the Democratic side who have been so active in proposing and advocating and bringing this to the floor for a vote.

The lockbox principle is important; it is very important. One can simply say, a cut is not a cut unless we have the lockbox principle in place, because as others have explained, it is altogether too easy to take the cut, reallocate it among other programs, and undermine or defeat the entire effort that took place to save money and to reduce the deficit and ultimately to balance this budget.

There are aspects of this which remain troubling, and I trust that we will deal with these aspects in the weeks to come.

One that is most significant, in my opinion, is the unfortunate tension that exists in our Federal Government, the tension between the House and the Senate and between the White House and Congress. And what we find is that some of these bills and provisions are lost in that process. As a consequence, our efforts here to insert the lockbox principle in this appropriations bill may not survive the entire conference process and the possibility of a veto and work with the White House subsequently.

I urge the Committee on Rules and the Members of this body to work aggressively to not just pass this but to also make sure that if this does not pass and is not ultimately signed by the President that we, in fact, have a lockbox that this body will observe as its own internal operating procedure so that we, in fact, as the U.S. House of Representatives, are committed to deficit reduction and we do not abuse the cuts that are made and reallocate these funds for other programs.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Chairman, I ran for Congress to fight spending and to reduce the deficit. What has been more frustrating than ever has been when we have been able to get amendments on this House floor to cut spending, more times than not we have lost those battles. But in the times that we have actually been successful in cutting spending, something happens. The folks in the gallery, the folks at home may cheer watching C–SPAN, but ultimately when the bill goes to the Senate and those bills come back from conference, the spending level is at the same if not even higher.

This lockbox changes things. Thanks to a bipartisan approach from the very beginning, we have been able, I think, to change history with that we are going to be doing tonight. Because in the future when we cut spending for whatever project it might be, defense, nondefense, foreign aid, I do not care, the spending is going to come down and we are going to win and the taxpayers are going to win big time.

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

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the Crapo-Harman-Brewster lockbox amendment. It is an amendment that I think is long overdue.

I have to admit that I was sitting in my office listening to the debate and hearing many of my colleagues from the other side of the aisle get up and talk about their shock, their shock and amazement that the cuts that they thought that they had voted for were not going to deficit reduction but were going back into be spent again by the appropriators. This shock was unbelievable to them.

What I find ironic is that we have had this debate for 7 months this year, and over and over again we have said, If we are going to truly address the deficit reduction problem, we have to have cuts made on this floor apply to deficit reduction. And time and time and time again we have been shot down. We have been unable to have those cuts go to deficit reduction.

I think it is wonderful that we have it in this bill. Of course, there are not going to be many cuts in this bill. It is ironic that we did not have this provision in the bill that dealt with transportation spending, that dealt with highway projects, that dealt with true pork, because that is the place where we should have been making cuts and having those cuts go to deficit reduction.

I am happy it is here now, but when I hear my colleagues talk about their shock, it makes me think, maybe it is not as shocking as they pretend that it is.

Mr. CRAPO. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, we have done a lot, we have gone a long way to reform this Congress. But one of the things that we have not done is, we have not really tackled a systemic problem that needs systemic and systematic reform.

One of the problems we have got in the Congress is that we really have three parties. We have got Republicans; we have Democrats; and then we have appropriators. And sometimes the appropriators forget which party they originally came from.

The reason that it creates such a problem is that the appropriators run this place in a different way, knowing that if we do in fact get to the floor and make a cut, that when we make that cut, it will not matter. They can reprogram it however they want anyhow afterward, because it will not actually cut the budget in a way that goes to the deficit but it will simply be available to be used in another program in that particular appropriations bill.

That is wrong. It is part of what gives a certain kind of arrogance to the appropriations process that, frankly, becomes problematic to the rest of the Members.

□ 2000

Mr. OBEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Chairman, I appreciate the opportunity that we have had to have this critical debate. As the gentleman from Oklahoma [Mr. BREWSTER] said, we have been fighting for a long time to get this issue to the floor, and I again want to say thank you to the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN] for their strong help in getting this moved forward. This has been a bipartisan effort.

For those on the Republican side whom I mentioned earlier, we have fought long and hard to bring this critical reform forward, and now, tonight, we are going to have a vote on one of the most important reforms of our budget process that we have seen in years.

Mr. Chairman, as the previous speakers have said, we now have an opportunity to make our budget process real, so that when we vote, when those C–SPAN viewers see across the bottom of the screen that the debate is on whether to cut spending or to spend money on a certain project, then it is true that we are truly talking about making our cuts count. We now have the opportunity to create the lockbox; to create a true system in which when we vote on this floor to cut spending, spending is cut.

Mr. Chairman, I again want to say that this vote, this bill, has support of the Concord Coalition, the U.S. Chamber of Commerce, the Citizens Against Government Waste, the Citizens For a Sound Economy, and the National Taxpayers Union. Those who are interested in our budget process, in protecting the fiscal stability of our budget system, in protecting against the increasing taxes that we have seen across the country, are all standing up tonight, watching the vote here on this floor.

Mr. Chairman, one final point. I think it is very important that we have a strong vote tonight, so that we can send a signal to the other body that we are serious, that this reform was put into this appropriations bill because we expect to see it back, we expect it to come out of conference, and we expect it to be delivered to the President for

his signature. That kind of a vote is what we need to see tonight to send a strong signal. I think that the debate today has shown that there is that kind of support, and I am encouraged that we pass the lockbox.

Mr. CLINGER. Mr. Chairman, I rise in strong support of the gentleman's amendment and would like to commend him for his tireless work in bringing the lockbox amendment before the House.

The concept of this proposal is so simple, so basic, and so common sense, that only in Washington could we have missed it for so many years.

In essence, the term ''lockbox'' simply means that a dollar saved is a dollar saved—that when Congress votes to cut funding for a program, the money won't be spent.

Most taxpayers—and maybe even most Members of Congress—believe that when Congress agrees to eliminate $5 billion in funding for the space station or $7 billion for the super collider, that the money remains in the Treasury. But, in fact, under current law, those tax dollars go back to the pot and can be reallocated, or spent, later that same year.

A ludicrous concept at any time, the practice is simply unsupportable in this era of $200 billion deficits and ongoing struggles to balance the budget by the year 2002.

When the American people voted last November 8, they sent us a message. The message was one of smaller Government, less costly Federal programs, and overall fiscal responsibility. Our ability to meet these demands hinges upon two factors.

First, we must engage in plain old-fashioned tough decisionmaking. We must determine which programs merit continuing, which can be privatized, and which should be eliminated altogether. My committee, the Committee on Government Reform and Oversight, is serving as overall House coordinator of this government-wide downsizing effort and is a strong champion of substantial Federal reform.

But even as we go about our business and make the hard choices on departmental restructuring and program eliminations, we recognize the need for a second type of fundamental reform. That is reform of the legislative process itself—reform which compels fiscal responsibility by promoting saving and making spending harder.

The Crapo lockbox amendment offers just such a change. It permits lawmakers to choose saving over spending, and allows us, for the very first time to honestly tell our constituents that a dollar saved is a dollar saved.

The amendment is long overdue, and should be supported. I urge my colleagues to vote ''aye.''

Ms. ESHOO. Mr. Chairman, I rise in strong support of the Crapo amendment which establishes a deficit reduction lockbox and finally makes our cuts count.

When I was first elected to Congress, one of my first priorities was to reduce and eliminate the deficit. I became a cosponsor of the Deficit Reduction Lockbox Act then and have again cosponsored the bill in the 104th Congress.

Why is this bill necessary? Every time we vote to cut spending in appropriations bills, these funds can be reallocated to other programs rather than being used for deficit reduction.

Mr. Chairman, we must get our House in order before we reorder anything else.

I worked hard to keep my own congressional office budget as low as possible both to save money and set an example of accountability to my constituents.

I was one of the rock-bottom, low spenders in my class, returning the unspent dollars of my office account back to the Federal Treasury for deficit reduction.

It's an outrage that we cannot do the same with our annual appropriations. This amendment will bring some accountability and common sense into our appropriations process, rebuild the confidence of the American people in what we do, and I urge my colleagues to support it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

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

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

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

Are there additional amendments to title I, or are there amendments made in order under the rule?

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

Mr. Chairman, I yield to gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, the Labor, HHS, Education Committee report contains language that highlights the need for a Comprehensive Scientific Research Program addressing characteristics of extra-societal groups. Many Americans are concerned and puzzled by the conduct of individuals involved in events such as the bombing of the Murrah Federal Building in Oklahoma City, the Sarin attack in the Tokyo subway and the extreme hold that David Koresh had on his followers. The National Institute of Mental Health is particularly suited to examine such concerns in a scientific manner.

The current state of understanding of such groups is extremely limited. Through efforts by the National Institute of Mental Health, we hope to increase our understanding of characteristics of such groups which are associated with increased potential for terrorism, violence or other criminal behavior; the manner in which such groups recruit individuals and influence their behavior sufficiently to move them toward terrorism, violence, and other criminality; the causes behind members leaving such groups; and mental health effects of membership in such groups.

I want to clarify the committee report language. The committee language discusses the need for increased understanding of such extra-societal groups, but does not specifically request information on the above mentioned causes and characteristics to the extent the National Institute of Mental Health concludes that these concerns can be addressed scientifically, based on present knowledge and additional research.

I ask the subcommittee chairman if the intent of the committee language includes addressing the concerns I just mentioned?

Mr. PORTER. Reclaiming my time, it is important to note that one of the major goals of this bill is to provide for maximum flexibility within the National Institutes of Health as a whole and, in this particular case, within the National Institute of Mental Health.

With that in mind, yes, the committee recognizes that the intent of this request to the National Institute of Mental Health includes addressing the specific concerns that you mentioned in their research.

Mr. SAXTON. Mr. Chairman, I appreciate the willingness of the chairman of the subcommittee to include this language in the report. This program of research is vital to effective and strategic planning of dealings with terrorism, violence and other criminality associated with certain organizations.

Mr. PORTER. Mr. Chairman, I yield to the gentleman of Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman I have sought this time to enter into a brief colloquy with the distinguished subcommittee chairman, Mr. PORTER, concerning title III of H.R. 2127.

Mr. Chairman, last year, after many months of bipartisan discussions and negotiations, Congress reauthorized the Elementary and Secondary Education Act, including the title I program for educational disadvantaged children.

One fundamental element in determining how to allocate title I dollars was the accuracy of the data itself. Because reliable poverty numbers for areas below the national level were only available every 10 years from the census, title I funds were being distributed on the basis of data that was as much as 13 years out of date.

Therefore, Congress decided that these critical program dollars should be allocated using poverty estimates that were updated every 2 years. Equally important, the funds would be allocated based on school district-level numbers, to ensure maximum targeting of shrinking dollars to those students most in need.

Congress recognized that producing poverty data for small geographic areas between censuses was a complex scientific task. That is why, as part of the reauthorization bill, it directed the National Academy of Sciences to conduct a 4-year review of the Census Bureau's efforts to produce updated poverty numbers for States, counties, cities, and eventually school districts.

The Academy study would have two important purposes. First, it would provide an objective, scientific review of the Census Bureau's methodology, and be able to recommend alternative approaches as the project moved forward.

Second, it would help the Congress determine the reliability of the updated poverty numbers at various geographic levels, and for various purposes. Without the Academy's review, I am not at all sure that Congress will have confidence in the numbers that the Census Bureau publishes.

Unfortunately, the Department of Education has not yet been able to fund the National Academy's study, due to a substantial rescission in the Department's evaluation funds.

Mr. Chairman, I am enormously pleased and grateful that the committee has included specific funding in this appropriations measure for the Department to obtain updated, school district-level poverty data from the Census Bureau. Those funds should allow the Bureau to proceed with its program as planned.

But I am afraid that failure to proceed with the National Academy study at the same time may render the Bureau's hard work irrelevant in the end, if Congress does not have confidence in the accuracy and soundness of the resulting numbers for purposes of the title I program.

Therefore, I would ask if you agree that the Department of Education should be able to use a portion of the $3.5 million set aside in this bill for updated, small area poverty data, for the National Academy study that Congress directed under the Improving America's Schools Act?

Mr. PORTER. I thank the gentleman from Ohio [Mr. SAWYER] for bringing this important matter to the committee's attention.

As a member of the committee on Economic and Educational Opportunities, Mr. SAWYER was instrumental in bringing the problem of outdated poverty numbers to the attention of this body and in developing the solution that we are funding in this appropriations measure.

I agree with the gentleman from Ohio that the National Academy study is an important part of the effort to ensure that we have accurate and timely poverty data on which to base the allocation of title I funds.

Therefore, I support the gentleman's point that a portion of the $3.5 million, as the Department deems appropriate, could be used to fund the National Academy study of the Census Bureau's poverty estimates program.

Mr. SAWYER. I thank the gentleman from Illinois for his assistance in this very important effort.

Mr. PORTER. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I rise to inquire about the coordination of disease prevention and health promotion activities at the Federal level. H.R. 2127 eliminates explicit funding for the activities carried out by the Office of Disease Prevention and Health Promotion, including the aggressive implementation of the national prevention strategy, Healthy People 2000. Although the activities of this office are to be continued at the Secretary's discretion, no moneys were transferred to carry out this mandate.

I would like to clarify with the chairman his intent on maintaining disease prevention and health promotion as an integral part of our national health policy and ensuring coordination of the array of Federal efforts in this domain.

I understand the budget constraints that you faced in putting together this legislation and appreciate the considerable flexibility that this bill gives the Secretary of Health. I also appreciate the increased funding for specific, categorical prevention programs supported by the Centers for Disease Control and Prevention, such as for breast and cervical cancer screening. However, I am concerned that we are abdicating a strong Federal leadership role in orchestrating and coordinating prevention policy.

Would the chairman agree that a strong emphasis on disease prevention and health promotion must be part of our national health strategy?

Mr. PORTER. Mr. Chairman, I very definitely, do agree.

Mr. MORAN. Would the chairman further agree that it is the Office of the Secretary is best suited to coordinate all prevention activities in the various health-related agencies?

Mr. PORTER. Yes, I do.

Mr. MORAN. And so you would clarify your intent to ensure that funds are available for orchestrating disease prevention policy at the Federal level.

AMENDMENT OFFERED BY MR. GREENWOOD

Mr. GREENWOOD. 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. GREENWOOD:

Page 22, line 13, insert ''X,'' after ''VIII,''.

Page 23, line 8, insert before the period the following: *'': Provided further,* That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further,* That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office''.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GREENWOOD] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes. Does any Member rise in opposition?

Mr. LIVINGSTON. Mr. Chairman, I rise in opposition.

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

AMENDMENT OFFERED BY MR. LIVINGSTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GREENWOOD.

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment, amendment No. 2, as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment offered as a substitute for the amendment

The text of the amendment offered as a substitute for the amendment is as follows:

Part 2, amendment No. 2–2 offered by Mr. LIVINGSTON as a substitute for the amendment offered by Mr. GREENWOOD:

On page 23, after line 8, insert the following new paragraph:

''Funding for the Title X categorical program is terminated and $193,349,000 is transferred to the Maternal and Child Health block grant and Community and Migrant Health Centers programs. Of the $193,349,000 amount, $116,349,000 is transferred to the Maternal and Child Health block grant program and $77,000,000 is transferred to the Community and Migrant Health Centers program. The additional funds transferred to these two programs are available through programs that also provide comprehensive health services to women and children.''.

The CHAIRMAN. Under the rule, the amendment offered as a substitute for the amendment by the gentleman from Louisiana [Mr. LIVINGSTON] is also a 30-minute amendment, with 15 minutes being controlled by the gentleman from Louisiana and 15 minutes by a Member in opposition.

Does the gentleman from Pennsylvania [Mr. GREENWOOD], take the time in opposition?

Mr. GREENWOOD. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. GREENWOOD] will be recognized for 30 minutes, and the time will be fungible.

The Chair recognizes the gentleman from Pennsylvania [Mr. GREENWOOD].

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

Mr. Chairman, 25 years ago legislation sponsored by then-Congressman George Bush, signed into law by then-President Richard Nixon, established an American family planning program. It has been one of the most successful programs in the history of our Nation, and its success is for simple reasons. Family planning prevents unplanned pregnancies. And when you prevent unplanned pregnancies, you prevent abortions, and we all support that, and every American supports that goal.

Preventing unplanned pregnancies prevents welfare dependency. It allows poor working women who have no health insurance to have access to contraception, to birth control, to the kind of counseling and health services they need, so that they can plan their families and stay off of the welfare rolls.

Mr. Chairman, this program has not been controversial. It is supported by 70 percent of Americans for good reason. But lately it has become controversial. The Committee on House

Appropriations chose to zero out, after 25 years, to eliminate entirely the title X family planning bill.

Mr. Chairman, my amendment is straightforward. My amendment restores the title X family planning program. It is also very simple in these regards. It makes it clear, in black and white, that not a penny of these funds can be used to provide abortion services. That would be controversial. These funds are not for that purpose. It makes it clear that all counseling must be nondirective. Counselors in these programs may not suggest that a client choose abortion, but would simply lay out the legal options under the State laws that are applied. My amendment makes clear that not a penny of these funds can be used to advocate either in favor or against pending legislation at any level, nor for or against any candidate for public office.

□ 2015

This is strictly a birth control, family planning debate.

Now we have an agreement that we have reached that makes the Livingston-Smith amendment to my amendment in order as a substitute. We have agreed to do that for the purposes of a fair debate. But let me tell my colleagues what the Livingston-Smith amendment does.

The Livingston-Smith amendment kills title X family planning. It is just that simple. The program is gone, and at least in 781 counties across the United States there would be no family planning services at all, at all.

What we have to do is we have to defeat the Livingston-Smith amendment and then vote in favor of the Greenwood amendment.

The opponents will say all they choose to do is block-grant these funds into existing programs. They are wrong; that is not what their amendment does because those programs are already written into law in ways that prohibit these funds from being available for family planning. For the most part perhaps 30 percent of the funds might be available, and in many States not a dime will be available to help women with their family planning needs.

The opponents will say that this is about abortion. It is not about abortion. This debate is not about abortion. This debate is about family planning. Ninety-eight percent of the recipients of these funds perform zero abortions, zero abortions, and of the small 2 percent that do provide abortions, half of those happen to be hospitals where abortions are performed.

I say to my colleagues if they support family planning, a 25-year-old, successful, noncontroversial, mainstream program, then I ask them tonight to stand up, vote against the Smith amendment, the Livingston-Smith amendment, and vote for the Greenwood amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GREENWOOD] for his participation in what will be a meaningful debate, however I might say that while the Livingston-Smith amendment kills title X, it certainly does not kill family planning.

The fact is that the Livingston-Smith amendment transfers the entire $193.3 million for title X, which the Greenwood amendment would hope to restore, the same amount allocated in fiscal year 1995, and it maintains that amount and places the entire $193.3 million into the maternal and child health care block grant and the community migrant health centers program, divided between them. About 60 percent of title X funding or $116.3 million would be transferred to the maternal and child health block grant, and the remaining 40 percent or $77 million will be transferred to the community and migrant health centers program.

Mr. Chairman, the most important thing is that this amendment does not, does not, eliminate or cut one single dollar in funding for family planning programs. What it does do is transfer the funding from a separate categorical family planning program centralized here in Washington into two other comprehensive health care programs for low-income women and children. Both of these programs already provide family planning services, so this amendment does not cut family planning, does not eliminate family planning, and even if I were to eliminate the funding as opposed to transferring it to other programs, family planning funds already provided by the Federal Government would still be considerable.

Family planning funds and services are already provided under Medicaid, under the maternal and child health block grant program today, and the social services block grant and the community and migrant health centers program. In fact, the total conservative estimate that the Federal Government will spend on domestic family planning services in fiscal year 1995 is over $750 million, three-quarters of a billion dollars, and that is if we eliminate this funding, which we do not do. We transfer every single dollar of it. But, in 1994 alone approximately 2.6 million Medicaid-eligible people receive family planning services totaling over $580 million apart from this program. This is in addition to the millions of dollars available from State and private resources.

Under the Livingston-Smith amendment the same private and public nonprofit institutions, the same ones that currently receive title X family planning funds, can apply for funds for family planning under the maternal and child health block grant and the Community and Migrant Health Centers program. Under the maternal and child health care block grant program the decision as to what entities will receive funds will be left strictly to the State and local authorities. Now that is what opponents may not like, but it localizes the decisionmaking.

Under the community and migrant health centers categorical program the decision will be left to well over 150 community and migrant health centers in every State and territory who are allowed under present law to provide family planning services or, under present law, can contract out to other public and private organizations for family planning services. These community and migrant health centers already do contract out for other services.

According to HHS' own budget justifications, over 115 centers have contracting procedures with outside groups and have contracted out for other managed health care services. The maternal and child health care block grant program serves currently 13 million low-income women and children, age 19 and under, and infants. The Federal law leaves the discretion to States and localities as to what services to spend. Forty percent of those funds can be used for various services including family planning. The Library of Congress has documented that States can and do use their funds for family planning. But the Federal law guarantees the States provide services to, quote, assure mothers and children, and particularly those low-income mothers and children, access to quality maternal and child health services, unquote, and they determine that the low-income mothers and children are those with family incomes below 100 percent of the Federal poverty guidelines.

The HHS officials have cited the maternal and child care health block grant as a model of the Federal-State partnership in that it provides the maximum flexibility to the States to achieve what they determine is best for their citizens. Under the community and migrant health centers program, comprehensive health care services, including family planning, are already provided to over 7.6 million low-income and medically underserved people. These centers are all community based, and 61 percent of the people receiving services under this program are of minority ethnicity. Sixty-six percent of the users of community and migrant health centers are below the poverty level.

I say to my colleagues, if you believe that we should continue to streamline programs, downsize and operate more comprehensive, efficient health care programs for our needy, if you want to get the dollars to those who need it most and take it away from the Beltway bandits, then I urge you to support the Livingston-Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 3½ minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Greenwood-Lowey amendment to restore funds to our Nation's family planning programs.

The amendment would restore $193 million to the bill for the network of family planning services provided through the title X program.

Those who oppose this amendment and support the Livingston-Smith amendment say that they are not cutting family planning, they are just putting the money somewhere else. They contend that family planning services will continue as before. Well, my colleagues, this is simply untrue. Here are the facts:

By law the maternal and child health program will be able to spend only the $34 million it would receive under this bill for family planning. That is a cut in family planning services of 72 percent. The rest of the title X funds that go to community health centers may or may not be used for family planning. We simply do not now if community health centers will use these new funds for family planning or for other very crucial health services.

Here is what we can be sure of. Without a designated source of Federal funds for family planning Congress' commitment to the prevention of unwanted pregnancies, to the prevention of out-of-wedlock births, is merely empty rhetoric. If we fail tonight to restore funds for family planning, we are reneging on our commitment to reduce this epidemic.

My colleagues, let us be clear about why title X was eliminated in committee. Title X is on the Christian Coalition's hit list, and I quote. They call it the notorious family planning program. Despite the fact that title X funds are not and may not be used for abortions, the Christian Coalition has chosen to make this a fight over the right to choose. I frankly just do not understand it.

We may disagree in this body about the right to choose, but why can we not work together to support a program to prevent unwanted pregnancies? Can we not work together, my colleagues, to prevent abortions?

To my colleagues who do not believe that government should be in the business of family planning, failure to restore title X funds today would affect more than just family planning services. Title X clinics provide over 4 million American women with their primary health care. If we fail to restore title X family planning funds today, the health of millions of American women will be jeopardized. Eliminating title X would cut out pap smears and exams for cervical and breast cancer. It would cut prenatal and postnatal care.

Earlier this year the House passed a welfare reform bill which stated that reduction of out-of-wedlock births was an important Government interest. How can this body claim it wants to decrease out-of-wedlock births while at the same time eliminating the cornerstone of our Nation's family planning efforts? Family planning services prevent abortions, prevent teenage pregnancies, help keep women off welfare. Let us work together, my colleagues, to maintain our Nation's commitment to family planning.

Mr. Chairman, I urge my colleagues to vote ''yes'' on the Greenwood-Lowey amendment and ''no'' on the Livingston-Smith amendment. I urge my colleagues to save the Nation's family planning program.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, the title 10 family planning program was created in the 1970's with the expressed mission to decrease teen pregnancy. Mr. Chairman, that mission has failed. I repeat, title X has bee an abject failure.

Unfortunately, more money does not solve our country's social ills. The increase in funding for title 10 over the past 25 years has actually paralleled a dramatic increase in teen pregnancy, between 1970 and 1992, the teen pregnancy rate has increased 23 percent. In addition, when title 10 began, 3 in 10 teen births were out of wedlock. Today, 7 out of 10 teen births occur outside of marriage.

The increase in funding not only correlates an increase in teen pregnancy, but also in teen abortions, the transmission of sexually transmitted disease and the HIV virus.

In addition, title 10 gives a $33 million subsidy to Planned Parenthood, the Nation's largest abortion provider, which also provides contraceptive services and abortion counseling without parental consent or knowledge.

I have to say, as a father, the idea of some other adult counseling my daughter to have an abortion, without my knowledge or consent, makes me sick to my stomach.

Mr. Chairman, title 10 has never been evaluated and has yet to show any success, and in this bill the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] directs the $193 million back to the States, and, if my colleagues do not believe in block grants, I understand it, but they can compete for this money through the block grant system. This is in addition to the $560 million we already spent in 1995 for family planning services through Medicaid and social services block grants.

Vote ''no'' on Greenwood and ''yes'' on Livingston.

□ 2030

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Greenwood/Lowey amendment to restore funding for the title X family planning program.

To eliminate this Federal program when we are trying to curtail dependence on welfare; when we are trying to reduce the number of abortions and unwanted pregnancies; when we are trying to reduce the number of breast and cervical cancer deaths; when we are trying to reduce the number of sexually transmitted diseases, including HIV; when we are trying to increase access to health care for low-income individuals—flies in the face of common sense.

The elimination of title X as a categorical program could be devastating to the availability of family planning services to women, particularly low-income women. While the funding designated for title X has been divided between the maternal and child health block grant, and the community and migrant health centers, there is no requirement that these additional dollars be used for family planning services. States would be given the option of using the dollars for any purpose allowed under the block grant.

Even more damaging is the fact that the maternal and child health block grant includes a number of set-asides: The result being that the maximum amount of the $116 million transferred to that program that could be actually used for family planning services would be $34 million—that is a cut of $83.6 million. Thus, this provision would not be a simple transfer of money for family planning—it would represent a drastic cut.

The title X program currently serves 4 million women—and some men—through more than 4,000 title X clinics across the country, with preference given to low-income women. In Maryland, 20 of our 23 counties have title X clinics only; there are no community health centers or MCH funded health department clinics currently providing family planning services in those 20 counties. And, 94 percent of the women served at title X clinics in Maryland were served in those same counties.

Title X clinics provide contraceptive services, including natural family planning methods and supplies, infertility services, and basic gynecologic care. The clinics also provide screening services for STD's—some test for HIV—breast and cervical cancer, hypertension and diabetes. Training is also provided for nurse practitioners and other clinic personnel.

The program is clearly prohibited from using any funds for abortion services. Title X clinics do not provide abortion services.

The Greenwood-Lowey amendment specifically includes language clearly stating that no title X funding can be used for abortions. Mr. Speaker, title X prevents abortions. How can we on the one hand talk about the need to prevent unwanted pregnancies, and then vote to eliminate funding devoted to family planning services.

It is estimated that for every dollar spent on family planning services saves an estimated $4.40 in medical, welfare, and nutritional services provided by Federal and State governments. If title

X services were not provided, between 1.2 million and 2.1 million unintended pregnancies would occur each year, rather than the 400,000 occurring today.

The Greenwood-Lowey amendment restores funding for this critical program, and it restores common sense. Vote for the Greenwood-Lowey amendment and against the Smith amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me time. Mr. Chairman, today I rise in strong support of the Livingston-Smith compromise which makes needed reforms in the Nation's family planning effort.

This vote, Mr. Chairman, is not about ending Federal family planning assistance. It is about defunding the abortion industry, restoring State and local control, and redirecting funds to organizations which recognize that the worst problems of teenage children cannot be solved by shutting their parents out of the process.

Make no mistake about it, the Livingston-Smith compromise does not end Federal family planning assistance. Instead, it redirects to the States a little over 25 percent of what the Federal Government spends on family planning programs—that's the $193 million we spend on title X—through block grants them and lets States decide how and where to best use these needed funds. As many of my colleagues know, the Federal Government will spend in excess of $745 million on family planning programs this year alone. The lion's share of the Federal spending on family planning is through Medicaid—the Nation's program for the poor—which is expected to spend in excess of $525 million on family planning for poor women in fiscal year 1995. The Livingston compromise leaves this money and this program as is—untouched. The argument that the Federal Government is abandoning family planning support for poor women is simply not true.

It's a red herring.

The truth is that under Chairman LIVINGSTON's proposal, the Federal funds now used for title X are redirected on a dollar-for-dollar basis to the Maternal and Child Health block grant, as well as the Consolidated Health Centers program. Each of these programs already provides primary health services and preventive services, including family planning, to low-income people. Under the Livingston-Smith compromise the Maternal and Child Health Block Grant program will receive an infusion of more than $116 million which they can target to family planning programs while the Consolidated Health Center program will receive an additional $77 million that can be targeted for family planning initiatives across the country.

Federal family planning assistance is not eliminated. But duplication of effort and administrative costs are. Right off the bat, the Livingston-Smith amendment will free up $3 million from overhead costs and allow that money to go to direct services. And as this Congress has searched for ways to bring the Federal budget under control, programs that are unauthorized have naturally been subject to particular scrutiny. The title X program hasn't been authorized in 10 years.

The Livingston-Smith compromise will provide greater power to the States to administer their own family planning programs. As we have seen with many other areas of Government spending, the State governments are closer to the problem and can more effectively channel funds so that the greatest number of persons—in each State—are served in the most efficient and most effective way possible. Who is more capable of delivering services to the people, the States or the Federal Government?

Part of the answer to this question includes a long, hard look at the title X program, its pet recipients and its record of controversy and failure. Most of us agree that the purpose of Federal involvement in family planning efforts is to reduce the number of children born outside of wedlock, particularly to teenagers.

Yet, since 1972, teen pregnancy has skyrocketed from about 50 pregnancies per 1,000 teenage girls to about 100 pregnancies per 1,000 girls in 1990. This is a staggering increase of 100 percent—in a time span of less than two decades.

As with many other social problems, we are slowly making the realization that throwing more money at the problem is not the answer. The problem with title X is not the amount of money, but who spends it and how.

The largest single recipient of title X funds is a private organization—the Planned Parenthood Federation of America, Inc. And its no coincidence that Planned Parenthood is the largest abortion provider in the United States today. Planned Parenthood organizations perform or refer for over 215,000 abortions each year. This is an organization that believes in giving out contraceptives to children, and performing abortions on them, without their parents being informed. Planned Parenthood proudly boasts of lobbying to overturn State laws that require informed consent before women undergo abortions, and which require parents to be notified before minors have abortions.

The ideology of Planned Parenthood is one that undermines parental authority. Unbelievably, title X regulations actually prohibit grantees from informing parents about treatment of and drugs that are given to teens, if the teenager in question requests that the parents be left in the dark. This bizarre requirement in the title X program has actually prevented some States from receiving title X funds because they have laws on the books which require parents to be informed about medical treatment given to their children. For example, the State of Utah was denied title X funds in the past because of the State's parental notification requirements.

And here's another coincidence. The Office of Population Affairs, which overseas the title X program, is headed by an abortionist from California who performed abortions for Planned Parenthood for over 20 years. This is the Clinton administration's idea of a family planning expert.

Mr. Chairman, I hope no one will be fooled by the language on abortion that is contained in the Greenwood amendment. The intent of the amendment is to nullify the Livingston compromise and take the $116 million in new moneys from the Community Health Centers in order to re-fund title X, Planned Parenthood, and the abortion industry.

The Greenwood amendment sounds like it has restrictions on funding of abortion, but it doesn't. It merely restates current law and policy with respect to title X recipients and abortion funding, counseling, and lobbying with Federal funds.

The Greenwood amendment provides no further protections than current law. Everyone on both sides of the abortion debate knows that the current restrictions on abortion funding do not really restrict. The proabortion side knows that they don't work and that's why the proabortion side supports the Greenwood amendment. The pro-life side knows the current restrictions don't work and that's why we oppose the Greenwood amendment. Money is fungible, and when more than $34 million in title X funds goes to the Nation's leading provider of abortions, we are subsidizing the abortion industry. Consider this: Planned Parenthood's records show that it is an organization which favors abortion over childbirth. In 1993, for example, Planned Parenthood clinics directly provided 134,277 abortions, but only provided prenatal care to 9,943 women—a staggering 13.5 to 1 ratio of planned abortions to planned births. With this record it cannot be denied that whenever tax dollars go to Planned Parenthood they prop up the abortion industry.

Supporters of the Greenwood amendment will say it prohibits title X funds from being used to pay for abortions. But abortion funding is already prohibited under the Hyde amendment. And yet, title X funds regularly go to support organizations and clinics which perform abortions as a method of birth control.

And they will argue that the Greenwood amendment says that title X funds cannot be used for lobbying for or against candidates or legislation. But this too is already in current law. And it has never stopped title X recipients from lobbying for abortion on demand and continued title X funding.

Just this month, a pro-life Member got hold of an ''Action Alert'' from Planned Parenthood of Central Florida—which receives title X funding—opposing the Livingston compromise. The alert urges PP supporters to write and call the Member and ''express your outrage.'' It also encourages people to go to town hall meetings and ''to clap or boo even if you don't

want to speak.'' It concludes: ''We need to let him know we are watching him . . .''

We should not be surprised that the Planned Parenthood Federation is opposed to the changes proposed to title X by Chairman LIVINGSTON. It is not often that a private organization can ride the gravy train and receive tens of millions of dollars in public funding each year, all from a program that is administered by one of its own.

Finally Mr. Chairman, it is important to note that under the Livingston/Smith amendment, Planned Parenthood can and presumably will apply to receive funding from the States, which would receive the title X funds that are redirected to the Maternal and Child Health block grant, and the Community and Migrant Health Centers program. But there will be no more sweetheart deals from the Federal Government. Planned Parenthood will have to compete on a level field with other service providers, many of whom are less ideological, less controversial, and more effective at providing family planning services other than abortions.

Mr. Chairman, I would ask my colleagues to consider what we would gain by restoring funding for the title X program. Billions more dollars for an unauthorized program which has a solid record of failure in reducing teen pregnancy? more funding for organizations like Planned Parenthood which undermine parental authority and perform or arrange hundreds of thousands of abortions every year? is that what the American taxpayers really want?

Our choice today is not about whether we should continue to support family planning. It is about whether we should continue supporting a failed and controversial Federal program, or give the money to the States, and let them experiment with different approaches to solve these persistent and tenacious problems.

I urge my colleagues to support the compromise worked out by our distinguished colleague, Mr. LIVINGSTON.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, in 1970, President Nixon signed into law the Title X Family Planning Program to provide disadvantaged women with the means to avoid unintended pregnancies. No one would have imagined 25 years later, tonight, what we are trying to do.

In a country where our health bills are skyrocketing, the abolition of title X will deny preventive health care to millions of American women. In a world where too many unwanted kids become the victims of neglect and abuse, abolishing title X will result in more unintended pregnancies. In a Nation where we should work to keep abortion safe, legal, and rare, abolishing title X will result in more than 500,000 more abortions each year. At a time when we should encourage women to do the responsible thing in planning the size of their families, the abolishing of title X will slam the door on over 1 million women each year who turned to title X for family planning services.

Mr. Chairman, the abolishing of title X means more misery, more abused children, more abortions, and more American women locked in poverty.

Mr. LIVINGSTON. Mr. Chairman, how much time remains on both sides?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 19 minutes remaining, and the gentleman from Pennsylvania [Mr. GREENWOOD] has 19 minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment offered by Congressman GREENWOOD, which would decrease the appropriation for the maternal and child health block grant by $16.3 million and decrease the consolidated health centers block grant by $77 million in order to fund the unauthorized title X program. I do strongly support the Livingston-Smith amendment and wish to speak on its behalf.

Since 1970 this program has never had an official impartial evaluation of its effectiveness, while its funding has continued to increase. However, we do know that the teenage pregnancy rate has doubled, out of wedlock births have increased, the teenage abortion rate has more than doubled, and sexually transmitted diseases among teenagers have increased to where one in four sexually active teenagers will be infected by a sexually transmitted disease every year.

In addition, Mr. Chairman, while title X prohibits the use of these funds for abortion, many of the clinics perform abortions as well as provide family planning services. This arrangement implies that abortion is just another family planning method. No one supports abortion as a method of family planning.

This program is a disaster. The Livingston-Smith amendment would terminate funding for title X and transfer all of the money to the maternal and child health block grant in community and migrant health centers programs. Services such as preventive and family planning health care for women would be better funded under a block grant. Preventive health care is also provided to pregnant women, infants, children, and adolescents. Health care and support services are also provided to families in rural and underserved areas and to children with chronic health conditions.

Mr. Chairman, it would be irresponsible of us to again fund an ineffective program that has not even been authorized since 1985. We have an obligation to the American people to fund programs that work and provide real family planning assistance. I urge my colleagues to vote yes on the Livingston-Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], the chairman of the subcommittee.

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me the time.

All during the 1980s, never was title X a target. On a bipartisan basis, even though from 1985 on the program was unauthorized, people on both sides of the aisle supported funding for family planning. There was an issue on the gag rule that was debated furiously, but not for a minute was there a question about funding of title X itself.

Mr. Chairman, now, somehow, the agenda has changed. Suddenly people are jumping up who were supporters of title X and saying how terrible a program it is. I heard a minute ago one of the Members say that he would be very, very concerned that his daughter was going to be counseled to have an abortion.

No one has ever been counseled to have an abortion by a title X clinic. It is against the law to do that. Never has a dollar been spent on abortion by a title X clinic. It is against the law to do that. GAO has repeatedly, over and over again, certified that no money is spent for abortion by title X clinics, yet here we are with some kind of new agenda.

Mr. Chairman, this is a program that helps poor women avoid unwanted pregnancies through contraception. Through contraception. Abortion is not a legitimate family planning method. Nobody thinks that, but, good God, here we are about to destroy, and make no mistake, this is an attempt to destroy title X family planning, a program that has served poor women for all of these years, sponsored originally in this House by George Bush, I might say, when he was a Member of Congress. The agenda has completely changed and it is a bad, bad agenda.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. PORTER. I yield to the gentlewoman from New Jersey.

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

Mrs. ROUKEMA. Mr. Chairman, I want to associate myself with the gentleman's remarks. This is not about abortions, this is about education and stopping unwanted pregnancies.

Mr. Chairman, I rise in strong support of the amendment offered by my friend from Pennsylvania, Mr. GREENWOOD, and would like to thank him for his hard work on this issue of family planning which is so very important to the health of women and their families throughout the country.

Mr. Chairman, let us get one thing straight about the Greenwood amendment: it provides funding for family planning services, and not abortions, as critics of this program argue. To make this a debate on abortion is to, once again, distort the truth—a misfortune that now seems to permeate every abortion debate. By attempting to link family planning funds to providing abortions, it would appear to me that many of my colleagues don't want to educate young women about the responsibilities and consequences of becoming pregnant without obtaining abortions. Let me repeat, under the

Public Health Service Act, title X funds cannot be used in programs that perform abortions.

What the Greenwood amendment would do is to help reduce the number of unintended pregnancies. Under title X, grantees such as State and local health departments, hospitals, family planning clinics, and organizations such as planned parenthood raise awareness among low-income women and adolescents about comprehensive reproductive services and the prevention of teenage pregnancy and sexually transmitted diseases.

In 1995 alone, it is estimated that over 4,000 family planning clinics will provide basic infertility and gynecological services and screenings for sexually transmitted diseases and other health problems to more than 4 million low-income women.

Mr. Chairman, critics of family planning like to cast a black eye on family planning by pointing their fingers at organizations such as planned parenthood. Well, let me tell you something Mr. Chairman. In case you didn't know, opponents of family planning don't like planned parenthood anyway because of its pro-choice position. And, as evidenced in this bill, they will do anything they can to destroy its and any other organizations or clinics ability to function if they either perform or promote abortion. And, as I have said already, even though title X funds can't be used for abortions, critics say that that's not good enough. Well, I say to them, enough is enough.

Mr. Chairman, let me conclude by saying that I find it rather ironic that many of those same Members who so strongly supported punitive welfare provisions denying benefits to mothers under the age of 18 who had more children or to mothers who had children out of wedlock, would oppose the very funding that would help prevent such births. Because, if we refuse to address issues related to family planning, then many of the other costs associated with our present welfare system that we are attempting to control in the welfare bill we recently passed will continue to rise.

Mr. Chairman, I applaud those pro-life Members who support family planning and who recognize how vital its services are. But, unfortunately, for many other abortion opponents, there is no common ground. For them, it is all or nothing. As we have already seen and as we will see again with Congressman LOWEY's amendment, even rape and incest is too much to consider. Opponents insist on taking it one step further, and that is what the Smith amendment does.

If we adopt the Smith amendment, then there is a real possibility that no family planning services will be provided at all, especially since under current law the maternal and child health block grant earmarks most of the funds for non-family planning related services. If this were to happen, then my State of New Jersey would lose the over $5 million that it receives to provide family planning services to 106,000 low-income women. And, I refuse to accept this.

I urge my colleagues not to let this happen. Vote no on the Smith amendment. Support the Greenwood amendment.

Mr. PORTER. Mr. Chairman, let me say to the gentlewoman that someone said it is not something they can quantify. I would say that this means 798,000 unintended pregnancies to unmarried women.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I would say to my colleague from Illinois that the reason we have not really looked at this program is we did not have the majority here to do anything. The funding for this program just increased exponentially under the Democrats, and the only reason we have not taken the time to look at this program carefully is because we never had the votes.

Now let us talk about what the real problem is. This all comes down to a debate on, and I think it basically could be thought of this way, do you want young women to be counseled for abortions without parental consent, without informed consent? Do you want your Federal Government to spend your money to do that? Do you want this same agency that is getting your taxpayer dollars to go out and lobby, lobby through the Supreme Court, using your tax dollars, to fight for more abortions? That is what it all comes down to.

Obviously, Mr. Chairman, I rise in opposition to the Greenwood amendment to appropriate $193 million for title X.

The Federal family planning program, title X, was enacted in 1970. Before 1970, people will say, what happened? As the whip has said, the gentleman from Texas [Mr. DELAY] has mentioned that since title X, we have had no studies to show that it has worked, that it has done any of the things they have talked about. At this point it has ballooned into such a program that well-to-do families are using it.

Mr. Chairman, I ask the Members to support the Smith amendment.

□ 2045

Mr. GREENWOOD. Mr. Chairman, I yield one minute to the gentleman from California [Mr. MINETA].

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

Mr. MINETA. Mr. Chairman, I rise in very strong support of the Greenwood-Lowey amendment to restore title X funds to provide for voluntary family planning projects. Title X funds support clinics that provide 5 million low-income women with access to affordable, basic health care services, including access to all major methods of family planning. In my State of California, the working poor are caught without health insurance. Consequently, one out of five women of reproductive age are uninsured. For any of these women, title X services are essential to allow them to make informed personal decisions regarding their own health and well-being.

Furthermore, family planning is essential to preventing unintended pregnancies. The title X program is estimated to avert 1.2 unintended pregnancies every year. No title X funds are spent on abortions. Rather than supporting abortions, title X family planning prevents abortion.

Mr. Chairman, I therefore strongly support the Greenwood-Lowey amendment and urge my colleagues to vote for it.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oregon [Mr. BUNN], a distinguished member of the Committee on Appropriations.

Mr. BUNN of Oregon. Mr. Chairman, I rise in opposition to the Greenwood amendment and support for the Livingston-Smith amendment.

Mr. Chairman, I listened as an earlier speaker said that he could not imagine that 25 years ago we would picture this happening. I cannot imagine that it takes 25 years of failure before we decide to fix the problem.

We all know the abortion rate and the illegitimacy rate have increased. Do we need to go another 5 years of failure before we fix it or 10 or 20 years? We also had an earlier speaker say that title X provides basic medical services. It provides some services. It does not provide the kind of services that the maternal and child health block grants will. It does not provide the kind of programs that the community and migrant health centers are all about.

I think it is important to note this does not make family planning go away. Family planning is covered under the maternal and child health block grant, Medicaid, social services block grants and State moneys. I wanted to emphasize that this change does set a priority. It sets a priority, for example, with the community and migrant health centers to provide physician care, dental care, hearing care, prenatal care, and, yes, family planning services.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding, and I thank him for his initiative in this area.

Mr. Chairman, I rise in strong support of the gentleman's amendment and in opposition to the amendment by the gentleman from New Jersey [Mr. SMITH], whom I have the deepest respect for.

However, this issue is not really about abortion politics. At least it should not be. It is whether the Federal Government ought to be involved in family planning and pregnancy prevention efforts. It seems to me the proponents of the Smith amendment are really driving a wedge in an area where we ought to be able to find middle ground and build some form of bipartisan consensus, and that is the overall goal in this Chamber ought to be preventing unwanted abortions by preventing unwanted pregnancies.

I will admit there are elements of the title X program that I would like to see

reviewed and revised through the reauthorization process. I am certainly willing to consider means testing the program. However, I strongly submit that you can be both pro-choice and pro-life and support the title X family planning area. Let us tonight indicate to our fellow Americans that we are capable of reaching bipartisan consensus. Let us preserve the title X family program. Support the Greenwood amendment and, unfortunately, reject the language included in the appropriations bill.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California [Mr. DORNAN], the distinguished candidate for President.

Mr. DORNAN. Mr. Chairman, no commercials. I did not ask for that. No commercials.

Mr. Chairman, Planned Parenthood is what we are debating here tonight. Money is fungible, and title X funding must be abolished. It has been nothing but an annual subsidy for the largest abortion provider on the plant Earth with the sole exception of the Chinese oppressive communist government. They promote abortion, they lobby for abortion, and they litigate about abortion.

How many Members saw the movie, TV movie, this last few months glorifying Margaret Sanger, the very first president of Planned Parenthood, still praised by its rank and file members? A young talented actress, Dana Delaney, Irish, one time I guess practicing Catholic, played her in this glorification piece.

Here is a few Sanger quotes, and I will fade out. She believed that Negroes, as she used the term, and Southern Europeans were mentally inferior to native born Americans. She said the Jewish were feebleminded, human weeds, and a menace to society. The poor were sinister forces of the hordes of irresponsibility and imbecility. She argued that organized attempts to help the poor were the surest sign that our civilization has bred, is breeding, and is perpetuating constantly increasing numbers of defectives, delinquents, and dependents.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. WAXMAN], with the comment that 85 percent of these funds never go to Planned Parenthood.

Mr. WAXMAN. Mr. Chairman, let us be clear what the Smith-Livingston amendment is all about. It is not to improve family planning around this country. It is not for women to get better access to primary care, which they now get under the existing title X program, which, for the most part, is distributed through State funds for the States to operate.

What this is is ideological; it is a payback to the religious right, who hate the idea that some people feel free to engage in sex outside of marriage because of contraception.

Well, let us understand something: Many of the women who go to clinics are married and they do not want to have a child, and they want contraception for that reason. Let us understand something else: That many of the people who are going to be denied family planning services are still going to have sex. But what they are also going to have is unintended pregnancies.

What is the answer we get from those who oppose this program? Well, what they suggest, those who claim they are against abortion, is end this program, which will lead to more abortion.

Mr. Chairman, I urge a defeat of the Smith-Livingston amendment.

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I want to first stand and commend the genius of the chairman of the committee. It looked to me like it was a no-win when I heard both sides of this issue, and then the committee came out with a compromise, which is the genius of the committee chair.

It did not make me so happy, because I have, after 30-some years of being pro-abortion, I decided that I could not stay in that position and became pro-life. And it did not make the other side so happy, but it really probably did what the American people would like. And what it did is it left most of the family planning money, in fact, all of it for welfare women, poor women, all the access points still there. It just said a little tiny part called title X was going to be block granted back to the States where we could mix it with programs I helped start in our State, called the prenatal health program, and we could mix it with that and have some more money for those type of things and let the states make choices.

It sounded like a great genius. Then I found out there was all this controversy. Still could have abortion? Decide they did not like it, still does not like it. But what was happening, then I started getting letters and figured out what it was all about.

Planned Parenthood gets 21 percent of the money in title X. And Planned Parenthood is a political lobby that is very big in campaigns, both sides. So it became an issue of they would have to go to the States and compete for this money, where States values and people's values would have to be reflected.

I am not so sure I would want to compete for it. I would just as soon get rid of title X. I think it failed. I think we need to figure out how to prevent pregnancies and do family planning a different way. Title X has not worked real well. I did not get my way, but I am willing to take this compromise and say okay, this place is a place of compromise.

So I urge Members to vote for the Smith amendment and against the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, wonders never cease. Only a few months ago, this body voted to deny assistance to unwed teenage mothers and their children. Tonight we are voting on an amendment that would eliminate a program that actually prevents teenage pregnancies, family planning.

I agree with a letter sent by 35 Republicans to our Speaker, Mr. GINGRICH. This debate does not need to be divisive, it should not be politicized. Family planning is an important national health issue. Without family planning, thousands of additional low income women will go on the welfare rolls. Title X focuses on preventing unplanned pregnancy in the first place.

In fact, publicly funding public planning services such as Planned Parenthood has prevented 1.2 million pregnancies in a year. Let us not turn our back on common sense. Family planning is important so every child is a wanted child.

Please support the Greenwood-Lowey amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

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

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Louisiana for yielding me the time.

Mr. Chairman, this amendment is the camel's nose under the tent.

It purports to refund title X but exclude abortion from the services title X and its clinics provide.

Well Mr. Chairman, we've been there, seen this and done that before.

During the Reagan and Bush administrations Title X clinics were prohibited from providing abortion counseling, but Planned Parenthood clinics continued to provide abortion counseling anyway as well as abortion on demand, even though they were receiving title X funds.

With the stroke of a pen, President Clinton made title X funds taken from the pockets of hard-working Americans available to provide abortions and abortion counseling.

Mr. Chairman, when it comes to title X it's not enough to say ''you can't''. The time has come to say—''you will never again.''

I urge my colleagues to vote no on the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I must say I cannot believe what Richard Nixon would think if he were here tonight to watch this program that he really tried to utilize to build a bridge, to build a bridge over an issue that people hate. We all hate the abortion issue. But people constantly say the solution is family planning, and title X is family planning, and states are allowed to get title X funds. But if you flip it the way they are trying to go, what you are really

going to say is states are going to be able to take the funds and decide not to spend them for family planning if they opt to do that.

That is wrong. The recipients of this planning, family planning in title X, are women, tax paying American Women. We have heard all sorts of outrageous charges on this floor that title X has caused teen pregnancy. Please, no. Title 10 funds are given under state funds and they are not given without family permission and whatever the state law says.

Mr. Chairman, let us be sensible. Let us vote for the Greenwood-Lowey amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the Greenwood amendment and in support of the Smith amendment on title X.

Mr. Chairman, I want to say right off the bat that elimination of title X as a government program does not mean the elimination of family planning services for the poor. What title X supporters fail to tell the American people is that its funding level is maintained in this bill. $193 million in family planning assistance—the same level as fiscal year 1995—remains available through block grants. All current recipients of title X funding will still be able to apply for funds from their States.

What we are doing in this bill is recognizing the inefficiencies of title X as a federal program. Title X was established in 1970 as a way to reduce unintended pregnancies by providing services to low-income, poor women. In fact the program was originally designed to help poor couples—not individuals—plan their families.

Over its 25 years title X has mushroomed into a model of government inefficiency and been a contributing factor to the steady increases in areas where we were supposed to see dramatic reductions: single-parent families; illegitimacy; sexually transmitted diseases; and despite the assertions of its supporters, abortions. The program is another example of where the hand of Federal Government—well intended as it may have been—has compounded a problem.

Block granting these funds allow us to do away with a costly and inefficient government bureaucracy that has failed to direct services exclusively to those in need. We are giving States the flexibility they need to ensure that services are going directly to those who need them.

This Smith amendment is perfectly consistent with Republican efforts in this Congress to move power and money away from Washington, DC and into the hands of States and communities where it belongs.

I urge my colleagues to support the Smith amendment.

□ 2100

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the Greenwood-Lowey amendment. Many referred to 1992 as the year of the woman. Today, Mr. Chairman, we face a Congress far more hostile to women's rights and health than any I remember.

It is hard to understand why anyone would want to cut the Nation's principal family planning program, one that through preventive medicine saves $5 for every dollar spent. If family planning is cut, 4 million women, most of whom are young and low-income, will lose their only health care.

How can anyone oppose such an essential program? Whose better interests are being served? Certainly not those of American women. Once again, the radical right's agenda is put ahead of a good government. Protect American women. Vote to keep funding for title X. Save the Nation's family planning program.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, prior to coming to this body, I was a practicing physician. So I used to see a lot of this stuff on a daily basis. I have to say this program was initiated with the intent of helping to deal with the terrible problem of unwanted pregnancies. The unwanted pregnancy rate has skyrocketed. The abortion rate has skyrocketed. Teenage pregnancy has skyrocketed. This is a dismal failure.

I saw an amazing statistic yesterday: The U.S. people get more upset about wasteful government spending than they get upset about violent criminals being let out of jail prematurely. That is the thing that gets them more upset than anything else. Here we are today arguing about whether or not we should continue to fund a program that has been a dismal failure.

The abortion rate is up. The teen pregnancy rate is up. The venereal disease rate is up. That is why this program was initiated, and it has not worked. Now we are asked today to continue its funding. I support the Smith-Livingston amendment. Oppose Greenwood.

Mr. GREENWOOD. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GANSKE], a new Member, our physician.

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

Mr. GANSKE. Mr. Chairman, I rise in support of the Greenwood amendment.

Let me make myself perfectly clear. I have been strongly and consistently anti-abortion. I will base my vote on this amendment on my view of the best way to decrease the incidence of abortion.

I do feel there are too many abortions and do not believe abortion is an acceptable method of birth control or should be used to select the sex of a baby. And I firmly believe that abstinence is the best choice for unwed couples.

But I recognize that abstinence is not always practiced, and, in its place, contraception is far preferable to abortion.

Let me give some facts. We can never know how many abortions have been prevented in Iowa and around the country because young couples have had access to family planning services. But I do know that title X funds support 67 clinics in Iowa, provided family planning services to nearly 75,000 women in 1994. In my district alone, two-thirds of the 18,000 women receiving these services were at or below 150 percent of the poverty line. Without the assistance of title X services, they may be unable to obtain the family planning necessary to prevent unwanted pregnancies which may end in abortion. Title X funds provide support for 10 family planning clinics in my District four in Polk County, one in Pottawattamie County, one in Montgomery County, one in Harrison County, one in Shelby County, one in Audubon County, and one in Dallas County. Only one of the four sites in Polk County performs abortion services, and they do that without any title X funds.

If the Greenwood amendment fails, the funds transferred to the Maternal and Child Health Block Grant will not provide any family planning in Iowa. That is because the State has determined that none of the MCH funds should be used for that purpose.

The loss of title X funds in Iowa would leave a Community Health Center in my district of 1,800 sq miles, to provide family planning to the nearly 13,000 women at or below 150 percent of the poverty line. This clinic had 1,500 visits for family planning last year. The program's director, Dr. Bery Engebretsen told me today it would be impossible for the clinic to handle the approximately 36,000 visits needed to make up for the closure of the title X sites.

Dr. Engebretsen also said, ''without adequate access to birth control, I expect the rate of abortion will increase in the Fourth District.''

The Greenwood amendment recognizes the importance of separating family planning from abortion. It makes clear that none of these funds may be used to perform or counsel on abortion. These safeguards are important to ensure that the title X funds are used for family planning, not the termination of a pregnancy.

Mr. Chairman, I am strongly anti-abortion. And I believe that a vote against the Greenwood amendment would betray my goal of reducing the incidence of abortion in America. We

cannot eliminate effective family planning without inviting a dangerous increase in the number of unwanted pregnancies, too many of which end in an abortion.

Mr. Chairman, I know that every one of us, whether we are pro-life or pro-choice, is anti-abortion. Ask yourself this simple question before voting. ''Will the elimination of title X funding increase the incidence of abortion in your district?'' I think the answer is yes. And that is why I support the Greenwood amendment. I urge all of my colleagues to do the same.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I rise in opposition to the Greenwood amendment and in support of the Livingston-Smith language.

Mr. Chairman, I rise today in opposition to Mr. GREENWOOD's amendment.

Each year as we review funding for title X, abortion supporters manage to cloud the debate, claiming that women will not receive complete medical care if title X is defunded. Let me remind you that title X is not the only source of family planning assistance available to women who are economically disadvantaged. Each year hundreds of millions of dollars from private and State resources and the Federal Government through Medicaid, the Social Services Block Grant, the Maternal and Child Health Block Grant and several other smaller programs are allocated for this type of health services.

I cannot support Mr. GREENWOOD's amendment which would essentially reinstate the hypocritical title X program. By hypocrical I am referring to the clause in title X that states, ''none of the funds appropriated under this title shall be used in programs where abortion is a method of family planning,'' however, last year title X allocated $33 million of its $193 million to planned parenthood, the single largest abortion provider and advocate for legal abortion on demand in the United States.

Plainly and simply, if Mr. GREENWOOD's amendment is passed title X funds will be retained at present levels. Under these levels millions of taxpayer dollars will be funneled to abortion providers and advocates. Abortion is not family planning. It is family cancellation. As we all know planning is something you do before the fact. Abortion happens after the fact. I cannot support spending my fellow citizens tax dollars on a program that promotes abortion and I urge my colleagues to oppose Mr. GREENWOOD's amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. ISTOOK].

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

Mr. ISTOOK. Mr. Chairman, I rise in support of the Livingston and Smith language and in opposition to the Greenwood language.

Mr. Chairman, I oppose the Greenwood amendment, and support the proposals of Mr. LIVINGSTON and Mr. SMITH.

The current title X programs hurt America's families; they undercut America's families and our values.

How?

Because current title X programs promote teenage promiscuity and other sex outside of marriage. American history since title X was adopted shows that abortions are up, and out-of-wedlock births are also up dramatically. Why? Because the Federal Government, with taxpayers' money, is subsidizing sex outside of marriage.

Let's look just at the teenagers who are subsidized by title X: One-third of those who use title X are juveniles. Minors. Children. Teenagers. Over 1 million young people each year, who the law says are too young to vote, too young to enter a contract, often too young to have their ears pierced without a parent's permission, can go to a government family planning clinic, without knowledge of parents or family. There they don't get instruction in the moral and other consequences of sex outside marriage. Instead, they get free birth control pills, condoms, and other contraception, and treatment for sexually-transmitted diseases: AIDS, syphilis, gonorrhea, and other forms of venereal diseases. And their parents are never told.

No wonder America's families find it hard to guide their children, when the government offers their children an end-run around the family on this, the most intimate of family issues. As a father of five, I don't want government using my tax dollars to undercut what I teach my children about morality.

And these teens are not all poor, not by a long shot. That's because title X ignores the family's income, and looks only at the teenagers'. Thus, even children from wealthy families qualify for private government help in maintaining their sexual conduct. Our tax dollars are used to by-pass Mom, and by-pass Dad, and by-pass the entire family. In their place, a federally-paid worker tells our youth it's OK, you can sleep around all you want with your boyfriend or girlfriend, regardless of what your family has taught you. The Federal worker won't focus on the fact that it's wrong. They don't give you love and moral guidance. They just give this young person more birth control, and treatment for V-D if they catch something.

Title X in this insidious fashion undercuts America's families and promotes teenage promiscuity. Is this what we want to do with $193-million a year of our tax dollars?? I do not believe this is what America wants, or what our families want. I urge defeat of the Greenwood amendment, and adoption of the Livingston and Smith language.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER] a distinguished member of the Committee on Appropriations.

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

Mr. WICKER. Mr. Chairman, I thank the chairman for the time.

The question before us tonight is clear. Should we let the title X program, which has been a failure by any objective measure, simply continue to exist? Or should we attempt to reprogram these scarce Federal tax dollars where they might provide a better service and value to our Nation?

The title X program was created with the best of intentions, but it has proven to be a dismal failure. It was supposed to reduce unplanned pregnancies among teenagers, but teenage pregnancy has risen dramatically. It was supposed to educate teenagers to prevent the number of abortions, but teenage abortion has doubled since the inception of the title X program.

Now, it is hard for some Members to admit that one of their social engineering schemes may be a failure, but title X is a failure. It is time we admitted that fact.

It is also important for us to stress that title X funds will be transferred under the Livingston amendment to block grants for the States. They will be used by individual States who will be able to set priorities for the use of these funds to benefit their citizens. No longer will these funds be a Washington setaside for Planned Parenthood and like-minded groups.

Planned Parenthood itself received approximately $35 million in 1995, approximately 19 percent of the entire program services budget for title X programs.

All the ills designed to be addressed by the title X program have increased. We have a national epidemic of out-of-wedlock births, teenage pregnancy, sexually transmitted diseases and abortion. It is time to let the States attempt to devise their own solutions. For all of these reasons, I urge a yes vote on the Livingston substitute and a no vote on the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of the Greenwood amendment.

I rise in support of Mr. Greenwood's amendment to restore title X family planning grants to the Department of Health and Human Services. After consulting with Kansas health officials, I am gravely concerned that ending title X and rolling the money into the Maternal and Child Health Block Grant and Migrant and Community Health Care Centers will seriously reduce family planning access for working low-income women across this Nation.

The Maternal and Child Health Block Grant has a four-part mission, none of which has to do with providing basic routine gynecological care or birth control to women. The Maternal and Child Health block grant's mission is a

laudable one: (A) to ensure mothers and children access to maternal and child health services; (B) to reduce infant mortality; (C) to rehabilitate blind and disabled children; (D) to promote community-based care for disabled children.

But because of these four specific earmarks there are very few dollars left for family planning. This is not block granting—the Smith amendment simply destroys a successful and tremendously important program which allows women control over their reproductive lives.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

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

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the Greenwood amendment and in opposition to the Smith amendment.

Mr. Chairman, I support title 10 funding and the Greenwood amendment. I commend my colleague from Pennsylvania for his leadership and patience in bringing his amendment to the floor.

This issue is about family planning—not abortion. Title 10 is the only program that exclusively addresses the health of women in this country. It helps keep women off of welfare, and helps prevent abortions.

A facility in my district, HealthQuarters, is the only source of health care for thousands of women. Seventy percent of these women are well below the Federal poverty level. They have no health insurance—public or private.

The number of middle-aged women using family planning facilities is growing because these women are in desperate need of cancer screening, and they can't afford to pay a doctor for preventative care. The block grant approach proposed in this bill simply won't meet these needs because it is impossible to replace the nationwide network of 4,200 family planning facilities already in place. Community health centers simply don't exist in many parts of this country.

Even more onerous is the fact that these block grants provide no language explicitly directing States to use the funding for family planning services. Transferring funds to the Maternal Child Health Block Grant will mean an over 80-percent cut for family planning. This bill is a black hole for women searching for effective family planning and accessible, affordable care.

Eliminating title 10 is not the message this Congress and this majority should be sending to American women or American men. Family planning is clearly an integral part of healthy, successful families. Moreover, it allows poor women to take responsible control over their lives.

My colleagues, it is here that we must draw the line. It is here that we must rise above the rancorous political debate surrounding abortion, because this is not abortion. Let's not lose sight of the fact that title 10 is originally Republican legislation. I urge my colleagues to remember the tradition of a young Congressman from Texas named George Bush, who helped to pass the founding legislation, and the Republican President, Richard Nixon, who signed it into law.

Vote for responsible, healthy families. Support title 10. Vote for the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. FAWELL].

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

Mr. FAWELL. Mr. Chairman, I rise in support of the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. Chairman, I believe that the title X family planning program is a national priority. We have done a disservice by transferring these monies to other areas with no guarantee that these vital services will continue.

Title X provides basic health care services for millions of low-income women.

Without title X, my state of New Jersey will lose $5.3 million in designated family planning funding and over 106,000 New Jersey women will lose access to contraception, pre-natal care, and other basic health services like cervical and breast cancer screenings.

This debate is about whether or not we believe it is a national priority to provide low-income women with family planning information, education and services.

Mr. Chairman, I respectfully submit that it is a national priority.

The most recent data estimates each year in the United States, there are 3.1 million unintended pregnancies, 1.5 million abortions, and 1 million teenage pregnancies.

This is a national crisis.

Congressman GREENWOOD'S amendment simply restores direct funding for title X family planning programs and I urge its passage.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

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

Mr. BASS. Mr. Chairman, I rise in strong support of the Greenwood amendment.

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

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Greenwood amendment, salute the distinguished record of Planned Parenthood in preventing unwanted pregnancies.

Mr. Chairman, I rise in strong support of restoring funds to the title X Family Planning Program. I commend my colleague Mr. GREENWOOD for offering this important amendment, and am pleased that this amendment has bipartisan support.

The Title X Family Planning Program has a history of bipartisan support. It was enacted with broad bipartisan support in 1970, enjoying support from cosponsor former President George Bush. President Richard Nixon signed it into law. It has been reauthorized six times since 1970, always receiving bipartisan congressional support.

Unfortunately, choice opponents who don't understand the important role that title X serves seek to eliminate title X. Instead, they have launched an ideological war against Planned Parenthood and in their zeal they may succeed in ending an invaluable program. In fact, title X does something that many on both sides of the choice debate would agree is an important goal: it reduces unwanted pregnancy and makes abortion rare.

Like so many other provisions that we have seen during this year's appropriations process, this provision to eliminate title X is part of an anti-choice agenda designed to roll back a woman's right to choose. But this vote isn't even about choice—it's about ensuring quality health care for women.

No title X funds go toward abortion; clinics have always been prohibited from using title X funds for abortions. What title X does do is provide quality health care for low-income women, many of whom would not receive health care otherwise. In addition to providing a full range of reproductive health services for low income women, title X clinics screen women for breast an cervical cancer, sexually transmitted infections and hypertension. Title X's family planning services have reduced unwanted pregnancies by an estimated 1.2 million.

It is terribly ironic that anti-choice Members seek to eliminate a program that provides quality health care and is a proven success at preventing abortion. Support this bipartisan effort to restore funding to title X, a critically important program to American women that encourages responsible family planning choices.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut [Mr. SHAYS].

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

Mr. SHAYS. Mr. Chairman, I rise in support of the Greenwood amendment.

Mr. Chairman, I rise today in strong support of the Greenwood amendment to restore funding for the title X program and in opposition to the Smith amendment to restore the bill's language which would block grant these funds.

It is unfortunate that some Members of Congress insist on continuing their assault on a woman's right to choose to have an abortion and her right to comprehensive family planning services at the same time. Certainly these two agendas seem at odds with one another.

While I support a woman's right to choose to have an abortion, like many of my colleagues, I am very troubled by the number of abortions taking place in our country. I feel it is important to concentrate more resources toward educating our young people about the

consequences of sexual activity. I have consistently supported the reauthorization of the title X program, which funds family planning clinics, because I feel it offers women necessary family planning information, including methods of avoiding unwanted pregnancy.

I believe withholding or reducing funding for title X programs denies poor women in particular information about the full range of available medical options. This could cause them to make uninformed decisions and deprive them of needed medical services.

Current provisions in the bill that would block grant title X funds with other health programs will, in fact, reduce the amount of money that will be devoted to the vital purpose of family planning.

Our party talks about the need for encouraging responsibility and taking control of one's life and that is exactly what this program aims to teach young women. We cannot abandon these women by eliminating this program at a time when this Congress has repeatedly sent the message that abortion is not an available option.

If we are truly serious about eliminating the need for abortion in our country, as well as many of the related social problems caused by unintended pregnancy, we must reaffirm our commitment to the title X program and support the Greenwood amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

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

Mr. WYDEN. Mr. Chairman, the authors of this appropriations bill should call their legislation the Barefoot and Pregnant Act of 1995. I must say that I find this appropriations bill particularly odd because so many of our colleagues have talked about citizen empowerment throughout this Congress. Well, cutting family planning takes power from women because it strips them of their most personal choice, the right to plan their own family.

Cut family planning and it will be harder to achieve our national goals of reducing the number of abortions and encouraging more personal responsibility. Cut family planning, and our Nation takes another step towards two-tiered medicine, where the wealthy can get access to the services they need and the poor go without.

Support the gentleman from Pennsylvania [Mr. GREENWOOD].

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON], a member of the committee, will have the right to close.

Mr. GREENWOOD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I rise in support of the Greenwood amendment, offering great support for not going back but going forward with family planning.

Mr. GREENWOOD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, I rise in strong support of the Greenwood amendment.

Mr. BENTSEN. Mr. Chairman, George Orwell is alive and well in the Halls of Congress. This may be 1995, but it sure feels like 1984, when big brother can dictate what health services women have access to and then use double-speak to hide the impact of what is being done.

The termination of title X family planning programs is just plain wrong. We must fix this wrong by approving the Greenwood amendment. This amendment would provide $193 million for title X programs to ensure that women have access to health care services, including reproductive health care. Women should have the ability, no matter what their income is, to receive appropriate health care services.

Family planning works and should be continued. In Houston, many women regularly visit title X clinics to see doctors. This may be the only place that low-income women get health care. For many women, health care is not affordable and not a priority when they are struggling to pay for food and shelter. Title X is the safety net for these low-income women and should not be eliminated.

Family planning is not about abortion. This debate is about giving women access to health care services. The Republicans want to eliminate these services in order to pay for tax cuts for the wealthy. Family planning is cost-effective and necessary. We must not permit the Republican majority to eliminate these vital reproductive health services.

The women of America should have access to family planning services so that they, not the Government, can make the decisions about their health care. The Greenwood amendment ensures that low-income women have the same access as other women, which is fair and responsible. I strongly urge my colleagues to support the Greenwood amendment and oppose the Smith amendment.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, for the last 10 years, I have had the privilege of administering many Federal programs for and to the people, 2½ million, in San Diego County. I am sure my colleagues on the other side of the aisle are sick and tired of hearing me point out all the terrible bad regulations that do not work. I will continue to do so. They will continue to be sick of it. But I think there is a responsibility here to point out the ones that do work.

I have to regretfully oppose the amendment of my dear friend, the gentleman from Louisiana, because if there is any program that I really believe did work, especially as somebody who desperately wanted to see abortions become a thing of the past, title X was the one thing as a local administrator that I was able to do, to avoid something that I felt very strongly about and that is trying to keep abortion out of the formula, as options for birth control.

I have to join with the gentleman from Pennsylvania [Mr. GREENWOOD] and support him because a dose of reality that I came here to try to bring to the Democratic Party also must be brought to both sides.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. TAYLOR].

(Mr. TAYLOR of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in support of the Livingston-Smith amendment.

Mr. Chairman, I rise in strong support of this bill's provision to transfer funds from title X to State health programs, and in support of the Livingston-Smith amendment.

We have heard some Members argue that we need to fund title X to ensure that money is available for family planning. Mr. Chairman this simply is not the case.

As we all know, the title X funds are being redirected to the maternal and child health block grant and community and migrant health centers. The fact is, these State health programs have always been able to use money for family planning, and will still be able to do so.

Under this bill, family planning will simply have to compete with other health needs when States set their funding priorities. Competition on a fair basis is a very reasonable approach. Funds can be used for the most serious health needs in each State, and family planning can be a part of that.

Mr. Chairman, I think it is also important to point out that this bill ensures that money for health needs will go to those who are truly poor. Instead of going to affluent or middle-class teens as it does in title X, the funds in the State programs will be used for the poor, and that group is the one that we are really trying to help here.

And let's talk a little bit about what title X was intended to do when it was brought about, as opposed to what it has actually accomplished. Since we introduced title X in 1970:

The teenage out-of-wedlock birth rate has doubled.

Sexually transmitted diseases among teens is at an all-time high.

The teen-age abortion rate has more than doubled.

These figures indicate many things, but success is not one of them.

Mr. Chairman, let's be honest with ourselves. Title X has not achieved its goals. The States are in a better position to understand the particular needs of their areas, so let us give them the opportunity and the money to do so.

The maternal and child health block grant and community and migrant health centers are a proven success—let these organizations determine the greatest health needs within their State.

Mr. Chairman, this Congress has demonstrated a remarkable commitment to put an end to failed or low priority Government programs. TItle X is one of these failed programs, which is why I strongly urge my fellow members to vote for the Livingston-Smith amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Utah [Mrs. WALDHOLTZ], one of our most stalwart Members, a pregnant lady with shoes on.

Mrs. WALDHOLTZ. Mr. Chairman, this pregnant Member's shoes are firmly on. While my shoes are firmly on, I am proud to rise in strong support of the Livingston amendment and oppose the Greenwood amendment.

I was reluctant to come and speak on this issue because I have been careful not to politicize my pregnancy. But I came to share with you a phone call from a mother in my home district of Salt Lake City yesterday who wanted me to tell the story of her 16-year-old daughter who went to Planned Parenthood when she suspected she was pregnant and when the clinic personnel told her she was pregnant, the only option this 16 year old was offered was an abortion. Four times this young girl said no, that is not what I want to do. She finally left the clinic with no more help than when she had entered it, to go home and talk to her mother.

☐ 2115

Her mother called me yesterday and said please, support the Smith amendment, let us get this money into a block grant where our States and communities can have a hand in helping with family planning. I do not want any more 16 year olds to go through what my 16 year old did.

Mr. Chairman, I am asking Members to listen to that mother from Salt Lake City and support the Smith amendment.

Mr. GREENWOOD. Mr. Chairman, this proud father of two fine young men and two beautiful little girls yields 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in support of the Greenwood-Lowey amendment to restore funds to title X. I rise in support of this amendment because I want Members to understand most of us, all of us, want to prevent pregnancies. We do not like the fact that younger and younger people are bringing babies into the world and we want to do something about it. Some people like to throw these statistics at us day in and day out and say, ''Why don't you stop it?'' If we had a magic wand, perhaps we could wave it and stop it.

Mr. Chairman, these young people are sexually active. They are not just kids from one community. All communities. Your children. Children from the Christian Coalition, children all over America. We have to do something about preventing pregnancies.

You cannot wipe out title X. You go too far. This is extreme. I want Members to know, most of their constituents do not support wiping out family planning. If we are ever to get a handle on this, Government must be involved.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. BLILEY], chairman of the Committee on Commerce.

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

Mr. BLILEY. Mr. Chairman, I rise in opposition to the Greenwood amendment and in support of the Livingston/Smith substitute.

Supporters of the Greenwood amendment would like for everyone to believe that by transferring funds from the Family Planning Program to the maternal and child health block and the community health centers we are eliminating family planning services for poor women. Nothing could be further from the truth. Both of these programs, in addition to the Medicaid program provide family planning services to women. But what these programs provide that family planning does not is comprehensive health care services.

I am convinced that transferring these funds will result in better health care for women.

The maternal and child health block is provided to States to improve the health status of mothers and children. States are required to use at least 30 percent for preventive and primary care services for children, 30 percent for services for children with special needs and 40 percent for other appropriate maternal and child health services. These services include prenatal care, well-child care, dental care, immunization, family planning, and vision and hearing screening services.

Community health centers are located throughout the country in areas where there are significant barriers to primary health care. In addition to providing primary care, health centers also link with services such as WIC, welfare, Medicaid eligibility, substance abuse, and other social services.

The health centers program provides comprehensive, perinatal care for women and their infants. The program also has provided perinatal care services to pregnant adolescents who comprise approximately 21 percent of pregnant women served in the program. According to the administration's own statistics the program in fiscal year 1993: provided perinatal care to 185,530 women; arranged or provided for the delivery of 104,344 babies to women receiving these services; enrolled 79,572 women in prenatal care in the first trimester of pregnancy; and served 38,898 pregnant teens.

The Family Planning Program on the other hand only provides family planning services including contraception, infertility services, basic gynecological care, and referral for other services. In fact, in March 1992 the administration released a guidance on a title 10 regulation. The guidance clarified that the purpose of the title 10 program is to provide prepregnancy family planning services, not services to pregnant women.

We can only guess how many women, especially adolescents never make it to a health care center for prenatal care after being told by the family planning clinic that they are pregnant.

In terms of health care for both mother and child, it makes more sense for a woman to go to one location for all her health care services, both family planning and prenatal care. Such an arrangement would be much more likely if these funds are transferred to the MCH block and the CHC program.

Do not be misled by the rhetoric my fellow colleagues. Family planning services will remain available to women with the Livingston-Smith amendment. In fact, better health care will be available to women. I urge my colleagues to join me in opposing the Greenwood amendment and in strong support of the Livingston-Smith amendment.

Mr. GREENWOOD. Mr. Chairman, woefully, only $34 million of the $116 million will ever find its way to family planning.

Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Greenwood amendment and opposition to the Smith substitute. The Greenwood amendment would protect access to safe and affordable health care for women by restoring vital family planning funding.

Low-income and uninsured working women of all ages depend on the basic health care and family planning services provided by community clinics. These clinics rely on Federal funds. Without community clinics, millions of women would be denied access to potentially life-saving services such as screening for breast cancer, cervical cancer, hypertension, pap smears, and routine clinical exams. For many women, especially young women, community clinics are their only source for basic health care.

This debate is not about choice. Current law clearly states that no title X funds may be used for abortions. It is about women's health.

Combat the Republican attack on women's health; support the Greenwood amendment to help women in need.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the distinguished doctor from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I rise to oppose the Greenwood amendment. I think what we need to ask ourselves is, everybody has made a lot of claims about what title X has and has not done. There is not a scientific study that will evaluate it. But there is a retrospective study based on economics.

Mr. Chairman, what we do know is since 1970, we have had a rise in teenage pregnancies, a rise in abortion. We now have a sexually transmitted disease epidemic that is out of control and unheard of anywhere in the western world. What we also are told is that there has not been a study of effectiveness.

We have one study that we can look at that will tell us what is going on, and it is a study that will be published

next month out of the University of California by a Ph.D. economist. It says the following things: That those States which spend less money on family planning have less of those three things. They have less teenage pregnancy, less abortion, less sexually transmitted disease. It also says that the States with the highest amount of money will have the most abortion, will have the most teenage pregnancy, and the most sexually transmitted disease.

Mr. Chairman, I urge Members' support for the Livingston-Smith amendment.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state it.

Mrs. SCHROEDER. Mr. Chairman, I keep hearing that title X has caused pregnancies.

The CHAIRMAN. The gentlewoman is not stating a parliamentary inquiry.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the bipartisan amendment to restore funding for title X Family Planning, a program that last year served more than 4 million women in 4,000 clinics.

Let me make clear that title X does not fund abortions; the law will not allow it. What title X does fund, in addition to family planning services, is gynecological exams and Pap smear tests; mammograms, clinical breast exams and education in breast self-exam; screening for high blood pressure; and screening for sexually transmitted diseases, as well as education and counseling on how to avoid and prevent such diseases.

Title X clinics provide critical health and family planning services for millions of women who can't afford private insurance, but don't qualify for Medicaid. These are women working in low-paying service-sector jobs that don't provide health coverage. What does eliminating title X say to these working women? It says, ''Too bad if you can't afford a mammogram or pelvic exam. We hope you don't get breast or cervical cancer, but we're not going to do anything to help you detect or prevent it.'' I cannot conceive of a crueler message that this Congress could send to American women.

With an allocation that works out to just 75 cents per person each year, title X is one of the best bargains around. I urge colleagues to vote in support of protecting this critical program.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a distinguished member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Chairman, I think we have to put this in perspective. What we are arguing here is not ending family planning, it is saying who is going to run it, the Federal Government or the State government, and who has done a good job.

Let us look at the Federal plan. 1970 when title X began, teen pregnancy rate, 22 percent. 1992, up to 44 percent. Teenage births out of marriage, 1970, 30 percent. In 1991, 70 percent. The abortion rate in 1970, 19 percent; in 1990, 40 percent. Sexually transmitted disease. Now it is up to one out of four sexually active teenagers. Three million teenagers a year get sexually transmitted disease.

Mr. Chairman, it is not working on the Federal level. Let us let the locals take over. If this group was in charge of gun control, they would give all the 15-year olds in America loaded pistols and say, only shoot to graze. Let us be honest. It is not working. Support the Livingston-Smith alternative; let the local people run the family planning.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, this is a debate about Elizabeth. Elizabeth, a young woman in Austin, TX, who makes use of the services of Planned Parenthood of Austin. It is a debate about Elizabeth and about thousands of other women across this country who should have the right to turn to agencies like Planned Parenthood. What type of birth control they use or whether they choose to use any birth control at all is none of my business, and it is none of the business of this Committee on Appropriations. She ought to be able to make the decision for herself.

Mr. Chairman, what this is all about is the agenda of an extremist coalition that thinks they can put an end to planned parenthood and to deny choice to people like Elizabeth to choose the type of family planning that they think they ought to have.

Mr. Chairman, I want to preserve her choice. I want to preserve her choice not to have an abortion because she has effective family planning through an agency that is providing quality health care services. This is a chance to speak up for Elizabeth and for women across this Nation to have the choice of effective family planning that they choose, and not this Congress.

Mr. GREENWOOD. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, title X and family planning works. In 1995, over 5 million low-income and uninsured women were served in clinics. In addition to family planning services, they provided screening for breast and cervical cancer. Where are these women going to go? It works. Eighty-three percent of women receiving Federal family planning services rely on clinics funded by title X. And where are these women now going to go? Every public dollar spent on family planning saves $4.40 that would otherwise be spent on medical and welfare costs, saving taxpayers $2 billion annually. Family planning works to save lives and to save money.

Let us be honest. If we are against abortion, if we are against escalating welfare costs, we must be a society that stands for family planning. We must give women a place to go.

Mr. GREENWOOD. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. JOHNSON].

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Greenwood amendment and in strong opposition to the Smith amendment.

Mr. Chairman, do not be deceived. The Smith amendment is not an innocent block grant proposal. It cuts Federal support for women's health services and pregnancy prevention by two-thirds. In just the maternal and child health block grant section, it cuts funding from $116 million to $34 million as a result of the mandatory set-asides in that program.

The Smith amendment cuts the money and cuts access to health care services for uninsured low-income women. It eliminates services in 25 counties nationwide.

In my district I have not one community health center and all that maternal child health money goes to the five big cities. In Connecticut 30 percent of all women now receiving pap smears, routine health services, and yes, pregnancy prevention services, will no longer have access to them.

Mr. Chairman, I urge opposition to the Smith amendment and support for the Greenwood amendment.

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

Mr. Chairman, I want to commend the House, those who agree with me, those who oppose us, for what I think has been a high-toned, important debate for this country. Let me close with this, Mr. Chairman. This is not now, never has been, never will be, a debate about abortion. It is a debate about family planning. It is a debate about public health. It is a debate about the right of women in this country, poor women, to plan their families, and we should all stand up for that.

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

□ 2130

Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Illinois [Mr. HYDE].

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

Mr. HYDE. Mr. Chairman, I am filling in for the gentleman from Georgia [Mr. GINGRICH], who was supposed to close, but he is tied up somewhere, so here I am.

This debate is not about family planning. This debate is about who will deliver the family planning.

On welfare, on grants to fight crime, the Republicans have taken the position that Washington can not do it as well as the localities can, that States ought not to be administrative districts of the Federal Government, and so we have sought to return to local government, to local agencies, the funds that heretofore have been disbursed by the all powerful Washington bureaucracy.

Now I tell my colleagues what this debate is about. It is about a $33 million Federal earmark to the largest purveyor of abortions in the world, Planned Parenthood, and they are fighting because that is big money, but under our proposal they can still line up with other agencies out in the States and compete for those dollars. After all, Medicare today spends well over one-half billion dollars on family planning.

Who is sounding the death knell of family planning? Community health centers, social services block grants, maternal and child health block grants, and Medicare. They serve 13 million women, and children, and adolescents who need medical care, as well.

Mr. Chairman, let me in the time left simply say family planning is a good thing. I am for family planning, always have been. I am against a big Federal earmark. I am for letting the States handle it as we are doing in welfare reform and in crime grants.

Ms. ESHOO. Mr. Chairman, if 1992 was the year of the woman, then 1995 must be the year of the assault on women.

A good example of the continuing offensive against women in this country is the elimination of title X family planning money in this bill.

Title X was enacted with broad bipartisan support in 1970. This program provides critical services to low-income women and uninsured working women. In addition to family planning services, title X clinics provide screening for breast and cervical cancer, sexually transmitted diseases, and hypertension. For many women, it provides the only basic health care they receive.

While some in this body are prochoice and others are anti-choice, none of us are pro-abortion. Yet this bill eliminates the one program which effectively prevents unwanted pregnancies and abortions.

In fact, for less than ½ of 1 percent of the entire Federal budget, this program averts 1.2 million unintended pregnancies, 516,000 abortions and 344,000 out-of-wedlock births each year.

I find it interesting that this prevention program has come under attack only after its termination was urged by the Christian coalition in its ''Contract with the American Family.''

Mr. Chairman, we can't allow special interests to run this Congress. I urge my colleagues to vote against this mean-spirited attack on American women. We have come too far to let demagogic extremists reverse our gains.

Mr. FAZIO of Califorina. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD]. This amendment would restore separate, discrete funding for the Federal family planning—or ''Title X''—program.

What many of Title X's opponents fail—or refuse—to recognize is that the scope of this program goes far beyond family planning. The Title X program also provides other preventive health care services to approximately 4 million low-income women and teenagers at 4,000 clinics across America. It provides infertility services, as well as counseling, screening, and referral for basic gynecologic care, breast and cervical cancer, hypertension, diabetes, anemia, kidney dysfunction, sexually transmitted diseases, and HIV. Without Title X, millions of American women would have no other accessible, affordable source for quality, comprehensive health care services. It is the only source of health care for 83 percent of its clients and for many of them it is the single entry point into the entire health care system.

California has received Title X funds since the Public Health Services Act was passed in 1970. Last year, more than 350,000 low-income women received health care services at California's Title X clinics. Yet, because of inadequate funding, the program serves fewer than half of those currently eligible for services. Although funding for Title X has declined by over 70 percent since 1980, health care costs have soared, and the number of women of reproductive age who are in need of these services has increased.

Title X services prevent 1.2 million pregnancies in the United States each year. When we support contraceptive services—Both care and supplies—we thwart unwanted pregnancies and, ultimately, the need for abortion. By reducing unintended births, we also decrease welfare dependency. Each public dollar spent to provide family planning services saves more than four dollars that would otherwise be spent on medical care, welfare benefits and other social services.

Mr. GREENWOOD's amendment restores accessible, high-quality, affordable health care to women who could not otherwise afford to have it. I encourage my colleagues on both sides of the aisle to support passage of this pro-life, pro-health amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD].

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

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

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 36 offered by the gentleman from Wisconsin [Mr. OBEY]; amendments Nos. 60, 61, and 62 en bloc offered by the gentlewoman from California [Ms. PELOSI]; amendment No. 2–3 offered by the gentleman from Idaho [Mr. CRAPO]; substitute amendment No. 2–2 offered by the gentleman from Louisiana [Mr. LIVINGSTON]; and then possibly on the underlying amendment No. 2–1 offered by the gentleman from Pennsylvania [Mr. GREENWOOD].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 36 OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] on which further proceedings were postponed and on which the ayes 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 vote was taken by electronic device, and there were—ayes 155, noes 270, not voting 9, as follows:

[Roll No. 611]

AYES—155

Abercrombie	Fattah	Maloney
Ackerman	Fazio	Markey
Baesler	Fields (LA)	Martinez
Baldacci	Filner	Matsui
Barrett (WI)	Flake	McCarthy
Becerra	Foglietta	McDermott
Beilenson	Ford	McHale
Bentsen	Frank (MA)	McKinney
Berman	Frost	Meehan
Bishop	Furse	Meek
Bonior	Gejdenson	Menendez
Borski	Gephardt	Mfume
Boucher	Gibbons	Miller (CA)
Brown (CA)	Gilman	Mineta
Brown (FL)	Gonzalez	Minge
Brown (OH)	Green	Mink
Bryant (TX)	Gutierrez	Moran
Cardin	Harman	Nadler
Chapman	Hastings (FL)	Neal
Clay	Hefner	Obey
Clayton	Hilliard	Olver
Clyburn	Hinchey	Owens
Coleman	Horn	Pallone
Collins (IL)	Hoyer	Pastor
Collins (MI)	Jackson-Lee	Payne (NJ)
Conyers	Jacobs	Payne (VA)
Coyne	Jefferson	Pelosi
Danner	Johnson (CT)	Peterson (FL)
DeFazio	Johnson (SD)	Peterson (MN)
DeLauro	Johnson, E. B.	Pomeroy
Dellums	Johnston	Rangel
Deutsch	Kaptur	Reed
Dicks	Kennedy (MA)	Richardson
Dingell	Kennedy (RI)	Rivers
Dixon	Kennelly	Rose
Doggett	Kleczka	Roybal-Allard
Dooley	Lantos	Rush
Durbin	Lazio	Sabo
Edwards	Levin	Sanders
Engel	Lewis (GA)	Sawyer
Eshoo	Lofgren	Schroeder
Evans	Lowey	Schumer
Farr	Luther	Scott

Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—270

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Andrews
Bateman
Chrysler
Gekas
Moakley
Reynolds
Solomon
Thurman
Young (AK)

□ 2153

Messrs. BARCIA, HOEKSTRA, KILDEE, RAHALL, and LAFALCE changed their vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House today, the Chair announces he will reduce to a minimum of five minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENTS EN BLOC OFFERED BY MS. PELOSI

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendments en bloc offered by the gentlewoman from California [Ms. PELOSI] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 229, not voting 8, as follows:

[Roll No. 612]

AYES—197

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—229

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

Tejeda
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Andrews
Bateman
Chrysler
Moakley
Reynolds
Solomon
Thurman
Young (AK)

☐ 2203

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CRAPO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho [Mr. CRAPO], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate this amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 373, noes 52, not voting 9, as follows:

[Roll No. 613]

AYES—373

Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Tucker
Upton
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Wynn
Young (FL)
Zeliff
Zimmer

NOES—52

Abercrombie
Baker (CA)
Beilenson
Berman
Bonior
Brown (FL)
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dixon
Evans
Fazio
Foglietta
Hastings (FL)
Hilliard
Hinchey
Knollenberg
Lewis (CA)
Lewis (GA)
Livingston
Martinez
McDade
McDermott
Meek
Mink
Mollohan
Myers
Nadler
Owens
Payne (NJ)
Rahall
Rogers
Roybal-Allard
Rush
Sabo
Serrano
Stark
Studds
Torres
Towns
Velazquez
Vento
Vucanovich
Waters
Waxman
Williams
Woolsey
Yates

NOT VOTING—9

Andrews
Barrett (NE)
Bateman
Bliley
Chrysler
Moakley
Reynolds
Thurman
Young (AK)

☐ 2210

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LIVINGSTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GREENWOOD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON] as a substitute for the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD], on which further proceedings were postponed and which the noes prevailed by a 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 vote was taken by electronic device, and there were—ayes 207, noes 221, not voting 7, as follows:

[Roll No. 614]

AYES—207

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fox
Frisa
Funderburk
Gallegly
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kildee
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen

Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (FL)

NOES—221

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—7

Andrews
Bateman
Chrysler
Moakley
Reynolds
Thurman
Young (AK)

☐ 2217

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GREENWOOD].

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

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 204, not voting 7, as follows:

[Roll No. 615]

AYES—224

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Zeliff
Zimmer

NOES—204

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Frisa
Funderburk
Gallegly
Gillmor
Gingrich
Goodlatte
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kildee
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Yates
Young (FL)

NOT VOTING—7

Andrews
Bateman
Chrysler
Moakley
Reynolds
Thurman
Young (AK)

☐ 2224

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there additional amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, XIX, and XXVI of the Public Health Service Act, title V of the Social Security Act, and

the Health Care Quality Improvement Act of 1986, as amended, $2,927,122,000, of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: *Provided,* That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: *Provided further,* That of the funds made available under this heading, $933,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further,* That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,703,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, and XIX of the Public Health Service Act, sections 101, 102, 103, 201, 202, and 203 of the Federal Mine Safety and Health Act of 1977, and sections 20 and 22 of the Occupational Safety and Health Act of 1970; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $2,085,831,000, of which $4,353,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That in addition to amounts provided herein, up to $27,862,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys.

In addition, $39,100,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151, 40261, and 40293 of Public Law 103–322.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $2,251,084,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $1,355,866,000.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $183,196,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney diseases, $771,252,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $681,534,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $1,169,628,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $946,971,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $595,162,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $314,185,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $288,898,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $453,917,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis, and musculoskeletal and skin diseases, $241,828,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $176,502,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $55,831,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $198,607,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $458,441,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $661,328,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $390,339,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR HUMAN GENOME RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $170,041,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $25,313,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $141,439,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided,* That in fiscal year 1996, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $261,488,000: *Provided,* That funding shall be available for the purchase of not to exceed five passenger motor vehicles for replacement only: *Provided further,* That the Director may direct up to 1 percent of the total amount made available in this Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further,* That no such appropriation shall be increased or decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $146,151,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,788,946,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $85,423,000, together with not to exceed $5,796,000 to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by sections 1142 and 201(g) of the Social Security Act; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $34,284,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, $26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100–203, not to exceed $2,136,824,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended; the $2,136,824,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103–333, $1,000,000,000 are hereby rescinded.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $411,781,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,800,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,543,343,000.

In addition, $800,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40211 and 40251 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,307,842,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $778,246,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, and for carrying out titles III and XX of the Public Health Service Act, $116,826,000, together with $6,813,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $56,333,000, together with not to exceed $17,623,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $10,249,000, together with not to exceed $3,251,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this title for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

SEC. 206. Taps and other assessments made by any office located in the Department of Health and Human Services shall be treated as a reprogramming of funds except that this provision shall not apply to assessments required by authorizing legislation, or related to working capital funds or other fee-for-service activities.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

SEC. 209. None of the funds appropriated in this or any other Act may be obligated or expended for the position of Surgeon General of the Public Health Service.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 1996''.

Mr. PORTER. 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. EMERSON) having assumed the chair, Mr. WALKER, 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. 2127) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. PORTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2127, and that I may include tabular and extraneous material.

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

There was no objection.

EXTENDING AUTHORITIES UNDER THE MIDDLE EAST PEACE FACILITATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to that the Committee on International Relations be discharged from further consideration of the bill (H.R. 2161) to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, 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 New York?

Mr. HAMILTON. Mr. Speaker, reserving the right to object, I do not intend to object, but I do want to state a continuing concern I have about our approach to this legislation.

☐ 2230

Mr. Speaker, the existing law of the Middle East Peace Facilitation Act now expires August 15 of this year. On June 29 we took up a bill extending the law for 45 days. Now we are back doing the same thing again, extending the law only until October 1, 1995.

Mr. Speaker, I would much prefer that the House be taking up at least a 6-month extension at this time, and I regret that we are not. At this time especially, I think we should be sending a signal of very strong support to the parties in the Middle East peace process. This short-term extension I think has the opposite effect. It creates an unstable environment and makes a hard job for the Israelis and the Palestinians involved in the peace process even more difficult.

Mr. Speaker, having expressed that concern, since this bill is the only option before us right now.

My concerns have only increased about using this kind of approach on a bill critical to the Middle East peace process. If the act is allowed to expire, all funds for direct and multilateral assistance to the Palestinian authority will be cut off. Representatives of the Palestinian authority will not be able to maintain an office in the United States. Engaging in diplomatic activities relating to the peace process here in Washington would be impossible.

In short, allowing this law to expire could seriously jeopardize a fragile, but steadily progressing, Middle East peace process.

As I understand it, our reasons for extending this act for only 45 days at a time are related neither to Palestinians nor to Israelis. Instead, this act is being used in the other body as some kind of bargaining chip in negotiations on unrelated bills. I think this is a serious and potentially dangerous mistake.

On June 29 on the House floor, I expressed my hope that the next time we extended this law, we would do so for a longer period of time. Chairman GILMAN said we were taking up only a short term extension because we would conference a more substantive Middle East Peace Facilitation Act prior to the summer recess. We have not. In fact, we have not yet even considered such a bill in committee.

Difficult negotiations between Israel and the Palestinians continue and an interim agreement is possible soon. Terrorism also continues to raise its ugly head. The Palestinian authority is moving to control violence but there is always room for more effort.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from New York?

Mr. ENGEL. Mr. Speaker, reserving the right to object, I will not object, but we are now extending it a second time for another 45 days, and I guess my feeling is a little bit different than my colleague from Indiana. I believe that we cannot indefinitely have these extensions without holding Mr. Arafat's feet to the fire. I have submitted a bill along with the gentleman from New Jersey [Mr. SAXTON], the gentleman from New York [Mr. SCHUMER], and the gentleman from Texas [Mr. DELAY], which clearly lays out reasons and the threshold for Mr. Arafat and the PLO to comply with before there can be a continuation of funding for the PLO.

I would like to ask the Chairman if he can give me assurances that our bill will be marked up at committee, because I think there are many, many different feelings and opinions on the committee, and I think we should have the opportunity. I just want to say, I think it is especially critical because it seems pretty obvious to me that in the Senate, the State Department authorization bill is dead. So I think it is even more critical that we in the House come together and mark up my bill so that we can have a resolution of this issue, and I would like to just ask the Chairman if he would agree to mark up the bill.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, we certainly will take the gentleman's thoughts into consideration and we will be reviewing the request as we return to committee following the recess.

Mr. ENGEL. Mr. Speaker, I would like to just reiterate that I think it is critical that we do have a markup of the bill, that we hold hearings and have a markup of the bill. With the chairman's assurances that he will take a look at this, and I hope with the assurances that we will mark up the bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2161

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITIES.

(a) IN GENERAL.—Section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), as amended by Public Law 104–17, is amended by striking ''August 15, 1995,'' and inserting ''October 1, 1995,''.

(b) CONSULTATION.—For purposes of any exercise of the authority provided in section 583(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) prior to August 16, 1995, the written policy justification dated June 1, 1995, and submitted to the Congress in accordance with section 583(b)(1) of such Act, and the consultations associated with such policy justification, shall be deemed to satisfy the requirements of section 583(b)(1) of such Act.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

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

Mr. Speaker, H.R. 2161 temporarily extends the Middle East Peace Facilitation Act of 1994, which otherwise will expire on August 15, 1995.

That act was previously extended by Public Law 104–17, which we passed in June. H.R. 2161 extends the Act until October 1, 1995, and further provides that the consultations with the Congress that took place in June prior to the President's last exercise of the authority provided by the Act will suffice for purposes of a further exercise of that authority prior to August 16.

In consultation with our Senate colleagues, we have decided to extend the Middle East Peace Facilitation Act only through October 1 because we hope to complete action by that date on legislation that will include a longer term extension of the authorities of the act, along with strengthened requirements for compliance with commitments that were voluntarily assumed.

I urge my colleagues to agree to the adoption of H.R. 2161.

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

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

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

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I wish to inquire of the distinguished majority leader the schedule for the rest of the evening.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we are about to begin debate on the rule for the Telco bill. There will be a vote on the rule in about an hour. After that vote, which should be the last vote of the evening, we will do the general debate on Telco for about 90 minutes. We will then consider a Bliley amendment for 30 minutes, a Stupak amendment for 10 minutes, and a Cox amendment for 20 minutes, and all those votes will be rolled until tomorrow morning. So all Members should be alert for a vote in about an hour, and those Members who are interested in being involved in the general debate on Telco or those amendments mentioned should be prepared to continue working on the floor until we complete that work.

Mr. GEPHARDT. Mr. Speaker, what bill will be up in the morning at what time?

Mr. ARMEY. In the morning when we reconvene, we will reconvene on Labor-HHS, and hope to finish that bill tomorrow.

PROVIDING FOR CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 207 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 207

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. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed ninety minutes equally divided among and controlled by the chairmen and ranking minority members of the Committee on Commerce and the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI and section 302(f) of the Congressional Budget Act of 1974 are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. No further amendment shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment printed in part 2 of the report may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments printed in the report of the Committee on Rules are waived. 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. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device 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 be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 1555, it shall be in order to take from the Speaker's table the bill S. 652 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1555 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 652 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 207 is a modified closed rule providing for the consideration of H.R. 1555, the Communications Act of 1995, and allowing 90 minutes of general debate to be equally divided between the chairman and ranking minority member of the Commerce and Judiciary Committees. The rule waives section 302(f) of the Budget Act against consideration of the bill. The rule also makes in order as an original bill for

the purpose of amendment, the amendment in the nature of a substitute recommended by the Committee on Commerce and provides that the amendment be considered as read. House Resolution 207 also waives clause 5(a) of rule XXI—prohibiting appropriation in an authorization bill—and section 302(f) of the Budget Act—against the committee amendment in the nature of a substitute.

House Resolution 207 provides first for the consideration of the amendment printed in Part 1 of the Rules Committee report. This amendment, which will be offered by Commerce Committee Chairman BLILEY, is debatable for 30 minutes, equally divided between a proponent and an opponent, and provides that the amendment be considered as read. The manager's amendment shall not be subject to amendment or to a demand for a division of the question in the House or the Committee of the whole.

After general debate and the consideration of the manger's amendment, the provisions of the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule. House Resolution 207 makes in order only the amendments printed in part 2 of the Rules Committee report in the order specified, by the Members designated in the report, debatable for the time specified in the report to be equally divided between a proponent and an opponent of the amendment.

The rule waives all points of order against amendments printed in the report, and provides that these amendments shall not be subject to division of the question in the House or Committee of the Whole nor subject to amendment unless otherwise specified in the report.

This rule allows the chair to postpone votes in the Committee of the Whole and reduce votes to 5 minutes, if those votes follow a 15-minute vote. Finally, this resolution provides one motion to recommit, with or without instructions, as in the right of the minority.

Following final passage of H.R. 1555, the rule provides for the immediate consideration of S. 652 and waives all points of order against the bill. The rule allows for a motion to strike all after the enacting clause of S. 652 and insert H.R. 1555 as passed by the House and waives all points of order against that motion. Finally, it is in order for the House to insist on its amendments to S. 652 and request a conference with the Senate.

I would also ask for unanimous consent to add any extraneous materials for inclusion in the CONGRESSIONAL RECORD.

Mr. Speaker, H.R. 1555 is a complex piece of legislation, and the final product that passes the House has been designed to ensure that the United States maintains the lead on the information superhighway as we move into the 21st century. The House has worked to create a balanced bill which equalizes the diverse competitive forces in the telecommunications industry. The complexity and balance of this legislation requires a structured rule, because it is conceivable that a simply constructed amendment would attract enough votes, on the face of it, to upset the balance of the bill.

Let me take this opportunity to commend the diligent work of Chairman BLILEY, Chairman FIELDS, and Chairman HYDE, and also recognize ranking minority members JOHN DINGELL and JOHN CONYERS, for their service in guiding this fair balanced legislation to the House floor.

The overriding goal of telecommunication reform legislation must be to encourage the competition that will produce innovative technologies for every American household and provide benefits to the American consumer in the form of lower prices and enhanced services. The House Telecommunications bill will promote competition in the market for local telephone service by requiring local telephone companies to offer competitors access to parts of their networks, drive competition in the multichannel video market by empowering telephone companies to provide video programming, and maintain and encourage the competitiveness of over the air broadcast stations. The American people will be amazed by the wide array of technological changes that will soon be available in their homes.

The massive barriers to competition and the restrictions that were necessary less than a decade ago to protect segments of the U.S. economy have served their purpose. We have achieved great advances and lead the world in telecommunications services. However, productive societies strengthen and nourish the spirit of innovation and competition, and I believe that H.R. 1555 will provide customers with more choices in new products and result in tremendous benefits to all consumers.

In order to achieve further balance and deregulation in H.R. 1555, the rule will allow the House an opportunity to debate a manager's amendment to be offered by Commerce Committee Chairman BLILEY. This amendment represents a compromise that will accelerate the transition to a fully competitive telecommunications marketplace. This amendment is not a part of the base text, it will be debated thoroughly, and it will be judged by a vote on the floor of the House.

Following the consideration of the manager's amendment, the rule allows for the consideration of a number of divisive amendments that focus on cable television price controls, re-regulating cable broadcast ownership, and provisions for regulation of violence and gratuitous sexual images on local television that may be constrained by technology.

The Rules Committee has made seven amendments in order in part 2 of the Rules report, including five minority amendments, a bipartisan amendment, and one majority amendment. A number of the amendments offered to the Rules Committee were duplicative, some were withdrawn and some were incorporated into the manager's amendment. In addition, some amendments have already been included in the Senate bill, and it is important to note that there will be room for negotiation in conference.

The rule makes in order an amendment—to be debated for 20 minutes—offered by Representatives COX and WYDEN which would ensure that online service providers who take steps to clean up the Internet are not subject to additional liability for being Good Samaritans. The rule also makes in order an amendment—to be debated for 10 minutes—offered by Representative STUPAK which involves local governments and charges for public rights of way.

The rule also allows for an amendment offered by the ranking minority member of the Judiciary Committee, Mr. CONYERS, which would enhance the role of the Justice Department with regard to the Bell Companies applying for authorization to enter currently prohibited lines of business. The chairmen of the Commerce and Judiciary Committees have worked diligently to reconcile this issue, and it was decided that the Department of Justice should receive a consultative role. Nonetheless, the rule permits Members the opportunity to vote on this measure.

We have also been extremely responsive to the requests of the ranking minority member of the Commerce Subcommittee on Telecommunications and Finance, Mr. MARKEY, by allowing all three of the amendments he requested. Mr. MARKEY has a different, more regulatory view of the future of the telecommunications industry, and he has been afforded every opportunity to revise the bill by offering three rather controversial amendments. The first amendment—to be debated for 30 minutes—would amend the bill by changing the standard for unreasonable rates and imposing rate controls on the cable industry. While the goal of this legislation is to reduce regulations, the rule will reverse the deregulatory cable provisions in H.R. 1555.

The second amendment—to be considered for 30 minutes—would retain the current broadcast cable ownership rule and scale back the audience reach cap in H.R. 1555 from 50 to 35 percent. While I believe that this amendment would selectively weaken the broadcast deregulation provisions in the bill, this is an issue that concerns many Members of this House and deserves a full and open debate.

There will be a substantive debate over provisions for regulating certain violent and sexual images on television through technological constraints. While there is evidence that the increasing amount of violent and sexual content on television has an adverse

impact on our society and especially children, the House has two options to consider in this debate. Mr. MARKEY has been granted the opportunity to offer an amendment requiring the establishment of a television rating code and the manufacture of certain televisions, which many fear will require a government-controlled rating system. The House will also have the opportunity to vote for a substitute offered by Representative COBURN that utilizes a private industry approach that does not impose strict, Washington-based mandates which raise difficult first amendment questions.

Mr. Speaker, I believe that this legislation will be remembered as the most deregulatory legislation in history. The goal of this legislation is to create wide open competition between the various telecommunications industries, and this legislation in its final form will undoubtedly encourage a new era of opportunity for every company involved in the telecommunications industry and many companies heretofore unheard of.

Those nations that have achieved the most impressive growth in the past have not been those with rigid government controls, nor those that are the most affluent in natural resources. The most extraordinary development has come in those nations that have put their trust in the power and potential of the marketplace. This bill states that government authority and mandates are not beneficial to economic development, and it will help assure this Nation's prosperity well into the 21st century.

The resolution that was favorably reported out of the Rules Committee is a fair rule that will allow for thorough consideration on a number of amendments. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of this extraordinarily important legislation.

Mr. Speaker, I include the following information for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of August 2, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	41	72
Modified Closed[3]	49	47	14	24
Closed[4]	9	9	2	4
Totals:	104	100	57	100

[1] This 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.

[2] An 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 preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A 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 August 2, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95)
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95)
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95)
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95)
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95)
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of August 2, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 233–104 (8/2/95)

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

□ 2245

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

Mr. Speaker, we oppose this modified closed rule for the consideration of this landmark deregulatory telecommunications legislation for several reasons.

First, there is no legitimate need—there is no compelling reaon—for us to consider H.R. 1555, during one of the busiest weeks we have experienced this year. There is absolutely no urgency at all attached to the passage of this bill before we adjourn.

Quite simply, we ought not to be debating this rule and this bill tonight. There are many more good reasons to put this legislation over until our return in September than there are for taking it up now.

Debating landmark legislation, which completely rewrites our existing communications laws, in the dead of night, squeezed carefully between major appropriations bills that should have first priority, is outrageous on its face.

We feel strongly that a bill with the enormous economic, political, and cultural consequences for the Nation as does H.R. 1555, should receive far more time for consideration than this bill will be allowed.

Second, there is not enough time allowed to properly consider the several very major amendments that have been made in order. For example, we shall have only 30 minutes to consider the Markey-Shays amendment to increase cable consumer protection in H.R. 1555, an amendment which seeks to guard consumers against unfair monopolistic pricing.

The sponsors of the amendment testified that H.R. 1555, as written, completely unravels the protections that cable consumers currently enjoy, and that their amendment is needed to ensure that competition exists before all regulation is eliminated. This is a very substantive amendment, dealing with an industry that affects the great majority of Americans. It certainly deserves more time for serious debate then we are giving it tonight.

Mr. Speaker, perhaps the most troubling part of the bill is its treatment of media ownership, and its promotion of mergers and concentration of power. The bill would remove all limits on the number of radio stations a single company could own, and would raise the ceiling on the number of television households a single broadcaster is allowed to serve.

It would also remove longstanding restrictions that have prevented television broadcasters from owning radio stations, newspapers, and cable systems in the same market.

Thus Mr. MARKEY'S amendment limiting the number of television stations that one media company could reach to 35 percent of the Nation's households, and prohibiting a broadcaster from owning a cable system in a market where it owns a television station, is especially important—and, since it could lead to a single person or a single company's owning an enormous number of television stations or media outlets in the country, this is an issue too that deserves far more than the 30 minutes the rule allows for it to be discussed and debated.

As the New York Times editorialized today, the bill ''would for the first time allow a single company to buy a community's newspaper, cable service, television station and, in rural areas, its telephone company. It threatens to hand over to one company control of the community's source of news and entertainment.''

Finally, Mr. Speaker, we also oppose the rule because it does not allow Members to address all the major questions that should be involved in this debate. This rule limits to 6, the number of amendments that may be offered.

We fully understand and respect the need to structure the rule for this enormously complex and technical bill; but we do believe that, in limiting the time devoted to this bill, the majority incorrectly prevented the consideration of significant amendments that address legitimate questions.

When the Rules Committee met late yesterday on this rule, we sought to make those amendments in order. I would add that we did not seek to make every one of the 30 to 40 amendments submitted in order—as I have already mentioned, we understand the need to structure this rule.

But the committee defeated, by a bipartisan vote of 5 to 6, our request to make in order the amendment submitted by Mr. MORAN that prohibits the FCC from undertaking the rulemaking that could preempt local governments from regulating the construction of cellular towers. The Members of the House should have the opportunity to vote on this amendment—and Mr. MORAN deserves to have the opportunity to offer it.

The amendment addresses the very important concerns of localities who believe this issue is properly within the jurisdiction of local zoning laws. It is endorsed by the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors, and the American Planning Association. Many local jurisdictions have contacted us this week in favor of this amendment, and we feel the committee made a mistake, Mr. Speaker, by not allowing it to be discussed on the floor.

We attempted unsuccessfully to make in order the amendment offered by the gentleman from Texas [Mr. HALL], eliminating the ban on joint marketing of long distance service and Bell operating company-supplied local exchange service. Mr. HALL deserves time to explain his amendment and let the Members decide for themselves whose interests are best served by his amendment.

The majority also denied making in order the Orton-Morella affordable access amendment, which adds affordability to the requirement for preserving access for elementary and secondary students to the information highway.

The amendment is strongly supported by education agencies and organizations, and we feel that the sponsors deserved the chance to present their arguments for the amendment to the House. We should not have acquiesced to the arguments of industry representatives that these affordable access requirements should not be debated because the implications are not known. That is why we have debates—so that both sides can explain their position. Unfortunately, in these cases, we were able to hear only one side.

So, Mr. Speaker, we believe our Members have legitimate amendments that should have been made in order by this rule, and we regret the decision to shut them out of this important debate.

With respect to the amendments that were made in order, Mr. Speaker, we are very disturbed that the commitment to ensure a vote on Mr. MARKEY'S V-chip amendment was not properly honored. While his amendment is in order, the Coburn substitute, which is much weaker, will be voted on first; if it is adopted, Mr. MARKEY is denied the right to have an up or down vote on his very important amendment.

Members should be allowed a clean vote on the Markey amendment, which is by far the stronger of the two. Whether or not parents are given the ability to block violent television shows so their young children cannot watch them is an important issue, and we should not allow the vote to be represented as something it is not. The rule is very unfair in that respect.

Mr. Speaker, H.R. 1555 is a very complex piece of legislation; very few Members understand the implications of this bill, and I would suggest that we might very well come to regret its consideration in this hurried and inadequate manner.

We all know that changes need to be made in our 60 year old communications law. But we should be concerned about the process under which this bill is being brought to the floor tonight. Not only has a manager's amendment been developed out of the public's eye, but it was done after the committee with jurisdiction overwhelmingly reported quite a different bill.

We should all be concerned about the process under which a bill with huge economic consequences and implications for consumers and business interests is being rushed through the House. The testimony of over 40 Members before the Rules Committee demonstrates the complexities involved in this legislation.

Mr. Speaker, we hope that the final version of this bill does balance the introduction of competitive markets, with measures designed to protect consumers. We have heard from all sides involved, and every industry has valid points to make. I do hope, however, that we do not lose sight of the consumer in this process, and of the need to protect the people from potential monopoly abuses.

Mr. Speaker, we oppose the rule—not only because it is restrictive, but because it does not go far enough in ensuring that enough time is given to this important debate, and because it does not protect the right of Members to offer amendments pertaining to all of the major issues of this very complicated piece of legislation.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me just say to the gentleman from California [Mr. BEILENSON] I really am surprised at his testimony here. As my colleague knows, first of all we have 8–½ hours allocated for this piece of legislation. We extended that for another hour to take into consideration the gentleman from Michigan [Mr. CONYERS], our good friend, because he is a ranking Member, and he was entitled to his major amendment.

Mr. BEILENSON. Of course he was.

Mr. SOLOMON. Now we expanded it for 1 hour. That meant we were spending 9½ hours on this bill. It puts us here until 2:30 in the morning today, and many of us will stay here while many of our colleagues leave, and we will finish that part of the bill.

Now, if we had made in order all of those amendments that the gentleman just read off, we would be 19 hours. I figured out the time, 19 hours.

Now the gentleman knows we are going to be here until 6 o'clock in the morning tomorrow night and into Friday, and my colleague and other Members have asked me from the gentleman's side of the aisle to tighten things down, let us take care of the major amendments. We negotiated with the majority, we negotiated with the gentleman from Michigan [Mr. DINGELL], we negotiated with the gentleman's Democratic leadership. Everyone was happy, and all of a sudden we come on this floor here now and nobody is happy.

□ 2400

Let us stick to our points. If we make a deal upstairs in the Rules Committee, let us live by it.●

Mr. LINDER. Mr. Speaker, I would like to inquire as to how much time is remaining on both sides.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Georgia [Mr. LINDER] has 17½ minutes remaining and the gentleman from California [Mr. BEILENSON] has 22½ minutes remaining.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I regret that I will have a different view than my good friend the gentleman from Texas [Mr. BEILENSON]. I rise in support of this rule. It makes in order the key amendments that the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Michigan [Mr. CONYERS] and others have asked for.

Mr. Speaker, I also would have liked to have seen more debate on these amendments, but, on balanced, I think it is a fair rule and I urge my colleagues to support it.

If we are going to make technology work for our economy and for our country, and especially for our families, our laws have to keep pace with the changing times, and I believe the bill before us today will help bring this country into the 21st century. From the beginning, Mr. Speaker, telecommunication reform has been about one thing, it has been about competition.

We all know the more competition we have will lead to better products, better prices, better services and the better use of technology for everybody. Above all, competition helps create more jobs and better jobs for our economy. Studies show that this bill will help create 3.4 million additional jobs over the next 10 years and lay the groundwork for technology that will help to create millions more.

Let us be honest, Mr. Speaker, this is not a perfect bill before us today. There are lots of improvements that can be made, and I want to suggest a couple of them to you tonight.

First, we have an important amendment on the V-chip. Studies tell us that by the time the average child finishes elementary school he or she will have seen 8,000 murders and 100,000 acts of violence on the television. Most parents do all they can to keep their kids away from violent programming, but in this age of two-job parents and 200 channel televisions, parents need some help. Fortunately, we do have technology today that will help. The V-chip is a small computer chip that, for about 17 cents, can be inserted into a TV set and it allows the parents to block out violent programming.

This V-chip, Mr. Speaker, is based on some very simple principles: That parents raise children, not government, not advertisers, and not network executives, and parents should be the ones to choose what kinds of shows come into their homes.

Second, I believe we should do all we can to keep our airwaves from falling into the hands of the wealthy and the powerful. Current law limits the number of television stations, one per person or media company can reach, to 25 percent of the Nation's households. That rule was established to promote the free exchange of diverse views and ideas. The bill before us today, however, would literally allow one person, in any given area, to own two television stations, unlimited number of radio stations, the local newspaper and local cable systems. Instead of the 25 percent limit under this bill, Rupert Murdock could literally own media outlets that reach to over half of America's households, Mr. Speaker. In other words, this bill allows Mr. Murdock to control what 50 percent of American households read, hear, and see, and that is outrageous.

Mr. Speaker, the gentleman from Massachusetts [Mr. MARKEY] will offer an amendment to set that limit to 35 percent, and, frankly, I don't think this amendment goes far enough. I believe we need to address broader issues, such as who controls our networks, who controls our newspapers, and who controls our radios.

In conclusion, Mr. Speaker, I would suggest that we would have liked to have seen a tougher amendment, but I urge my colleagues to support the Markey amendment on concentration, and, Mr. Speaker, this bill has been around a long time. It has been a long time in coming, and I urge my colleagues to support the rule.

Mr. LINDER. Mr. speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], my colleague on the Rules Committee.

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

Mr. GOSS. Mr. Speaker, I want to thank the gentleman from Georgia [Mr. LINDER] and congratulate him for his fine work on an extremely complex rule that took a lot of work to get done, and the gentleman from New York [Mr. SOLOMON] as well, and I am delighted there is support on both sides of the aisle, for it deserves it.

Mr. Speaker, I urge support for the rule also, and I will use my time to indulge in a colloquy with the gentleman from Virginia [Mr. BLILEY], the honorable chairman of the Committee on Commerce, because two points have come up in discussion today regarding local government authority which I think can be clarified and need to be clarified.

Chairman BLILEY was Mayor BLILEY of Richmond, and this gentleman was mayor of a much smaller town, but they were both local governments and

there was a great concern among some of our local governments about some issues here, particularly two, as I have said. I want to address the issue of zoning.

Mr. Speaker, as to the cellular industry expanding into the next century, there will be a need for an estimated 100,000 new transmission poles to be constructed throughout the country, I am told. I want to make sure that nothing in H.R. 1555 preempts the ability of local officials to determine the placement and construction of these new towers. Land use has always been, and I believe should continue to be, in the domain of the authorities in the areas directly affected.

I must say I appreciate that communities cannot prohibit access to the new facilities, and I agree they should not be allowed to, but it is important that cities and counties be able to enforce their zoning and building codes. That is the first point.

Similarly, Mr. Speaker, I want to clarify that the bill does not restrict the ability of local governments to derive revenues for the use of public rights-of-way so long as the fees are set in a nondiscriminatory way.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I am happy to yield to the gentleman from Virginia, the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding. I want to commend the gentleman and his colleagues and the chairman of the Committee on Rules for this rule. I wholeheartedly support it.

Let me say this, I was president of the Virginia Municipal League as well as being Mayor of Richmond, and I was on the board of directors of the National League of Cities. When legislation came to this body in a previous Congress for a taking of Mansassas Battlefield, I voted against it because the supervisors of Prince William County had made that decision. I have resisted attempts by people to get me involved in the Civil War preservation of Brandywine Station in Culpeper County for the same reasons.

Nothing is in this bill that prevents a locality, and I will do everything in conference to make sure this is absolutely clear, prevents a local subdivision from determining where a cellular pole should be located, but we do want to make sure that this technology is available across the country, that we do not allow a community to say we are not going to have any cellular pole in our locality. That is wrong. Nor are we going to say they can delay these people forever. But the location will be determined by the local governing body.

The second point you raise, about the charges for right-of-way, the councils, the supervisors and the mayor can make any charge they want provided they do not charge the cable company one fee and they charge a telephone company a lower fee for the same right-of-way. They should not discriminate, and that is all we say. Charge what you will, but make it equitable between the parties. Do not discriminate in favor of one or the other.

Mr. GOSS. Mr. Speaker, reclaiming my time, I thank the gentleman for that very clear explanation.

Mr. BLILEY. If the gentleman would continue to yield, the gentlewoman from Maryland has raised a point with me about access for schools to this new technology. Let me assure the gentlewoman that I know there is a provision on this in the Senate bill, and I will work with her and work with the other body to see that it is preserved and the intent of what she would have offered had she been able to is carried out in the final legislation.

Mr. GOODLATTE. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I have heard from a number of my local constituents, and I know the chairman is very strongly supportive of the rights of localities and strongly supportive of decentralized government. We have had some conversations about the process here, and I wonder if I may get a clarification.

Is my understanding correct that the gentleman is committed in the conference process to offer new language that will make it crystal clear that localities will have the authority to determine where these poles are placed in their community so long as they do not exclude the placement of poles altogether, do not unnecessarily delay the process for that purpose, do not favor one competitor over another and do not attempt to regulate on the basis of radio frequency emissions which is clearly a Federal issue? Is that an accurate statement of your intention?

Mr. GOSS. I am happy to yield to the distinguished chairman.

Mr. BLILEY. That is indeed, and I will certainly work to that end.

Mr. GOODLATTE. Thank you and I look forward to working with the chairman.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, if this bill really deserves a full and open debate, as the gentleman from Georgia has suggested, then why are we taking it up at midnight?

Mr. Speaker, this is a bill that affects the telephone in every house and every workplace in this country. It is a bill that affects every television viewer in this country and a wide array of other telecommunications services, and when does this Congress consider it? At midnight, after a full day of debate on an appropriations bill.

Regardless of your view on this bill, and I think it has some merit, regardless of your view on the substance of the bill, this sorry procedure ought to be voted down along with this rule. What an incredible testament to this new Republican leadership that they could take a bill of this vital important to the people of America and not take it up until midnight.

You can roll the votes. That just means there will not be anybody here listening to the debate. You can roll them all night long, as you plan to do. The real question is whether you will roll the American consumer.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I want to rise in support of the rule. I think this is a good rule.

Mr. Speaker, I want to point out to my colleagues that if this were a software package that would be version 5 or 6. We have been working on this issue for the last 5 years in the Congress. We had a bill pass the House; we never went to conference with the Senate last year.

There is one amendment that has been made in order, a bipartisan amendment, the Stupak-Barton amendment, that deals directly with local access, local control of rights-of-way for the cities that is very bipartisan in nature, and I would urge support of that amendment if we can reach agreement on it, which we are still working on that.

So this is a good rule, I want to thank the Committee on Rules for making Stupak-Barton in order, and I would urge Members to vote for the rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the committee.

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

□ 2315

Mr. DINGELL. Mr. Speaker, I rise in support of the rule. I urge my colleagues to vote for it. H.R. 1555 is a complex bill. It deals with a complex industry. It comprises a substantial portion of the American economy.

There are a lot of controversies in this legislation, and it should not be dealt with cavalierly. It is a matter of some regret to me we are proceeding late at night and that we have not had more time for this. But, nonetheless, the bill that would be put on the floor by the rule resolves many important questions, and it pulls out of a courtroom, where one judge, a couple of law clerks, a gaggle of Justice Department lawyers, and several hotel floors of AT&T lawyers, have been making the entirety of telecommunications policy for the United States since the breakup.

The breakup of AT&T was initiated by its president, Mr. Charley Brown, and it was done because he had gotten tired of having MCI sue him instead of

competing with him because of antitrust violations by AT&T. The crafting of that agreement led to a situation where the entirety of the telecommunications policies of the United States were dealt with in a closed courtroom, where no other party could participate.

This legislation resolves that question. Now, does it do so perfectly? Probably not. But I will remind my colleagues that this bill will resolve a conflict between the very rich and the very wealthy, and that fairness under those circumstances is impossible to achieve.

I will discuss later how there is competition in the long distance services of the United States and how the rates of AT&T, MCI, and Sprint fly in perfect formation. They fly like the formation of the nuts and bolts in an aircraft, all tied together by invisible forces, which has led to a situation where they all make money and nobody gets into that because of the behavior of Judge Green and his law clerks and a gaggle of Justice Department lawyers and three floors of AT&T lawyers, who have been foreclosing the participation of any other person in or outside of the telecommunications industry.

The bill, is it perfect? No. But it is far better than the situation we have, and it is a good enough bill. I would urge my colleagues to vote for it.

The rule, is it what I would have written? Of course not. But it does get the House to the business of addressing an important national question, and that is the question of what will be our telecommunications policy, and will it be decided by the Congress, and will it be decided by the regulatory system, or will it be decided in a court of star chamber, in which no other citizen can participate.

I urge my colleagues to vote aye on the rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I rise in support of the rule for H.R. 1555, the Communications Act of 1995.

The last time Congress considered communications legislation, the year was 1934. Radio was still in its infancy and commercial television broadcasting was still years away.

In those six decades dizzying changes in technology and markets have made our Nation's current telecommunications statutes totally outdated.

Over the last decade as Congress has debated telecommunications reform legislation, the private sector hasn't waited—instead they have moved aggressively, for example implementing a completely new, alternative phone system—cellular service—and they are now on the verge of creating yet another form of wireless communication.

Because of these rapid innovations in the marketplace, it is impossible and counterproductive for Congress to control micro manage the Nation's telecommunications future.

Instead, H.R. 1555 seeks to break down restrictive barriers, repeal outdated regulations and provide a fair and level playing field for all competitors.

As the Commerce Committee worked on drafting this legislation, we were of the opinion that competition is better than regulation. In areas where regulations are necessary, such as the transition rules while opening the local phone loop, regulations must be fair, reasonable, flexible, and sunset as quickly as possible.

In earlier decades it was perhaps logical for the Federal Government to establish communications monopolies to serve the Nation. However, we've now reached a stage in communications in which regulation is not only inefficient, but is actually a hindrance to the innovation and expansion which benefits the consumer.

For example—for the first time our policy is to move toward competition in local phone service and in cable television. We will also witness greatly expanded competition in long distance and in radio and television broadcasting.

Mr. Speaker, I also want to take this opportunity to speak about the process that produced this important legislation.

H.R. 1555 is the result of many months of hard work by all members, both Democrat and Republican, of the Commerce Committee and innumerable hours by committee and personal staff.

This bill does not favor one company or one industry at the expense of another. Chairman BLILEY, subcommittee Chairman FIELDS and Ranking Member DINGELL worked hard to produce legislation providing a fair and level playing field that will allow all companies to compete in a myriad of communication services.

Mr. Speaker, I urge my colleagues to support this rule, support the manager's amendment, and support final passage of H.R. 1555.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my friend from California for yielding me this time.

Mr. Speaker, I rise in opposition to the rule, and I will share with my colleagues two good reasons to vote against this rule: You know, 90 percent of America's parents have been asking us to give them greater control over what their children are seeing on television, the sex and the violence and the profanity. Enough is enough they say. They look to us to give them some relief.

More than 50 colleagues, both Republicans and Democrats, cosponsored legislation to use the technology that exists today to empower parents to control what their children are viewing on television. Pennies is all it would cost to add it to every new television set.

We have worked on this for months, and now, at the last minute, we have an amendment that was put together by the broadcast industry, which really is a sham, whose only objective is to kill the V-chip amendment. This rule makes it in order that if this amendment wins, and all it does is to encourage the broadcast industry to address this problem, if that amendment wins, we do not even get a vote on ours.

The second reason is a real sleeper in this bill, and that is with regard to the siting of these control towers. There are about 20,000 of them around the country now. There are going to be about 100,000. Our amendment said on private property, if you try to site a commercial tower, then the people that own that property have a right to go to their local zoning board.

Of course they have the right. Imagine if somebody tries to put a 150 foot tower on your property, and you object, and they tell you, ''Well, the Congress gave us the authority to put it on. It is a Federal law. It supersedes local zoning authority.'' That is the last thing we want to be doing.

So I would urge a ''no'' vote on this rule.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from Indiana is recognized for 3 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I know that this bill has a great deal of merit and a lot of hard work has gone into it, and I think the rule, with a few exceptions, is a pretty good rule. But when I appeared before the Committee on Rules a couple of days ago, I specifically asked the chairman of the committee if we were going to get a freestanding up or down vote on this amendment.

I think there might have been a misunderstanding. I would not accuse the chairman of the committee of misleading anybody. But there definitely was a commitment, in my opinion, that we would have a straight, clear vote on the V chip amendment.

The problem is that we now have, as the gentleman from Virginia [Mr. MORAN] said, a perfecting amendment which will gut our ability to have an up or down vote on whether or not parents in this country will be able to block out sexually explicit programs and violent programs that they do not want their kids to see.

This legislation that we are trying to get passed would be very, very helpful to parents who are working. There are going to be 2 to 3 hundred channels in most homes in the not too distant future. The only technology we have now will block out one or two or three programs, and parents are not going to take the time to go through and specifically block out program after program. But the technology we are talking about will allow them to block out whole categories of violence and sexually explicit programs. The amendment

that is going to be offered as a preferential amendment to mine would stop that and just create a study commission.

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

Mr. BURTON of Indiana. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I would just point out, I had an amendment offered on the V chip that was not made in order. I am supporting the rule. I hope those Members who had their amendment made in order would have the courtesy to support the rule.

Mr. BURTON of Indiana. Mr. Speaker, reclaiming my time, the reason I am not supporting the rule is simply because I was told we would have a straight up or down vote.

Let me just get to the crux of the problem. The American people, 90 percent of the families, as has been said, want the ability to protect their kids against violence and sexually explicit material. We have a way to do it, and we are not being given an up or down vote on that issue.

Now, we hope that the amendment that is going to supposedly perfect mine, which does not do anything, will be defeated. I urge my colleagues to defeat it so we can get a straight up or down vote on that, because I am confident that Republicans and Democrats alike, if given the chance, will give the American people what they want, and that is the ability to protect their kids against violence and sexually explicit programs. To do otherwise, I think is a sin.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H.R. 1555. This vital legislation makes long-overdue changes to current communications laws by eliminating the legal barriers that prevent true competition.

I am particularly pleased that H.R. 1555 will break down barriers to telecommunications for people with disabilities by requiring that carriers and manufacturers of telecommunications equipment make their network services and equipment accessible to and usable by people with disabilities. The time is past for all persons to have access to telecommunications services.

H.R. 1555 assigns to the FCC the regulatory functions of ensuring that the Bell companies have complied with all of the conditions that we have imposed on their entry into long distance. This bill requires the Bell companies to interconnect with their competitors and to provide to them the features, functions, and capabilities of the Bell companies' networks that the new entrants need to compete. It also contains other checks and balances to ensure that competition in local and long distance grows.

The Justice Department still has the role that was granted to it under the Sherman and Clayton Acts and other antitrust laws. Their role is to enforce the antitrust laws and ensure that all companies comply with the requirements of the bill.

The Department of Justice enforces the antitrust laws of this country. It is a role that they have performed well. The Department of Justice is not and should not be a regulating agency: it is an enforcement agency.

Mr. Speaker, it is time to open our telecommunications market to true competition. This legislation is long overdue. I encourage my colleagues to support H.R. 1555.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. HOLDEN].

Mr. HOLDEN. Mr. Speaker, I rise to express my opposition with the process which was used for this important legislation. This bill will impact the life of every American—whether they talk on the telephone, listen to the radio, watch television, or send a fax. Even more significantly, it will impact technologies that have not yet been imagined and will be developed in the next century.

So how does the House of Representatives deal with this bill? By debating it into the dark of night under a rule which allows for almost no amendments. This process is seriously flawed.

The primary goal of this bill is supposed to be to increase competition through deregulation. Unfortunately, the bill as amended by the manager's amendment, falls short of this goal. For example, the bill does not require that there be any real, substantial competition in the local telephone loop prior to Bell entry into the long-distance business.

Several amendments were proposed to the Rules Committee to improve the bill and ensure that local competition will develop. None were made in order.

One such amendment, to ensure that 10 percent of local residential and commercial customers have access to a viable competitor prior to Bell entry into long distance, was rejected. In my State of Pennsylvania, which has 5.3 million local access lines, this means that a Bell company could provide long-distance service to State residents once a competitor could provide service to just 530,000 access lines.

Now why is it so important to have local competition before allowing the local telephone monopoly into long distance? Without real competition in the local loop prior to entry into long distance, a company can control long-distance service provider access to their long-distance customers because all long-distance calls must traverse the local loop to reach telephone customers. In short, the Bell system can use its monopoly control over the local loop into monopoly control over the long-distance business. This bill does not prevent the Bells from extending their monopoly and denying the benefits of competition to our constituents. I urge my colleagues to vote no on the rule and no on this bill in order to protect telephone consumers.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to be the distinguished gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to the rule.

Mr. Speaker, the rules governing debate of H.R. 1555 are bad enough—we have 90 minutes to debate the most substantial changes to our communications laws in over 60 years. What concerns me the most, however, are provisions in H.R. 1555 which would be the single biggest assault on American consumers and diversity of opinion that I've witnessed as long as I have lived.

H.R. 1555 completely repeals limits on mass media ownership, and the result will be a dangerous combination of media power. Under the bill, a single company can own a network station, a cable station, unlimited numbers of radio stations, and a daily newspaper, all in the same town.

We have heard that lifting ownership limits will promote competition. Personally, I can't think of a worse way to go about it. Once we lift the limits, a handful of network executives will dictate what programs the local affiliates in our districts should carry. If you have a complaint about losing local programming, don't bother changing the channel—the media group will own that station, too, If you want to write a letter to the newspaper, feel free, but know that the media group probably is the editorial board.

If any of my colleagues have kept up with the news recently, media companies are already lining up to buy each other out, all in anticipation of the broadcast ownership bonanza. You don't have to take my word for it, just look in today's New York Times and read about Walt Disney's buy-out of ABC, or the Westinghouse takeover bid for CBS. I will warn my colleagues: these companies are counting on us to remove ownership limits so they can squeeze out smaller competitors.

I don't think that many of my colleagues realize this, but the FCC is reviewing ownership limits and making changes right now to ensure competition and local diversity. Blowing the lid off all restrictions doesn't make sense; we should let the FCC continue to do its job.

Mr. Speaker, with unrealistic time limits, this rule continues the tradition of the Republican-led 104th Congress: careless legislating and minimal debate. The new leadership cares more about corporate giveaways than consumers, and that is why I will vote against this rule. I urge all of my colleagues to do the same.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. OXLEY], a member of the committee.

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

□ 2330

Mr. OXLEY. Mr. Speaker, let me first say that the folks who support the Markey amendment which was made in order, the gentlewoman from New York

was talking about the concentration of media, she has an opportunity to support the Markey amendment. But we cannot do that unless the rule passes. Then the Members, the V chip that they had their amendment made in order stand here in the well of the House and complain about the rule. When I had my amendment offered to the Committee on Rules, it was rejected. So instead, the bunch of ingrates standing here complaining about the rule who had had their amendment in order, and here I stand, I got stiffed by the Committee on Rules and I am supporting the rule. What is wrong with this picture?

I give up. I am here to support the rule and simply say that it is time that we break the chains of the modified final judgment and take once and for all the responsibility for telecommunications legislation back to the duly elected Representatives of the people and take it away from an unelected, unresponsive Federal court.

Let us give back, let us give us the opportunity to make those kinds of decisions for the consumer. This is the most far-reaching, procompetitive, deregulatory piece of telecommunications legislation in over 60 years.

This is a product that has not just come out of the woodwork. It is a product that has been worked on for at least 5 years. Members of our committee, members of the Committee on the Judiciary, Members who have been here a while have worked on this issue. I find it incredible that we would even consider not passing a rule that would get us one step closer to what we want in telecommunications in the modern marketplace.

We have an opportunity here to pass the most far-reaching job-creating bill that any of us can imagine, a 3.5 million jobs bill. In 10 years that will catch us up with technology and take an antiquated 1934 statute and bring it up to the 21st century.

I have a particular provision that I was proud to work on dealing with the foreign ownership restrictions. They are incredibly antiquated. They restrict the ability of American companies to raise capital and to compete in the worldwide market. This bill breaks those barriers. I am proud to support the rule and proud to support the bill.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. CLYBURN].

Mr. CLYBURN. Mr. Speaker, I rise tonight in opposition to this rule. Once again, the Republican leadership has crafted a closed rule. Call it what they may, but where I come from there is nothing open about limiting both the time for debate and the amendments to be considered.

Mr. Speaker, this legislation will affect the lives of nearly every American and is far too important to be subjected to a closed rule. H.R. 1555 would make it possible for one entity to own all the radio stations, newspapers, 2 TV stations, and even the local cable and telephone companies in the same media market. So the same bill which seeks to end local telephone monopolies would allow a handful of media magnates to drive smaller competitors from the market and put an end to broadcast diversity. But an amendment to maintain current law regarding broadcast ownership was not made in order.

And what about the hypocrisy of the Republican leadership? For months they have been telling us that State and local governments are better equipped to make decisions affecting local residents, but this bill preempts local zoning authority with regard to the placement of antenna towers. Yet, an amendment to restore local authority was not ruled in order. I find it hard to believe that the Republican leadership is willing to rely on our State governments to solve this Nation's welfare crisis but does not trust local authorities to regulate the placement of cellular telephone antennas.

I would like to urge my colleagues to vote against this rule.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my colleagues from Atlanta for yielding time to me.

Believe it or not, I know it is 11:34 p.m. But over the next couple of hours, because of the fact that the ranking minority member of the Committee on Appropriations wanted us today to proceed with consideration of the Labor-HHS appropriations bill, we are going to embark on what I am convinced is one of the most exciting debates that we have possibly addressed in this Congress. It is a debate which is going to lead us towards the millennium and in fact lay the groundwork for dramatically improving the opportunity for consumers in this country to benefit in the area of telecommunications.

Mr. Speaker, it is going to be done on a very, very fair, under a very, very fair and balanced rule. This rule will in fact allow for the consideration of a wide range of issues, contrary to some of the statements that have been made by those who are opposing the rule.

It will allow us to get into debates on the V chip issue, on broadcasting, on cable, on Internet, a wide range of items, including that very important item which was just addressed earlier, the issue of local control.

We also had a very healthy exchange between two former mayors, which is going to ensure that not only here but in the conference we will see the issue of local control addressed.

This is being done in a bipartisan way. I congratulate the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BLILEY], and the gentleman from Illinois [Mr. HYDE], and those on the other side of the aisle who have been involved in this issue. It is being addressed with the support of the leadership on both sides.

I believe that as we move toward the millennium, we are going with this legislation to greatly enhance the opportunity for the U.S. consumer.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Speaker, I say to the gentleman from California [Mr. DREIER], to the contrary, there is not going to be any debate tonight whatsoever. The reason is because once we vote on this rule, everybody in this room is going to go home except for five or six people, because there are not going to be any more votes until sometime tomorrow.

So the debate that takes place tonight will not be a debate. I would suggest all you Americans that are going to plan to participate, call home and tell them to start the home movies because you are going to be the only one to see yourself talking. There is not going to be anybody to talk to. There is not a single person who believes it is right to take up this bill at midnight and talk to ourselves for the next 3 or 4 hours.

General debate and debate on the amendments will take place in a total vacuum. It is not right. It is not necessary. Nobody on that side will stand up and defend this process, and nobody on this side will stand up and defend this process. It is an outrage. I am disappointed that the Democratic ranking member of the full committee, that the chairman of the full committee and chairman of the subcommittee have such a low regard for the jurisdictional area of this committee that they would go along with this process. I urge Members to vote no on this rule.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Texas [Mr. FIELDS], the chairman of the subcommittee which produced the bill.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Speaker, this is a good, balanced rule. This rule should be supported.

It gives us an opportunity to ask one question. That is: With our telecommunications policy, do we move into the 21st century or do we crawl back into the 1930s? Some of us have lived with that question for 2½ years, day in and day out. It is time to move forward. We know the issues of the debate. It is time to move forward on this important issue that affects a sixth of our Nation's economy.

I want to compliment the chairman, the gentleman from New York [Mr. SOLOMON], the gentleman from Georgia [Mr. LINDER], the gentleman from California [Mr. BEILENSON], the leadership

on our side, the leadership on the other side for allowing us to move forward.

This is a complex issue. If we had our preferences, we would do this at an earlier time. We would have more time to debate this. We do not. It is important to move forward.

I also want to pay special recognition to some Members who, like me, have spent a great deal of time on this issue. My friend, the gentleman from Virginia [Mr. BLILEY], chairman, my good friend, the gentleman from Michigan [Mr. DINGELL], my friend in the back of the Chamber, the gentleman from Massachusetts [Mr. MARKEY], who has spent as much time and more on this particular issue. And we will have our differences during this debate. We do disagree on the V chip. We do not want to see the government get into content regulation. But we will debate that issue.

We do not want to see the government continue a policy of restricting growth when it is no longer necessary with direct broadcast satellite, the growth of cable, the spectrum flexibility, the ability of broadcasters to compress, and so forth. We will have that debate, a good debate on that particular issue.

Of course, we disagree on the government continuing to regulate cable. But those are debates that we have.

I want to recognize his leadership and others as we move forward on this legislation.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this is not legislation. This is three card monte.

First we started with the appropriations bill on Labor-HHS, now we are going to slip in a telecommunications bill. But just when we get a focus on that, they will switch to the defense bill. This is an absolute degradation of the legislative process.

We also have the problem that we are now going to have the debate first and then the votes. I think they ought to try it other way around. Why do they not have the votes first and then the debate? They have obviously decided that the two are totally unrelated. They have totally degraded the legislative process. They have borrowed their sense of procedure from the red queen. Verdict first; debate afterwards.

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

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY], subcommittee ranking member.

Mr. MARKEY. Mr. Speaker, this is an important piece of legislation. The gentleman from Texas has already pointed out that it affects one-sixth to one-seventh of the American economy. We should not be debating a bill that affects one-sixth to one-seventh of the American economy at midnight in the United States Congress. We should not be doing this.

We cannot have a good debate on cable. We cannot have a good debate on long distance. We cannot have a good debate on the V chip. We cannot have a good debate on privacy. We cannot have a good debate on the Internet. We cannot have a good debate on any of these issues which profoundly affect the satellite, the cable, the telephone, the computer, the software, the educational future of our country.

This bill will make most of the rest of the legislation which we are going to deal with on the floor of this body a footnote in history. This is the bill. We are taking it up at midnight. We are going to tell all the Members, after they vote on the rule, that they should go home, that there will not be any votes.

America is sound asleep. This is not the way to be treating one-sixth to one-seventh of the American economy. The Members should be here. Their staffs should be in their offices. The American people should be listening.

We are talking about issues that are so profound that if they are not heard we will have lost the great opportunity to have had the debate, to have had the educational experience which the Congress can provide to the country.

Now, some Members say, well, who cares, really, it is just a battle between AT&T on the one hand and the Bell companies on the other? Who really cares, is kind of the attitude that some Members have about it.

Well, my colleagues, this is more than how many gigabits one company might be able to provide or how many extra thousand cubic feet of fiber optic that one or another company might provide. This is about how we transmit the ideas in our society. Whether or not we give parents the right to be able to block out the violence and the explicit sexual content that comes through their television set goes to how our children's minds are formed. Whether or not consumers are going to have one cable company or two cable companies in their community 1½ years from now goes to the question of whether or not they are going to have a monopoly or a real choice in the marketplace.

Whether or not we are going to have a single company able to purchase the only newspaper in town, two television stations, every radio station and the cable system in every community in America is more profound than any other issue we are going to be debating on the floor this week, this month or this year.

This rule should be voted down. We should take up this bill in the light of day with every issue given the time it needs to be debated.

□ 2345

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, arguably, the most important thing about telecommunications reform is not in this bill, and that is affordable access to the Internet for the Nation's schools. Myself and the gentleman from Rhode Island [Mr. REED] offered such an amendment in the Committee on the Judiciary. We were asked to withdraw it in the hopes that it would be worked on in this bill. The gentlewoman from Maryland [Mrs. MORELLA] and I went to the Committee on Rules for her amendment, and it is still not being considered.

Mr. Speaker, I would like to inquire of the chairman, the gentleman from Virginia [Mr. BLILEY] what our posture would be, if I may, in a colloquy, with the Senate version of the language that does ensure Internet access for schools that is affordable.

Mr. BLILEY. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, as I told the gentlewoman from Maryland earlier, it is my intention to work with her and anyone else to see that this provision, or as near as we can, is included in the final version when we come out of conference.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman.

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

Mr. Speaker, it is time to vote on a rule for a very important bill. I would like to address a couple of points. First let me thank Chairman BLILEY and Chairman, FIELDS. We have worked on this for a long time. I would like to especially thank the ranking member [Mr. DINGELL] who has given us some sage advice and a great deal of help. I am a little bit surprised at the compliant that we are not debating for a long enough time. We started with a 6 hour rule and we wind up with nine and a half hours, and that apparently is not enough. I am surprised at my friend from Indiana who says he cannot vote for this rule because he made his amendment in order, he wanted a closed rule on his amendment. All he has to do to have an up or down vote on his amendment is to have a substitute. It seems to me, if you have enough votes, you can defeat the substitute.

Mr. Speaker, I am most startled by the gentleman from Massachusetts [Mr. MARKEY] who made it very clear to us that he could not support this rule unless he got all three amendments in order. And we believed the gentleman, and we thought they were substantive enough to debate, and we made all three in order, and now he is complaining because we are debating this at night.

Mr. Speaker, I was on this floor today on Labor-HHS and there were fewer people in this Chamber during this day on Labor-HHS appropriations than there are here tonight. You know as well as I that typically there are fewer people in this Chamber during the day than at night. These are specious arguments. The rule is a balanced rule. I urge you to support it.

Mrs. MORELLA. Mr. Speaker, I rise to express my disappointment that the rule on this bill does not include an amendment that I introduced to provide affordable access to advanced telecommunication technologies for schools, libraries, and rural health care facilities.

In title I, section 246(b)(5) of this bill, the committee expresses its intent that students in our public schools should have access to advanced telecommunications technologies as one of the fundamental principles of universal service. This is an important and historic commitment. However, the bill does not address the issue of affordability of such access, nor does it include provisions addressing libraries and rural health care facilities. This was the amendment I introduced with Congressmen ORTON and NEY and Congresswoman LOFGREN. The bill, I understand, refers to ''reasonable'' rates. Reasonable rates by what standards? ''Affordable'' would have ensured that all schools, nationwide, would have access to the information superhighway.

I want to clarify that my amendment would not have imposed a financial burden on telecom providers. In the bill, universal service is being redefined by the Federal Communications Commission [FCC] based on recommendations by this joint board. In my amendment, schools and libraries would pay ''affordable'' rates as defined by a joint Federal-State universal service board.

Most schools simply cannot afford advanced telecommunications services. At present, less than 3 percent of classrooms in the United States have access to the Internet. This will not change unless we make access for schools affordable.

The Senate has wisely added provisions to ensure access at a discount price for schools, libraries, and rural health care facilities. I am pleased the Commerce Committee chairman has stated his agreement to working with me to include this provision in conference. In a Nation rich in information, we can no longer rely on the skills of the industrial age. All of our students must be guaranteed access to a high quality of education regardless of where they live or how much money they make. We must ensure that the emerging telecommunications revolution does not leave our critical public institutions behind.

Mr. LINDER. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 255, nayes 156, not voting 23, as follows:

[Roll No. 616]

YEAS—255

Allard	Ganske	Norwood
Archer	Gekas	Nussle
Armey	Geren	Ortiz
Bachus	Gilchrest	Oxley
Baker (CA)	Gillmor	Packard
Baker (LA)	Gilman	Parker
Baldacci	Goodlatte	Paxon
Ballenger	Goodling	Payne (VA)
Barcia	Gordon	Pelosi
Barr	Goss	Peterson (MN)
Barrett (NE)	Graham	Pickett
Barrett (WI)	Greenwood	Pombo
Bartlett	Gutierrez	Porter
Barton	Gutknecht	Portman
Bass	Hall (TX)	Pryce
Bevill	Hamilton	Quinn
Bilbray	Hansen	Radanovich
Bilirakis	Hastert	Rahall
Bishop	Hastings (FL)	Ramstad
Bliley	Hastings (WA)	Regula
Blute	Hayes	Richardson
Boehlert	Hayworth	Riggs
Boehner	Heineman	Roberts
Bonilla	Hoke	Rogers
Bonior	Horn	Rohrabacher
Bono	Hostettler	Ros-Lehtinen
Boucher	Houghton	Roukema
Brewster	Hoyer	Royce
Brown (FL)	Hunter	Rush
Brownback	Hutchinson	Salmon
Burr	Hyde	Sanford
Buyer	Inglis	Saxton
Calvert	Istook	Scarborough
Camp	Jackson-Lee	Schaefer
Canady	Johnson (CT)	Scott
Castle	Johnson, Sam	Seastrand
Chabot	Johnston	Shadegg
Chambliss	Kasich	Shaw
Chenoweth	Kelly	Shays
Christensen	Kildee	Sisisky
Clement	Kim	Skeen
Clinger	King	Smith (MI)
Coburn	Kingston	Smith (NJ)
Collins (GA)	Kleczka	Smith (TX)
Combest	Klug	Smith (WA)
Condit	Knollenberg	Solomon
Cooley	Kolbe	Souder
Cox	LaHood	Spence
Crapo	LaTourette	Spratt
Cremeans	Laughlin	Stearns
Cubin	Lazio	Stenholm
Cunningham	Leach	Stockman
Deal	Lewis (CA)	Stump
DeLay	Lewis (GA)	Stupak
Diaz-Balart	Lewis (KY)	Talent
Dickey	Lightfoot	Tanner
Dingell	Lincoln	Tate
Doolittle	Linder	Tauzin
Dornan	Livingston	Taylor (MS)
Dreier	LoBiondo	Taylor (NC)
Dunn	Lofgren	Tejeda
Ehlers	Longley	Thompson
Ehrlich	Lucas	Thornberry
Emerson	Manton	Tiahrt
English	Manzullo	Torkildsen
Ensign	Martini	Torricelli
Eshoo	Matsui	Towns
Everett	McCrery	Traficant
Ewing	McHugh	Upton
Fawell	McInnis	Vucanovich
Fazio	McIntosh	Waldholtz
Fields (TX)	McKeon	Walker
Flake	Meek	Walsh
Flanagan	Metcalf	Wamp
Foley	Mica	Ward
Forbes	Miller (FL)	Watts (OK)
Fowler	Minge	Weldon (FL)
Fox	Molinari	Weldon (PA)
Franks (CT)	Mollohan	Weller
Franks (NJ)	Morella	White
Frelinghuysen	Murtha	Whitfield
Frisa	Myrick	Wicker
Funderburk	Nethercutt	Wyden
Furse	Neumann	Wynn
Gallegly	Ney	Zeliff

NAYS—156

Abercrombie	Browder	Chapman
Ackerman	Brown (CA)	Clay
Baesler	Brown (OH)	Clayton
Becerra	Bryant (TN)	Clyburn
Beilenson	Bryant (TX)	Coble
Bentsen	Bunn	Coleman
Bereuter	Bunning	Collins (IL)
Berman	Burton	Collins (MI)
Borski	Cardin	Conyers
Costello	Hoekstra	Olver
Coyne	Holden	Orton
Cramer	Jacobs	Owens
Crane	Jefferson	Pallone
Danner	Johnson (SD)	Pastor
Davis	Johnson, E. B.	Payne (NJ)
de la Garza	Jones	Peterson (FL)
DeFazio	Kanjorski	Petri
DeLauro	Kaptur	Pomeroy
Dellums	Kennedy (MA)	Poshard
Deutsch	Kennedy (RI)	Quillen
Dixon	Kennelly	Rangel
Doggett	Klink	Reed
Dooley	LaFalce	Rivers
Doyle	Lantos	Roemer
Duncan	Largent	Roth
Durbin	Latham	Roybal-Allard
Edwards	Levin	Sanders
Engel	Lipinski	Sawyer
Evans	Lowey	Schiff
Farr	Luther	Schroeder
Fattah	Maloney	Schumer
Fields (LA)	Markey	Sensenbrenner
Filner	Mascara	Serrano
Foglietta	McCarthy	Skaggs
Ford	McCollum	Skelton
Frank (MA)	McDermott	Slaughter
Frost	McHale	Stark
Gejdenson	McKinney	Stokes
Gephardt	McNulty	Thomas
Gibbons	Meehan	Thornton
Gonzalez	Menendez	Torres
Green	Meyers	Tucker
Gunderson	Mfume	Velazquez
Hancock	Miller (CA)	Vento
Harman	Mineta	Visclosky
Hefley	Mink	Waters
Hefner	Moran	Watt (NC)
Herger	Myers	Waxman
Hilleary	Nadler	Wise
Hilliard	Neal	Wolf
Hinchey	Oberstar	Woolsey
Hobson	Obey	Zimmer

NOT VOTING—23

Andrews	Moakley	Thurman
Bateman	Montgomery	Volkmer
Callahan	Moorhead	Williams
Chrysler	Reynolds	Wilson
Dicks	Rose	Yates
Hall (OH)	Sabo	Young (AK)
Martinez	Shuster	Young (FL)
McDade	Studds	

☐ 0005

Mr. CUNNINGHAM changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISCLAIMER OF STATEMENTS ATTRIBUTED TO ME

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

Mr. OBEY. Mr. Speaker, twice in debate on the previous rule it was asserted that this bill is going to be debated tonight because that was my preference. That is absolutely baloney. For the last month, at the request of the majority, I have been trying to assist the majority to see to it that they finish all their appropriations bills before we recess for August. It has been my position from the beginning that telecommunications should not even be on the floor until the Labor-HEW bill is finished and until the defense appropriation bill is finished. If after that time there is time for telcom, in my view that is a decision that is made above my pay grade by the leadership, but I personally believe it is a disgrace that any of these bills, especially a bill

involving this much money, will be debated in the dead of night in such a limited time frame.

Mr. Speaker, this bill should not be here at all this week.

REQUEST FOR CONSIDERATION OF AMENDMENT NO. 2–2 OUT OF ORDER DURING CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes consideration of the bill H.R. 1555 pursuant to House Resolution 207 on the legislative day of August 3, 1995, it shall be in order to consider the amendment numbered 2–2 in House Report 104–223 notwithstanding earlier consideration of the amendment numbered 2–3 in that report on the legislative day of August 2, 1995.

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

Mr. BARTON of Texas. Reserving the right to object, Mr. Speaker, could I inquire of the distinguished ranking member of the Committee on Commerce if that means that the debate on the Conyers amendment would not be tonight, but would be tomorrow? Is that the intent of the gentleman's unanimous-consent request?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman is correct.

Mr. BARTON of Texas. Mr. Speaker, Further reserving the right to object, I had asked for the same consideration. I am supporting the Stupak amendment, which is only 10 minutes of debate time, and it asks for the same consideration. The gentleman from Colorado [Mr. SCHAEFER], the gentleman from Michigan [Mr. STUPAK], and myself are in continuing negotiations, and it is quite likely that we would have an agreement so that there would not have to be even a vote on that amendment, and I was told that we could not do that.

Well, if we cannot do that, I am going to object to the gentleman from Michigan doing it.

Now if we can get unanimous consent that our little 10-minute debate can also be tomorrow, then I will not object.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, if the gentleman would permit, that has been discussed with the gentleman from Michigan [Mr. CONYERS]. He feels no objection. I have discussed it with other members of the committee and other Members managing the legislation. This meets the approval of the leadership on the Republican side.

I would urge the gentleman to go along. It does not prejudice the gentleman from Michigan [Mr. STUPAK], who happens to be a very close friend and comes from the same State I do.

Mr. BARTON of Texas. If we could get agreement that the Stupak amendment, which is only 10 minutes of debate, could be tomorrow, then I will withdraw my reservation of objection.

Mr. DINGELL. Mr. Speaker, if the gentleman would yield, I have no objection to the gentleman making that unanimous-consent request.

Mr. HYDE. Mr. Speaker, if the gentleman will yield, the gentleman from Philadelphia, Pennsylvania [Mr. FATTAH] is just about to make a privileged motion.

Now we are going to get along here, we are going to have unanimous-consents, we are going to try and move along. Many of us share the discomfort of the hour. But look. We want to get out on our recess, but is the gentleman going to move to adjourn, because if so, it is going to be difficult to agree to much around here.

So, I do not know if the gentleman wishes to disclose what his privileged motion is, but I suspect it is going to be to adjourn.

Mr. BARTON of Texas. Mr. Speaker, I am not sure of the parliamentary procedure, but, if I have the right, I would ask that the Dingell unanimous-consent request be amended so that the Stupak amendment will also be rolled until tomorrow.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. Further reserving the right to object, I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, would the gentleman withhold his unanimous-consent request and let me make mine?

The SPEAKER pro tempore. The Chair will entertain one unanimous-consent request at this time.

Mr. BARTON of Texas. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. BRYANT of Texas. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman what the purpose of wanting to change the order of consideration of the amendments is. Is he concerned that no one will be here to pay attention to the Conyers amendment if the unanimous-consent request is not granted?

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. The gentleman from Michigan [Mr. CONYERS] had indicated he wishes to do business with his amendment tomorrow. I think that is a fine idea, and I would like to see him have that opportunity.

Mr. BRYANT of Texas. Where is the gentleman from Michigan [Mr. CONYERS], and why is he not making this request?

Mr. DINGELL. It just so happens, I will inform the gentleman, that I am, according to what I understand, the manager of the bill on this side, and I am simply trying to proceed and carry out those functions.

Mr. BRYANT of Texas. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. FATTAH. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mr. FATTAH moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. FATTAH].

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

RECORDED VOTE

Mr. FATTAH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 89, noes 216, not voting 129, as follows:

[Roll No. 617]

AYES—89

Ackerman	Hilliard	Mink
Baldacci	Hinchey	Mollohan
Becerra	Jackson-Lee	Nadler
Berman	Jacobs	Neal
Bishop	Jefferson	Obey
Brown (CA)	Kaptur	Orton
Brown (OH)	Kennedy (MA)	Owens
Bryant (TX)	Kennedy (RI)	Pallone
Clay	Kennelly	Payne (NJ)
Conyers	Klink	Pelosi
Danner	LaFalce	Rahall
DeLauro	Lewis (GA)	Rangel
Dixon	Lofgren	Reed
Doggett	Lowey	Richardson
Durbin	Luther	Roybal-Allard
Edwards	Maloney	Rush
Engel	Markey	Sanders
Evans	Mascara	Schumer
Fattah	McCarthy	Scott
Fazio	McDermott	Serrano
Fields (LA)	McHale	Slaughter
Filner	McKinney	Spratt
Ford	McNulty	Thompson
Frank (MA)	Meehan	Torres
Furse	Meek	Tucker
Gejdenson	Menendez	Ward
Gephardt	Mfume	Waters
Gonzalez	Miller (CA)	Wise
Hastings (FL)	Mineta	Woolsey
Hayes	Minge	

NOES—216

Allard	Boucher	Coble
Armey	Brewster	Coburn
Bachus	Browder	Collins (GA)
Baesler	Brown (FL)	Condit
Baker (CA)	Bryant (TN)	Cooley
Ballenger	Bunn	Cox
Barcia	Burr	Cramer
Barr	Burton	Crane
Bartlett	Buyer	Crapo
Barton	Calvert	Cremeans
Beilenson	Camp	Cubin
Bentsen	Castle	Cunningham
Bereuter	Chabot	Davis
Bliley	Chambliss	Deal
Blute	Chapman	DeLay
Boehlert	Christensen	Dickey
Boehner	Clayton	Dingell
Bonilla	Clement	Dooley
Bonior	Clyburn	Doolittle

Doyle	Johnson (CT)	Pryce
Dreier	Johnson, E. B.	Quinn
Duncan	Johnson, Sam	Riggs
Ehlers	Johnston	Rohrabacher
Ehrlich	Jones	Ros-Lehtinen
Emerson	Kasich	Royce
English	Kildee	Salmon
Eshoo	Kim	Sanford
Everett	Kingston	Sawyer
Farr	Kleczka	Saxton
Fawell	Knollenberg	Scarborough
Fields (TX)	Kolbe	Schaefer
Flanagan	LaHood	Schiff
Foley	Largent	Seastrand
Forbes	Latham	Shadegg
Fowler	LaTourette	Shays
Fox	Lazio	Skeen
Franks (CT)	Leach	Skelton
Franks (NJ)	Lewis (CA)	Smith (MI)
Frelinghuysen	Lewis (KY)	Smith (NJ)
Frisa	Lightfoot	Smith (WA)
Frost	Lincoln	Solomon
Funderburk	Linder	Souder
Ganske	LoBiondo	Stearns
Geren	Longley	Stenholm
Gilchrest	Lucas	Stump
Gillmor	Manzullo	Stupak
Goodlatte	Martini	Talent
Gordon	McCollum	Tanner
Goss	McCrery	Tate
Graham	McHugh	Tauzin
Green	McInnis	Taylor (MS)
Greenwood	McIntosh	Tejeda
Gutknecht	McKeon	Thomas
Hall (TX)	Metcalf	Thornberry
Hancock	Meyers	Thornton
Hastert	Miller (FL)	Torkildsen
Hastings (WA)	Molinari	Towns
Hayworth	Morella	Traficant
Herger	Nethercutt	Upton
Hilleary	Ney	Waldholtz
Hobson	Norwood	Walker
Hoekstra	Nussle	Walsh
Hoke	Ortiz	Watts (OK)
Holden	Oxley	Weldon (FL)
Horn	Pastor	Weldon (PA)
Hostettler	Paxon	White
Houghton	Payne (VA)	Whitfield
Hoyer	Peterson (MN)	Wicker
Hunter	Pombo	Wyden
Hyde	Porter	Wynn
Inglis	Portman	Zeliff
Istook	Poshard	Zimmer

NOT VOTING—129

Abercrombie	Goodling	Radanovich
Andrews	Gunderson	Ramstad
Archer	Gutierrez	Regula
Baker (LA)	Hall (OH)	Reynolds
Barrett (NE)	Hamilton	Rivers
Barrett (WI)	Hansen	Roberts
Bass	Harman	Roemer
Bateman	Hefley	Rogers
Bevill	Hefner	Rose
Bilbray	Heineman	Roth
Bilirakis	Hutchinson	Roukema
Bono	Johnson (SD)	Sabo
Borski	Kanjorski	Schroeder
Brownback	Kelly	Sensenbrenner
Bunning	King	Shaw
Callahan	Klug	Shuster
Canady	Lantos	Sisisky
Cardin	Laughlin	Skaggs
Chenoweth	Levin	Smith (TX)
Chrysler	Lipinski	Spence
Clinger	Livingston	Stark
Coleman	Manton	Stockman
Collins (IL)	Martinez	Stokes
Collins (MI)	Matsui	Studds
Combest	McDade	Taylor (NC)
Costello	Mica	Thurman
Coyne	Moakley	Tiahrt
de la Garza	Montgomery	Torricelli
DeFazio	Moorhead	Velazquez
Dellums	Moran	Vento
Deutsch	Murtha	Visclosky
Diaz-Balart	Myers	Volkmer
Dicks	Myrick	Vucanovich
Dornan	Neumann	Wamp
Dunn	Oberstar	Watt (NC)
Ensign	Olver	Waxman
Ewing	Packard	Weller
Flake	Parker	Williams
Foglietta	Peterson (FL)	Wilson
Gallegly	Petri	Wolf
Gekas	Pickett	Yates
Gibbons	Pomeroy	Young (AK)
Gilman	Quillen	Young (FL)

□ 0034

Mr. MILLER of Florida changed his vote from ''aye'' to ''no.''

So the motion was rejected.

The result of the vote was announced as above recorded.

REQUEST FOR PERMISSION TO CONSIDER AMENDMENT OUT OF ORDER DURING CONSIDERATION OF H.R. 1555, COMMUNICATIONS ACT OF 1995

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that when the Committee of the Whole resumes consideration of the bill, H.R. 1555, pursuant to House Resolution 207, on the legislative day of August 3, 1995, it shall be in order to consider the amendment numbered 2–1 and 2–2 in House Report 104–223, notwithstanding earlier consideration of the amendment 2–3 in that report on the legislative day of August 2, 1995.

Mr. BRYANT of Texas. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to explain exactly what he is attempting to do here.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, basically it would allow us today to take up the Cox-Wyden amendment after the manager's amendment. That is it.

Mr. BRYANT of Texas. Mr. Speaker, I would ask the gentleman, is there some reason for doing that?

Mr. BLILEY. Mr. Speaker, if the gentleman will continue to yield, only to save time, so that we will have less time to be consumed tomorrow evening when we return to the bill.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, it also is because the gentleman from Michigan [Mr. CONYERS] would prefer to bring up his amendments tomorrow, and the gentleman from Massachusetts [Mr. MARKEY] would prefer to bring up his amendments tomorrow. This would facilitate the business of the House, and also is an accommodation to the Members.

Mr. BRYANT of Texas. Mr. Speaker, I wonder if the gentleman would respond, if I might yield to him further, why these gentlemen want to take their amendments up tomorrow instead of the middle of the night like all of the other amendments?

Mr. STUPAK. Mr. Speaker, if the gentleman will yield, on my amendment No. 2–1, we were very close tonight to having a final agreement on it. We worked on it for about 4 hours. We feel with a little more effort tonight and tomorrow morning, we may be able to get an agreement so we do not have to bring up my amendment tomorrow. We are trying to save the time tonight.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time under my reservation, I would just like to say that the process of bringing this up in the middle of the night is an outrage, and I will not go along with accommodating anybody. If we are going to stay here all night long, everybody can stay here all night long, and I object.

The SPEAKER pro tempore. Objection is heard.

COMMUNICATIONS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 207 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1555.

□ 0038

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 consideration of the bill (H.R. 1555) to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 22½ minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 22½ minutes, the gentleman from Illinois [Mr. HYDE] will be recognized for 22½ minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 22½ minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

PARLIAMENTARY INQUIRY

Mr. FIELDS of Louisiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FIELDS of Louisiana. Mr. Chairman, does the chair expect to take any more recorded votes tonight? Will we roll votes until tomorrow morning? There are many Members who wish to know the answer to that question.

The CHAIRMAN. The Chair cannot anticipate whether or not votes will be required this evening.

Mr. FIELDS of Louisiana. Can the Chair roll votes until tomorrow morning if it is not a privileged motion?

The CHAIRMAN. Under the rule, the Chair has the authority to postpone requests for recorded votes on the amendments, which is the intention of the Chair, but not on other motions.

Mr. FIELDS of Louisiana. Will the Chair exercise the prerogative to roll votes?

The CHAIRMAN. It is the intention of the Chair to postpone votes on amendments until tomorrow.

Mr. BLILEY. Mr. Chairman, I yield myself four minutes.

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

Mr. BLILEY. Mr. Chairman, today and tomorrow we will consider and pass the Communications Act of 1995, the most important reform of communications law since the original 1934 Communications Act, more than 60 years ago. This bill is sweeping in its scope and effect. For the first time, communications policy will be based on competition rather than arbitrary regulation. As a result of this fundamental shift in philosophy, American consumers stand to benefit from a greater choice of telecommunications services at lower prices and higher quality than previously available.

As most Members of this House know, Congress has talked about telecommunications reform for the past several years. In fact, we have come close several times, most recently last Congress, when the House overwhelmingly passed a telecommunications reform bill only to see it die in the Senate. This year, with the help of Mr. DINGELL, Mr. HYDE and Mr. FIELDS, we are determined to succeed where past Congresses have failed in seeing to it that telecommunications reform finally becomes law.

The Communications Act of 1995 requires the incumbent provider of local telephone service to open the local exchange network to competitors seeking to offer local telephone services. The legislation also will create competition in the video market by permitting telephone companies to compete directly with cable companies. Once the Bell operating companies open the local exchange networks to competition, the Bell companies are free to compete in the long distance and manufacturing markets. This bill also includes language relating to the Bell operating company provision of electronic publishing and alarm services.

More importantly, the key to this bill is the creation of an incentive for the current monopolies to open their markets to competition. This whole bill is based on the theory that once competition is introduced, the dynamic possibilities established by this bill can become reality. Ultimately, this whole process will be for the common good of the American consumer.

The difficulty of passing communications reform legislation is well known. In the midst of the important and difficult policy decisions which must be made by Members, large telecommunications companies have expended enormous pressure to keep competitors out of their businesses. In the name of competition, these companies have lobbied our Members intensively for their fair advantage in the new competitive landscape. Any one of these factions is capable of preventing what we all recognize is much needed reform. I urge my colleagues, particularly the new Members, to resist these pressures and to pass this long overdue bill. I realize these are not easy votes.

As I have stated, the need for telecommunications legislation is long overdue. We all recognize that the telecommunications industry is at a critical stage of development. This was highlighted by some of the merger activity we have seen this week. ''Convergence'' is the technical term used to describe the rapid blurring of the traditional lines separating discrete elements of the industry. From a policy perspective, convergence means that Congress must set the statutory guidelines to create certainty in the marketplace and to ensure fairness to all industry participants, incumbent and new entrant, alike. Such a policy will ensure a robust, competitive environment that will provide the American consumer with new telecommunications products and services at reasonable prices.

Mr. Chairman, Subcommittee Chairman FIELDS, Mr. DINGELL, and the members of the Commerce Committee strongly believe that the best policy decision this Congress can adopt is to open all telecommunications markets and to encourage competition in these markets. We believe it is competition, and not Government micro-management of markets, that will bring new and innovative information and entertainment services to Market as quickly as possible.

In shaping our legislation on a procompetitive model, we have been careful, However, not to legislate in a vacuum. We have taken into account past, Government-created advantages. We have resisted, in the name of deregulation, to simply break up one monopoly only to replace it with another. Rather, we have created a model that reflects the development of competition in the local telephone market.

Mr. Chairman, I want to spend a few moments on the issue of opening the local telephone market to competition.

The bill directs the Federal Communications Commission to adopt rules relating to opening the local telephone market. At any time after the FCC adopts its rules, a Bell operating company may seek entry into the long-distance market by filing with the Commission a certification from a State commission that it has met the bill's checklist requirements for opening up the local telephone market.

Additionally, a Bell operating company must file a statement that either: First, there is an agreement in effect—the terms and conditions of which are immediately available to competitors statewide—under which a facilities-based competitor is presently offering local telephone service to residential and business subscribers; or second, no such facilities-based provider has requested access and interconnection, but the Bell Company has been certified by the State that is has opened the local exchange in accordance with the act's requirements.

The FCC will review the Bell Company's verification statement, and during this review period, the FCC will consult with the Attorney General and the Attorney General's comments will be entered into the FCC's record.

Mr. Chairman, we believe that the approach we have adopted is a fair and balanced one. We understand the lobbyists and media tend to characterize this bill as either pro-Bell or pro-long distance depending on any word change. Our aim has always been to produce a fair test for providing not only Bell entry into long distance but long distance and other competitors entry into local telephony.

Each side has lobbied hard for its own fair advantage. What is important is that we believe we have achieved our goal of opening these markets in a balanced and equitable manner in order to bring new services and products to the American people as quickly as possible.

The legislation we are considering today will provide competition not only in the local telephone market but the long distance, cable, and broadcast markets. The bill also removes unnecessary and arbitrary regulation and adopts temporary rules that provide the transition to competitive markets.

Mr. Chairman, today we have a historic opportunity to reclaim our role in setting telecommunications policy. I urge my colleagues to vote for H.R. 1555.

☐ 0045

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

Mr. DINGELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 1555.

H.R. 1555 is a big bill, but not a flawless bill. While I continue to have serious reservations about several of its provisions, it accomplishes many important goals. It will inject a healthy dose of competition into the communications industries—competition for cable service, competition for local telephone service, and more competition for long distance service. These are good provisions, and will benefit our constituents and our economy.

The bill will also get the Federal judiciary out of the business of micromanaging telecommunications—and that is good too. In fact, this has been a goal of mine since the breakup of the Bell System back in 1984.

The bill outlaws the practice known as slamming—when subscribers are switched from one carrier to another without permission. And it includes penalties that should serve as an effective deterrent to this noxious practice.

In moving to a competitive environment, the legislation protects several industries from unfair competition. H.R. 1555 includes safeguards to ensure that burglar alarm companies, electronic and newspaper publishers, and manufacturers of telecommunications equipment are not victimized by unfair competition.

H.R. 1555 requires that if the Federal Communications Commission adopts standards for digital television, that the rules permit broadcasters to use their spectrum for additional services that will benefit our constituents.

Having said all these good things about the bill, however, it is important to note that it is not perfect. It contains many compromises that were necessary to move the bill along. I'd like to compliment my colleagues, TOM BLILEY and JACK FIELDS, for the manner in which they have treated me and all the minority members as the bill moved through the process. We reached many compromises on the technically complex and detailed provisions of this bill, and they have worked with me with fairness, grace, and wit.

There are other areas, however, that need more work. These include the premature deregulation of the cable industry, the provisions eliminating limits on the ownership of mass media properties, and the absence of provisions that require the installation of the V-chip in television receivers. Mr. MARKEY intends to offer amendments to correct these deficiencies, and we will debate them later on.

Last year, the House suspended the rules and passed comparable legislation, H.R. 3626, by a vote of 423 to 5. Our bill did not pass the Senate—for a variety of reasons—and so we have been forced to go through this process all over again. I suspect that many of our colleagues dearly wish that the Senate had acted, so that we could have avoided much of the controversy of the last couple of weeks.

Mr. Chairman, on balance, H.R. 1555 is an improvement in current law. With its problems corrected by the adoption of the Markey amendments, it will be a downright good bill. I urge my colleagues to support Mr. MARKEY on his amendments, and vote for the adoption of H.R. 1555.

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

Mr. HYDE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of H.R. 1555. This is a very important bill. It will provide competitiveness to an industry that has long lacked it. It will provide competitiveness in the long distance market.

Most support this bill, industry, labor alike. There is one small group that opposes this bill violently. That is the group of interesting and very strongly opposing folks, the Competitive Long Distance Coalition, made up of seven of the most colossally large corporations in the world, with net assets that are measured in the hundreds of billions of dollars.

Over the course of the last 10 days or so, every Member of this Chamber has been greeted as they came through the door with a sack of mail. I got one such sack here. This sack is not the mail I have received over the past 10 days. It is not even the sack of mail I received today. This is my 2 o'clock mailing. Every Member of Congress gets four mailings a day. This arrived at 2 o'clock today.

I was so livid by this, because I have never sent a telegram in my life, but AT&T would have me believe that thousands of people in my district feel so strongly about their corporate profits that they are going to send me thousands of telegrams.

So I put my busy beavers to work today in my office and asked them to make a few phone calls. They called 200 of these telegrams. We actually got hold of 75 of them. And in the course of that time we found out that 3, exactly 3 people out of those 75 even heard of these much less supported it.

Let me give you a few examples. This group of people right here, they do not speak English. We put some multilinguists on the phone with them for a good long time and talked to them at great length, but they really did not care much about telecommunications and even less about long distance corporate profits.

This group here, Anthony in Chicago, very fine fellow, we could not talk to him. He has been bed-ridden for several months, and his wife told us on the phone that he has bigger problems to worry about then profits in the long distance companies.

This guy here, Harold, he is also a very fine fellow. We could not talk to him either because his wife told us that he had been in intensive care for several weeks and probably had better things to do than call me about telecom.

This is a great one, Mr. Chairman. This is Dennis, who is supposed to live in River Grove. We called Dennis out there. Dennis has not lived in Illinois in 10 years. Dennis not only lives in southern Wisconsin, but just for grins we asked for his phone number to get hold of him. We called Dennis and Dennis said, Not only do I not care about telecom and long distance profits, but if I did, why the hell would I call you?

This is the great one, this is little Andrea. We called her, and her mom answered the phone and said, Well, little Andrea is 8 and she is out playing now, but when she comes in, I will have her call and tell you about the bill.

This is the worst one of all. This is the most loathsome example, Casimir in my district. I will not say anything more about him out of respect for the family. But Casimir passed on in March.

It has been said in Chicago that those who have gone beyond have a tendency to vote, but to send me a telegram is indeed truly long distance at its best.

Mr. Chairman, I do not make this speech to mock the dead. I make this speech to show the appalling tactics of a tiny minority that absolutely are opposed to this bill, not because it is anticompetitive but because they are not preferentially advantaged as they have been through the years.

I urge every Member to vote for H.R. 1555, to ignore these sacks of mail and to, if they have objection to this bill, please let it be principled. Please let it be a reason not to vote for it and let this have nothing to do with your decision.

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

Good morning, Members of the Congress, insomniacs in the public, particularly those that are watching us on cable. I hope they are enjoying it now, because it is about to get a whole lot more expensive.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is advised to address the Chair and not others.

Mr. CONYERS. Mr. Chairman, I will correct myself.

Good morning, Members of the Congress and insomniacs in the Congress, particularly those of you who are present on the floor. I hope that you are enjoying this now because it is going to get a lot more expensive for those of us who are cable subscribers in this country.

If this bill passes, cable rates are guaranteed to rise and rise substantially. That will be a blessing to some people who do watch us and listen to us with some regularity. Not only will it be more expensive to watch us, it will be more expensive to watch sports, movies, and even infomercials.

You know all those telephone commercials arguing that their rates are lower? Well, forget it. As a result of this bill, long distance telephone rates will also rise along with cable rates. It is going to be a lot more expensive to call anybody from one end of this country to the other, and it is going to be expensive for your constituents, more expensive for your constituents to call you and me here in Washington. It is going to be more expensive to reach out and touch.

When the Republican majority tells you this is good for you, I tell you that you had better read the fine print because this is a special interest bill. There are special interest politics that are at play here, not too much of a surprise at this point in time.

Special interest politics always smiles in your face while it picks your pocket. For American consumers, this is one big sucker punch.

The fact is that the Republican leadership knows all this, and that that is one big gift for the special interests. It is going to cost our constituents, the consumers, a bundle.

That is why the bill is brought up in the middle of the night, after so many people are not watching and that many Members of Congress have also apparently gone to sleep. And worse, they are not only doing it in the middle of the night, but with a so-called manager's amendment that was arrived at without the processes of either of the committee chairmen, not to mention ranking chairmen, of the two committees that produced two bills. No one

saw this, including the press, the public, Members of the Congress, until the final copy was issued yesterday.

So I ask those who support this bill and the manager's amendment, what are you so afraid of and why must we do it under these processes?

Fact: Long distance prices have gone down 70 percent since the breakup of AT&T in 1984. That is because the antitrust principles enforced by the Department of Justice drove that breakup. This bill is to get rid of those antitrust principles and send the Department of Justice to the showers. The problem is that your phone prices are very likely to increase as a result.

Maybe it is because a number of Members here do not want the public to know that its cable prices are going to rise as a result of this bill.

Maybe it is because many here do not want the public to know that all the media outlets in particular markets, television, radio, newspapers, will increasingly be owned by a very few, thereby drowning out the diversity of voices in our media outlets.

Maybe it is because the leadership does not want everyone to know that the antitrust rules which have so successfully governed the telephone industry are now in the process of being chucked out of the window.

So if you want it to cost more when your constituents flip on television or pick up the phone, you will vote for this measure tonight. If you want lower cable and telephone rates, then you are going to have to do something different. But I will say to my colleagues, this is one of the biggest consumer ripoffs that I have witnessed in my career in the Congress.

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

□ 0100

Mr. BLILEY. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. FIELDS], chairman of the Subcommittee on Telecommunications and Finance.

(Mr. FIELDS of Texas asked and was given permission to revise and extend his remarks.)

Mr. FIELDS of Texas. Mr. Chairman, I rise in strong support of H.R. 1555, the Telecommunications Reform Act of 1995, and I hasten to say that I believe that this legislation is balanced, it is sweeping, and it is monumental.

Mr. Chairman, there are few times in a legislator's career when one can come to this floor and talk about an historic moment, a watershed when a government breaks the chains of the past and enters a new policy era. Well, this is such a moment.

Mr. Chairman, since Alexander Graham Bell invented the telephone, this is only the second time the Government has focused and dealt with telecommunication policy. The first time was 61 years ago in the 1934 Communication Act when our country utilized radio, telegraph, and telephone technology. The Congressmen and Senators in 1934 could not have envisioned the technology that we enjoy today. They could not have envisioned the advantages of digital overt analog transmission. They could not have envisioned that clear voice transmission, along with data and video, could be accomplished without a wire. They could not believe that you could digitally compress and transmit as much as six times the current broadcast signal with the same or enhanced video capabilities.

Mr. Chairman, I am here tonight to tell our colleagues that we cannot on August 3, 1995, predict what the technologies and applications of those technologies would be next month, let alone next year. I do firmly believe, however, that this legislation will unleash such competitive forces that our country will see more technological development and deployment in the next 5 years than we have seen this entire century. I firmly believe that this legislation will result in tens of thousands of jobs being created and tens of billions of dollars being invested in infrastructure and technology in an almost contemporaneous manner when signed by the President.

Mr. Chairman, I cannot stand here and say that this legislation is perfect, but I can stand up and say to this House that our focus as a Committee on Commerce was correct. This legislation is predicated upon two things: Competition and the consumer. A belief that competition produces new technologies, new applications for those technologies, new services, all at a lower per capita cost to the consumer.

Mr. Chairman, central to competition to the consumer in this legislation is opening the local telephone network to competition. We do this with a short rulemaking by the FCC, the telephone companies having to enter a good faith negotiation with a facilities-based competitor, like a cable company, on how the network is open. A review by the State Public Utility Commission and FCC that the loop is open to competition, and once the FCC finally certifies that that local telephone network is open to that facilities-based competitor, then the same agreement with the same terms and conditions is open to any competitor within that State.

Mr. Chairman, this puts the consumer in control. Cable companies, telephone companies, long-distance companies, will all be vying for the consumer's business, offering new technologies, better services, more choice, at lower cost.

Among other things we do in the bill, we also have broadcasters as they move into the new era of digital transmission to utilize the technology of signal compression, to produce as many as six signals over the air broadcast signals; where today, only one signal is produced, we do six. It is hard for us to know what this one piece of the legislation means tonight. We hope it means more local news, weather, sports, cultural programming, and particularly, educational quality programming aimed at our Nation's children, but we do not dictate. We do not micromanage.

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

Mr. MARKEY. Mr. Chairman, first of all, I would like to begin by complimenting my good friend, the gentleman from Texas [Mr. FIELDS]. I have worked with the gentleman for three years on this legislation, and he and I have spent hundreds of hours talking about these issues and trying our best to come to common ground, and on many issues, we have, and many of those issues are in this bill. I think it is there that, in my opinion, the monumental parts of this bill are contained. I cannot thank the gentleman enough, and the gentleman from Virginia [Mr. BLILEY] on that side and all of the Members, and on this side, the gentleman from Michigan [Mr. DINGELL] and all of the members of our committee for all of the hard work which they have put into this bill over the last 3 years.

Mr. Chairman, unfortunately, since last year when we were considering this bill, there have been additions made to the legislation that were never under consideration in 1994. It is there primarily that the serious flaws in this legislation appear.

For example, one, I repeat myself, but it is very important. It is wrong to allow a single company to own the only newspaper, two television stations, every radio station in the entire cable system for a single community. It is just wrong. Second, I have no problem with deregulating the cable industry, if there is another competitor in that community. For 100 years in this country we have regulated monopolies.

Mr. Chairman, my career on the Committee on Commerce has been dedicated to deregulating toward competition so that we do not need to regulate monopolies any more, in electricity, in telephone, and in cable. But the honest truth of the matter is that there will be no competing cable system in most communities in America 2 years from today and 5 years from today. We should not subject those captive ratepayers to monopoly rents. It is wrong. Whenever a competitor shows up, total deregulation. That should be the heart and soul of this bill: Competition.

Third, the V-chip. We are creating a universe that is going to go from 30 to 50 to 60 to 100 to 200 to 500 channels. Mothers and fathers who will want this technology in their home for the wide variety of programming that will be available will also be terrified at what their child may gain access to when they are not home, or when they are in the kitchen. A violence chip upgrades the on-off switch. That is all it does. It allows the parent to upgrade a 1950s on-off switch to something that they can

have on or off when they are not in the room. That is all we are talking about. It only matches this 500 channel universe.

Mr. Chairman, these are the issues that we have to include in this bill if we are to move into the 21st century: Competition and protection of the consumer. I would hope that those amendments would be adopted.

Let me make another point. Here is the complaint form that is going to have to be filled out. For example, if you have 200,000 cable subscribers that are owned by the company in your area, 6,000 people have to fill out this form in order to complain about rates sky-rocketing when there is no other cable company in town that they can turn to, because rates are too high or quality is too low. Six thousand people out of 200,000 subscribers filling out a form that would basically make the 1040 form look attractive to most of them.

Mr. Chairman, this is not a complaint form. This is not a way in which ordinary consumers are going to be able to appeal when their rates go back up three times the rate of inflation before we put that cable rate protection on the books in 1992.

I am not looking for the kinds of radical changes that people might think. I am looking for common sense changes.

Mr. HYDE. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to actually make a comment, Mr. Chairman, about something that was not in the bill and we were disappointed because we did have an amendment, and that was to include stressing of availability and affordability for access for rural libraries, rural schools, and also rural hospitals. The gentleman from Virginia [Mr. BLILEY], the chairman of the committee, has stated here that although the amendment did not make it to the Committee on Rules, which was a disappointment, but that he is going to do all he can to work with the Senate version which does contain, I think, some good language.

Mr. Chairman, I just wanted to restress that there are a lot of Members of the House, had that amendment been in order and had that amendment come forth on the floor, they would have supported the amendment. I want to tell people here on the floor, Mr. Chairman, that in fact one of the most disenfranchised areas in the United States is in fact rural America. They pay the toll calls. There has not been the availability in a lot of areas on the information highway for rural America.

We know that we do not have enough money to solve all the problems, so therefore using high technology is going to bring a lot of information for our hospitals we could not normally get, it is going to bring a lot of information to our students who really do not have the advantage a lot of times of the high-technology systems, it is going to bring a lot of advantage to our libraries. I just want to restress that it has to be available and affordable.

Mr. Chairman, I appreciate the commitment of the gentleman from Virginia [Mr. BLILEY], because if we do not do something in this bill that is not in the House version, if we do not do something in the conference report, as this information superhighway goes across the United States, there is not going to be any exit ramps for rural America.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I would like to identify with the very generous remarks made by the gentleman from Massachusetts [Mr. MARKEY] a moment ago about the hard work done on this bill over the last few years. In fact, we passed an enormous bill in the last session of Congress and it ended up dying in the Senate.

Unfortunately, however, the work that was done by the committee over a period of several days, and frankly over a period of months preceding that, has been obviated by the fact that we now have before us at the very last minute what is called a manager's amendment which changes the bill entirely. The work of the committee, therefore, and the work of all of the people that came forth in the private sector, all of the people that came forth in the various public sectors, all of the Members of Congress, has now basically been sidelined while a manager's amendment that has been hammered out by the gentleman from Virginia [Mr. BLILEY], and I assume the gentleman from Michigan [Mr. DINGELL] and the gentleman from Texas [Mr. FIELDS] and others, not in an open committee rule, not with hearings, not with any organized input from anybody, is going to be brought up and we are going to be asked to vote for that.

Mr. Chairman, I think it is unprecedented. Maybe there is a precedent for it, although I cannot remember what it is. But I think that even if there were some precedent along the way for this, it should be condemned as a process. It is wrong. It is not the right way to legislate. I think it has a lot to do with the fact that we are up here right now at 1:15 in the morning debating a bill that relates to, I think I heard the gentleman from Texas [Mr. FIELDS] say, one-sixth of the entire economy, that changes the ability of people who are very important, powerful people and entities that own television stations to own more and more television stations in the same market, have greater and greater market penetration in the entire country that is controlled by just a very few people, always at a time when we read in the papers, even today about the confrontations going on in the telecommunications industry.

Mr. Chairman, this is an enormous bill. It is 1:15 in the morning. It is not right to be doing this, it is not necessary to be doing this. Not one single person will stand on the floor and say it is right or it is necessary.

Mr. Chairman, it is an outrage. I think the fact that we are doing it says a great deal about the manager's amendment. It says a great deal about the bill, unless we are able to amend it. We ought to amend it. We ought to adopt the Conyers amendment when the bill comes up unless the Justice Department has something to say about whether or not, when the Bell companies are able to enter into long-distance, they are in a position to drive everybody else out of business before they are allowed to enter into that business.

Mr. Chairman, I hope the amendment will be adopted. The Markey amendment ought to be adopted to try to ameliorate the monopolistic effects of this bill with regard to communications. Surely, if there is any industry that we do not want to see move in the direction of greater consolidation and monopolization, it would be the industry that controls the ideas of our children and the ideas of adults. Surely that is the one area we should protect assiduously, and yet this bill goes in the opposite direction. I hope you will adopt the Markey amendment.

Also, with regard to the V-chip, for goodness sakes, you know, we ought to be able to give parents the ability to control what their kids watch on television.

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

Mr. BRYANT of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from Texas has worked assiduously on both committees. This is one of the few Members in the Congress who serve on both the Committee on Commerce and the Committee on the Judiciary.

Mr. Chairman, I would like to ask the gentleman, is there any way that we can promote investment and competition at the same time that we promote concentrations of power and mergers? I mean are these concepts that can be reconciled at all?

☐ 1315

Mr. BRYANT of Texas. Not only can they not be reconciled, it is a great irony to me that our friends on the far right side of the political spectrum frequently stand up and say the problem with this country is the liberal media, and yet it is their bill that is going to allow the so-called liberal media owners to have greater and greater power. Now either my colleagues do not really believe the liberal media is a problem or somehow or another my colleagues do not mind going ahead and giving them more power. I am not sure which it is. It is preposterous.

The gentleman's question is right on target. We cannot reconcile the two goals, and I hope the Members will vote for the amendment offered by the gentleman from Massachusetts [Mr. MARKEY], for the amendment offered by the gentleman from Michigan [Mr. CONYERS], and, if we do not get them adopted, for goodness' sakes vote against the bill.

Mr. BLILEY. Mr. Chairman, I yield 3 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, as an original cosponsor of the Communications Act of 1995, I wish to express my support for the manager's amendment and the bill, and let me give credit to the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts [Mr. MARKEY], and many others who have worked long and hard on this. We are not reinventing the Wheel here.

The gentleman from Virginia [Mr. BOUCHER] and I have introduced a bill involving cable/telco cross-ownership along with then Senator GORE and CONRAD BURNS from Montana, and before that there was a bill introduced by Al Swift from Washington, and Tom Tauke from New York. This has been an issue that has been with us a long time.

The real question we ask ourselves is do we think it is necessary 10 years later to have an unelected, unresponsive Federal judge as a czar of telecommunications, or is it time we take that issue back for the people through their duly elected representatives?

Make no mistake about it. This is the most deregulatory bill in American history. Some $30 billion to $50 billion in annual consumer business costs are benefited, 3½ million new jobs created. This is the largest jobs bill that will pass this Congress or any other Congress for a long time to come. It opens up all telecommunications markets to full competition including local telephone and cable.

Now the cabel/telco provisions based on the bill I introduced with the gentleman from Virginia is part and parcel of this bill. It basically allows telephone companies into cable, cable into telephone, and provides the necessary competition that is going to benefit our consumers.

I want to talk briefly about a provision that I was intimately involved in, and that is section 310(b) of the Communications Act. We felt it necessary to modernize that provision so that American companies would have better access to capital and at the same time would be more competitive in a global economy. I think, through the efforts of compromise with the Members on both sides of the aisle, we have reached that compromise, and I think that section 310(b), as we have amended it working with the administration as well as with the members of the committee, is clearly a much better section than it currently is in that it would encourage foreign governments, if left as it is now, to restrict market access for U.S. firms.

Make no mistake about it. Countries all over the globe are liberalizing their policies in telecommunications and American companies are taking advantage of that more and more and more. It makes sense for us to be on that same path, and I think we will with the language we provided in section 310(b).

We are at the point of passing historic legislation in this House. It has been a long time coming. I give credit to all those who have been involved. This is a worthy undertaking, and I ask support for the manager's amendment and the bill.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in support of HR 1555.

The indelible mark of the latter part of this century is that we have moved from an industrial era to the information age. Our Nation's telecommunications policies need revisions to match not only this moment but also prepare us for a new century.

California's Silicon Valley, which I'm privileged to represent, are reinventing cyberspace each day, pioneering technologies so dramatic, that they revolutionize how we live, how we work, and how we learn.

I'm committed to maintaining and enhancing the ingenuity and innovation of our high technology and communications industries.

That's why I offered an amendment during full Commerce Committee consideration of this bill, adopted unanimously, that ensures that the FCC does not mandate standards which limit technology or consumer choices.

The language is supported by American business alliances including the Telecommunications Industry Association, the Alliance to Promote Software Innovation, the Coalition to Preserve Competition and Open Markets, and the National Cable Television Association.

On the other hand, foreign TV manufacturers are pushing the Federal Government to impose standards that will establish television sets as the gatekeeper to home automation systems.

These interests have spent hundreds of thousands of dollars in advertising calling for the elimination of this language. They've done this because the amendment is the only obstacle in their path to monopolizing consumers.

Mr. Chairman, my provision is not simply about TV wiring and cable signals. It's about shedding the past. It's about embracing the future. It's about allowing American technology to unleash their genius and create a new world of possibilities—new ways to communicate with each other, new ways to improve our lives, new ways to make technology work better for all of us.

I urge Members to support deregulation of our telecommunications markets. Our nation's leadership in the information age depends on it.

Mr. HYDE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding this time to me, and I rise in strong support of this legislation which will help to move the telecommunications policies of this country into the second half of the 20th century just in time to see this exploding technology move into the 21st century.

Make no mistake about it. It was Government policy that has restrained what is clearly the greatest opportunity for the creation of jobs and new technology that exists in this country, and it is about time that we enact this new policy to afford the opportunity to create the competition in all sectors of telecommunication that is going to bring about an explosion of opportunity for all Americans to have greater access to information, to have greater access to employment, and to have greater opportunities for new investment in all kinds of creative ideas.

So I strongly support this legislation. I do have concerns about some aspects of it. I will support the Burton-Markey v-chip amendment, and I would urge others to do so as well. This is not Government censorship, this is not getting Government involved in reviewing and screening these programs, the thousands of programs that are going to come across hundreds of cable channels. This is the empowerment of the parents of this country to be able to exercise the same responsibility in their own living rooms that they are now able to do with every movie that is offered in every movie theater in this country. It is simply an advanced technology for allowing parents to do the same thing with thousands of programs that are offered every week in their home that they do with the dozens of movies that are offered to their children in movie theaters. They will do it with technology, with the v-chip. That is the only feasible way that I know of, and anyone else that I have talked to knows of to accomplish this goal when we are talking about this massive amount of information.

I am also disappointed that the amendment which I offered, the Goodlatte-Moran amendment, was not made in order by the committee to guarantee protection for local governments that they will continue to be able to provide the kind of decisions on the placement of telecommunications equipment in their local communities, but we have received assurance from my good friend, the chairman of the Committee on Commerce and fellow Virginian, that this matter will be

fully addressed in conference, and I have every confidence that that will take place, that we will make it clear that on local zoning decisions local governments will make those decisions, and we will also make it clear that in advancing this telecommunication policy we will not have restraints on the ability to make sure this is a national policy by insuring that every community will allow this telecommunications into the community, however we will not have a problem with the fact that local governments need to have that opportunity.

I urge support for this bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the able gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in support of the Conyers amendment to H.R. 1555. This amendment would require prior approval by the Attorney General before a Bell operating company may enter into long distance or manufacturing. Both the Justice Department and the FCC would review the State certification of ''checklist'' compliance.

Under the manager's amendment to H.R. 1555, the FCC must consult with the Department of Justice [''DOJ''] before it makes a decision on a BOC's request to offer long distance services—but DOJ has no independent role in evaluating the request.

Mr. Chairman, by depriving DOJ of an independent voice in the review process, this bill creates unnecessary risks for consumers and threatens the development of a competitive local and long distance telecommunications marketplace. The aim of deregulation was to spur phone and cable companies to enter into each other's markets and create competition. That in turn would lower prices and improve service.

Just the opposite would happen under H.R. 1555 in its current form. H.R. 1555 encourages local cable—phone monopolies. Cable and phone firms could merge in communities of less than 50,000. Therefore, nearly 40 percent of the nation's homes could end up with monopolies providing them both services and the public would not be protected from unreasonable rate increases.

Mr. Chairman, the Department of Justice is the best protector of competition by utilizing the antitrust laws of this country. The Conyers amendment will ensure that the Department of Justice has a meaningful role in the telecommunications reform, and, if it passes, consumers of America will benefit.

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

I would like to announce for the benefit of the Members on the floor or in their offices that it is my intention to move that the Committee rise after general debate. There will be no debate or votes tonight on amendments.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTON].

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman and members, I rise in support of the bill. I think this is a very far-reaching telecommunications bill, the most far-reaching in the last 50 years. It will provide more competition for more industries for more consumers around this country. It will allow local telephone companies to get in long distance service. It will allow long distance telephone companies to get into local service. It will allow cable television providers to get into long distance and local service and vice versa. We will not have telephone companies, cable companies. We will have communications providers. The consumers will be the ultimate driver. They will have more choice.

□ 0130

I think it is a good bill. I think we should move it out of this body this week, move it to conference with the Senate so that we can have a modified version early this fall to pass and put on the President's desk.

Mr. Chairman, I want to speak specifically on the Stupak-Barton amendment that deals with local access for cities and counties to guarantee that they control the access in their streets and in their communities. The bill, as written, did not provide that guarantee. The Chairman's amendment does provide, I think, probably 75 percent, maybe 80 percent of that guarantee.

We are in negotiations this evening and will continue in the morning with the gentleman from Michigan [Mr. STUPAK] and the gentleman from Colorado [Mr. SCHAEFER] and myself, so that we should have an agreement that solves the issue to all parties' satisfaction, but we simply must give the cities and the counties the right to control the access, to control right-of-way, to receive fair compensation for that right-of-way, while not allowing them to prohibit the telecommunications revolution on their doorstep.

Mr. Chairman, the Stupak-Barton amendment will do that, and I am confident that we can reach an agreement with the gentleman from Virginia [Mr. BLILEY], the gentleman from Texas [Mr. FIELDS], and the gentleman from Colorado [Mr. SCHAEFER] tomorrow so that we can present a unanimous-consent agreement to the Members of the body later tomorrow afternoon.

I would support the amendment and support the bill and ask that the Members do likewise.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon [Mr. WYDEN].

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

Mr. WYDEN. Mr. Chairman, I want to thank the gentleman from Michigan [Mr. DINGELL] and the gentleman from Massachusetts [Mr. MARKEY] for their many courtesies shown to me with respect to the provisions I am going to discuss, and also the gentleman from Texas [Mr. FIELDS] and the gentleman from Virginia [Mr. BLILEY], who have been exceptionally patient.

I take this floor first to talk as the father of two young computer literate children who use the Internet. As a parent, I and other parents want to make sure that our youngsters do not get access to the kind of smut and pornography and offensive material that we now see so often on the Internet.

Tomorrow, the gentleman from California [Mr. COX] and I, who have worked together in a bipartisan way, will offer an amendment based on a very simple premise. Our view is that the private sector is in the best position to guard the portals of cyberspace and to protect our children. In the U.S, Senate, they have somehow come up with the idea that our country should have a Federal Internet censorship army designed to try to police what comes over the Internet.

I would say to our colleagues, and, again, the gentleman from California [Mr. COX] and I have worked very closely together, that this idea of a Federal Internet censorship army would make the keystone cops look like Cracker Jack crime fighters. I look forward, along with Mr. COX, to discussing this more in detail with our colleagues tomorrow.

Second, Mr. Chairman, and very briefly, I would like to discuss an issue of enormous importance to westerners, and that is the problem with service in the U S West service territory. We learned today, for example, that there has been a 47 percent increase in delayed new service orders in the west. These are problems with waits for phone repairs, busy signals at the business offices, inaccurate information provided by company customer representatives.

An amendment I was able to offer, with again the help of the gentleman from Michigan [Mr. DINGELL], the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BLILEY], stipulates that local telephone companies have to meet certain service conditions as a factor prior to entering the long-distance market. This is a measure that will be of enormous benefit in the fastest growing part of our country, the U S West service territory.

Mr. Chairman, I want to thank our colleagues and the leadership on both sides for their patience.

Mr. Chairman, as telecommunications companies enter new fields, we must ensure current customers are not discarded and left without basic phone needs. The drive to streamline and downsize has subjected local telephone customers in my region of the country to poor customer service.

During Commerce Committee consideration of this legislation, I added a provision dealing with customer service standards. My amendment is in section 244 of the bill which outlines the conditions that local telephone companies must meet prior to entering the long distance

market. My amendment will give state utility commissions additional leverage to pressure the local phone companies to meet established customer service standards and requirements.

Local telephone customers complain vociferously about long waits for telephone repairs, busy signals at business offices, and inaccurate information provided by company customer representatives.

Just today, the Associated Press ran a story detailing customer service woes in the Pacific Northwest. According to the story, delayed new-service orders have increased 47 percent just this year. Across the West, more than 3,500 orders for new telephone service have been delayed in excess of 30 days. I ask that several articles addressing this situation be printed in the RECORD. Additionally, I submit a letter from Oregon Public Utilities Commissioner Joan Smith be included for the RECORD.

[From the Associated Press, Aug. 2, 1995]

UTILITY REGULATORS QUESTION HELD ORDERS—CONSOLIDATION LINK

(By Sandy Shore)

DENVER.— U S West Communications Inc.'s delayed new-service orders have increased 47 percent this year, and utility regulators blame it partially on the company's consolidated engineering operations.

Joan H. Smith, chairwoman of the utility Regional Oversight Committee, said her panel identified two common problems contributing to the delays.

''The committee speculates that it is the removal of engineers from each state and the current centralization of engineering services in Denver that are causing the problems,'' she said in a June 9 letter to Scott McClellan of U S West.

U S West spokesman Dave Banks said the consolidation did not cause the problems.

''The intent of going through the re-engineering effort is to do just the opposite of what regulators might be saying,'' he said. ''I think the problem is more of a result of the fact that we haven't been able to complete our re-engineering process in total yet.''

For more than a year, U S West has battled customer-service problems, ranging from persistent busy signals at business offices to delays of months and, in some cases years, in filing new-service orders.

The company has said the problems were caused by unprecedented growth in the Rockies, which occurred as it launched a re-engineering program to consolidate work centers, cut jobs and upgrade equipment.

As part of that re-engineering, U S West last month opened the Network Reliability Center in Littleton, which houses employees and equipment needed to monitor the 14-state telephone network.

In a June 30 letter to Smith, Mary E. Olson, a U S West vice president in network infrastructure, said the major cause of engineering delays has been the company's inability to readily access updated records on the network plant.

The company hopes to complete mechanization of that information by year-end, she said.

When the consolidation occurred, Olson said many engineers declined to transfer, which caused some delays, but the center is 95 percent staffed.

At the end of June, U S West had 3,588 held orders new-service requests delayed more than 30 days. That compared with 4,406 at the end of June 1994; 1,797 in January and 2,443 in March.

The largest increase occurred in Utah, where held orders reached 422 at the end of June, up from 197 in June 1994. Increases also were reported in Idaho, Minnesota, Nebraska, Utah and Washington.

Held orders decreased in Arizona, Colorado, Iowa, Montana, New Mexico, North Dakota, Oregon, South Dakota and Wyoming.

U S West exceeded its company goal of answering within 20 seconds at least 80 percent of the calls to residential telephone service office. It answered within 20 seconds 75.5 percent of the calls for residential repairs; 79.9 percent of for business repairs; and 72 percent to business service offices.

The regulators also have seen an increase in delayed repair orders and an increase in consumer complaints across U S West's 14-state region.

''Held orders are the biggest problems,'' said Montana regulator Bob Rowe. ''Some of the problems concerning access to the customer-service centers have seen some real improvements.''

Banks of U S West said, ''We're not exactly where we want to be, but again, June is a much busier season for us.'' The numbers ''are basically going to be higher in the summer months because we have much more demand for service,'' he said.

U S West spokesman Duane Cooke the company has scheduled 250 major construction projects in Utah this year and increased its capital improvement project to nearly $100 million to offset the problems.

It is kind of ironic because the re-engineering process designed to improve customer service in the short-term has aggravated the situation,'' he said. ''But, now we're starting to see the benefits of re-engineering.''

For example, the consolidated engineering group can complete work on a major construction project in three months to four months, compared with a year to 18 months previously.

———

OREGON PUBLIC UTILITY COMMISSION,
Salem, OR, July 19, 1995.

Hon. RON WYDEN,
U.S. House of Representatives, Longworth Office Building, Washington, DC.

Re H.R. 1555 [Quality of Service].

I write to you about H.R. 1555, the telecommunications deregulation bill, as a member of the Regional Oversight Committee (ROC) for U S WEST. Representing a state served by U S WEST, you should be aware of the effect H.R. 1555 may have on the quality of Oregon's phone service. I urge your support for stronger service quality protections, as suggested below.

The ROC was formed as a result of state regulatory concerns about affiliated interest transactions and cross-subsidy issues arising out of the Modification of Final Judgment (MFJ) that divided the nationwide telecommunications monopoly into separate regional companies. The ROC assists state commissions to perform their duties through positive, open relationships in a cooperative process. Since its creation, the ROC has identified other regulatory issues of mutual interest to state regulators, including privacy, competition, and service quality.

The prolonged deterioration in U S WEST's service quality and the opportunity to strengthen the language in H.R. 1555 related to service quality prompted me to write to you. Declines in service quality have occurred because U S WEST (and other RBOCs) have reduced and reassigned staff. Technical staff needed to maintain service quality were centralized. Total staffing was reduced. The result has been a marked increase in consumer complaints and unacceptable delays for consumers trying to obtain service.

Currently, H.R. 1555 specifically allows states to consider compliance with state service quality standards or requirements when reviewing statements from local exchange carriers (LEC) that they are in compliance with requirements set forth in Section 242 of the bill. State Commissions appreciate the inclusion of service quality considerations in the bill. However, the particular section in which service quality considerations currently reside lacks enforcement mechanisms. Disapproval of a statement submitted by a LEC, whether the disapproval is issued by a state or by the FCC, carries with it no penalty.

In contrast, enforcement authority with respect to many of the same conditions under Section 245 (Bell operating company entry into interLATA services), allows for three enforcement mechanisms that can be used by the FCC: an order to correct the deficiency, a penalty that may be imposed, or possible revocation of the company's authority to offer interLATA services.

From our work, we know that service quality is especially important to customers. States need clear authority, with a means of enforcement, over service quality issues in order to be effective.

The Senate bill (S. 652) allows states to require improvements in service quality of Tier 1 carriers (which would include RBOCs) as part of a plan for an alternative form of regulation, when rate of return regulation is eliminated. The Senate bill lists many possible features of a state ''alternative form of regulation'' plan that would provide ongoing consumer protection from potential adverse effects of the change in the way companies are regulated. The language of the Senate bill could easily be included in H.R. 1555 by changing the existing Section 3 to Section 4, and including the Senate language as a new Section 3. (See attachment.) I support this modification.

I urge your support for such an amendment.

We sent this to the House delegation.

JOAN H. SMITH,
Chairman.

PROPOSED AMENDMENT TO H.R. 1555

Including the attached language in H.R. 1555 would make it clear that states have the authority to respond to local conditions and take action to protect consumers when necessary. The plan for an alternative form of regulation could include penalties for failure to meet service quality standards. While the transition to a full competitive marketplace for telecommunications services is a goal that we all share, consumer protection in the present is an important consideration that should not be ignored in our enthusiasm for the future.

(3) THE NEW REGULATORY ENVIRONMENT

(A) In instituting the price flexibility required in this section the Commission and the States shall establish alternative forms of regulation that do not include regulation of the rate of return earned by such carrier as part of a plan that provides for any or all of the following—

(i) the advancement of competition in the provision of telecommunications services;

(ii) improvement in productivity;

(iii) improvements in service quality;

(iv) measures to ensure customers of non-competitive services do not bear the risks associated with the provision of competitive services;

(v) enhanced telecommunications services for educational institutions; or

(vi) any other measures Commission or a State, as appropriate, determines to be in the public interest.

(B) The Commission or a State, as appropriate, may apply such alternative forms of regulation to any telecommunications carrier that is subject to rate of return regulation under this Act.

(C) Any such alternative form of regulation—

(i) shall be consistent with the objectives of preserving and advancing universal service, guaranteeing high quality service, ensuring just, reasonable, and affordable rates, and encouraging economic efficiency; and

(ii) shall meet such other criteria as the Commission or a State, as appropriate, finds to be consistent with the public interest, convenience, and necessity.

(D) Nothing in this section shall prohibit the Commission, for interstate services, and the States, for intrastate services, from considering the profitability of telecommunications carriers when using alternative forms of regulation other than rate of return regulation (including price regulation and incentive regulation) to ensure that regulated rates are just and reasonable.

Mr. HYDE. Mr. Chairman, everybody has been thanking everybody around here, and I have kind of missed out, so I want to take this time to thank the staff: Alan Coffey, Joseph Gibson, Diana Schocht, Patrick Murray, and Dan Freeman on our side, and if I knew the names of the staff on the other side, maybe next round I will include them.

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

Mr. HOUGHTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Ladies and gentlemen, in general, I think that this is a magnificent step forward, but I would like to concentrate on the Achilles heel of this bill, and that is the manager's amendment. The whole point, to me, of this telecommunications bill is that it will encourage investment. If it does not encourage investment, I do not think it opens up the opportunities for this country, and, frankly, has this tremendous job creating potential which is there.

Originally, Mr. Chairman, the wording was that the RBOCs were forced to have actual competition in their local areas before they reached out for the long-distance. Now that no longer is there, and that worries me. I think that is a mistake. I think it is counterproductive.

To prove my point, here is the report from Merrill Lynch, which talks about the wonderful opportunities for investing in some of the RBOCs, because the cash will be up, the earnings per share will be up, the dividend potential is up, and, therefore, it is a good opportunity. And why? Because investors should know that, quite positively, capital expenditures could decrease by as much as around 25 percent. That is not the point of this bill.

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

I would like to just speak very directly to the problem of seven Bells going into long-distance, because there is a serious problem with the Bell entry into long-distance. The core rationale for the massive antitrust lawsuit by the Justice Department that began in the 1970's and settled in 1984 was that the Bell system was using its local exchange monopoly to impede competition in the long-distance business.

Basically, the Bell system was cross-subsidizing and discriminating in favor of their long-distance business. This is the biggest antitrust suit tat has ever been brought. We are now dismissing the courts from it and deregulating at the same time; and, now, we suggest further that we defang the one regulator, the antitrust division of Justice, which, I think, is moving us in exactly the wrong direction to create business, to encourage diversity and to stimulate competition.

Because of the concern that the seven baby Balls would continue the same anti-competitive behavior, Mr. Chairman, the consent decree barred them from entering the long-distance business unless they could prove that there was ''No substantial possibility'' they could use their monopoly position to impede competition.

The truth is, Mr. Chairman, very little has changed since 1984. The Bells still have a firm monopoly over the local exchange market, and if they were allowed in long-distance without any antitrust review, they could use their monopoly control to impede competition and harm consumers. If we are to prevent this from occurring, we need to make sure that there is a Department of Justice antitrust review role, more of which will come on our amendment.

Now, Mr. Chairman, the administration has already sent an advisory that this bill will sustain a veto in its present form because of, principally, the manager's amendment, some 20 to 30 changes strewn throughout the commerce product that came to the floor in the form that it is in now.

What are we going to do, Mr. Chairman? Is there any way that we can get together? Does this have to be a train wreck? The President is going to veto the bill. Unless we make some sensible adjustments, I think that this is going to end up for naught, and we are going to be sent back to the drawing board. We did this once in the last Congress and now here we are doing it again.

I urge, Mr. Chairman, that some consideration to these important amendments by given by the Members of the other side.

I would like to thank, Mr. Chairman, my staff. They have played a very important role in this matter. My staff director, Julian Epstein, Perry Apelbaum, Melanie Sloan, and I do know the names of the other staff Members on the other side, and I salute them for their good work as well.

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

The CHAIRMAN. Before recognizing the gentleman from Virginia [Mr. BLILEY], let me, just for the edification of the Members, announce the time remaining.

The gentleman from Virginia [Mr. BLILEY] has 10 minutes remaining, the gentleman from Michigan [Mr. DINGELL] has 9½ minutes remaining, the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] have 6½ minutes remaining.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT], a member of the committee.

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

Mr. HASTERT. Mr. Chairman, I thank the gentleman for yielding me time. I urge my colleagues to support the Communications Act of 1995.

It is time to move forward with the most deregulatory and progressive communications legislation Congress has considered in over a decade. The Communications Act of 1934 is a dinosaur that just can't keep pace with the exploding information and communication revolution.

Communications industries represent nearly a seventh of the economy and will foster the creation of 3.4 million jobs over the nest 10 years. Thus, every day we delay passage of H.R. 1555, we stifle competition and prevent the creation of these new jobs. If we do not act, the cost to our Nation's economy will be $30 to $50 million this year alone.

As a member of the Commerce Committee, I have been closely involved with drafting this legislation.

This bill provides the formula for removing the monopoly powers of local telephone exchange providers to allow real competition in the local loop. The long distance companies came to us early on with a list of areas (such as number portability, dialing parity, interconnection, equal access, resale, and unbundling) that give monopolies their bottleneck in the local loop. We agreed to remove the monopoly power in each and every one of those areas in our bill.

What's more, we included a facilities based competitor requirement. This means there must be a competing company actually providing service over his or her own telephone exchange facilities. Just meeting the checklist isn't enough—there must be some proof that it works. We've got that in this bill.

Bringing competition to the local loop is the best thing we can do for consumers. They will receive the twin benefits of lower prices and exposure to new and advanced services. Every day we delay consideration of this bill is a day telephone customer are denied choice of service providers and the benefits that go along with it.

The bill is much larger than the Bell operating company/long distance company fight. The bill is supported by the cable, broadcast, newspaper, and cellular industries. Taxpayer and consumer interest groups such as Citizens for a Sound Economy also support the bill. This is broad based support that we should not ignore. Therefore, I urge my colleagues to vote for H.R. 1555.

□ 0145

Mr. TAUZIN. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank my good friend, the gentleman from Louisiana, for yielding this time to me. I also want to echo the comments of some of the other speakers made in thanking Chairman BLILEY and Chairman FIELDS. They have been two very accommodating chairmen in trying to reach some commonality on many of the issues that this massive bill deals with. Unfortunately, I have been unable at any level to support this bill, and continue my opposition of the bill.

Let me just say I have a little different perspective I think. As many of the Members who were talking on the rule and who also have been speaking during general debate have talked about, we have already seen the massive amounts of merging that has been going on in anticipation of this bill. We have seen the Disney buyout of Cap Cities-ABC for $19 billion. We have seen Westinghouse Broadcasting $5 billion buyout of CBS.

I worked for Westinghouse Broadcasting for 14 years before coming here, so I know a little bit about the company. I do not have any belief that Westinghouse is an evil corporation or that they have any bad plans. In fact, I have fed my children and paid my rent for many years from the fruits of my labor with that company.

But what really concerns me is the fact that we are beginning to see the formation of what I would call information cartels. Only the largest corporations are going to be able to own these media outlets. In fact, when you start to talk about the fact that you can own the newspapers, as so many speakers have talked about, and the radio and TV stations and the cable, my question is this: Who in this House among us, if we live in a market where that takes place, will be free to cast a vote of conscience on a matter in which the person who controls that information cartel in our district has a fiduciary interest? How will we be free to do that?

How can we look each other in the eye and say, ''Well, I will cast my vote the way I want to''? What is your recourse? How do you get the information out back there? That person controls all the media. You are certainly not going to use frank mailing, because we have cut all that out.

I just simply think there are so many things wrong with this, and hope, as the debate goes on, we can bring more of the problems out, because we have many problems. I urge Members not to support the bill.

Mr. HYDE. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman for New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to speak on the manager's amendment which will be offered by the gentleman from Virginia sometime later. And I do so regrettably, because I rise in strong opposition to it. But first, I want to commend the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] on the enormous effort they have put forward in bringing this bill to the floor.

Mr. Chairman, I represent nearly 20,000 people who are employed in the telecommunications industry. This bill will directly impact their lives, professions, and the local economies which they support.

And I thought the bill that was reported by the Committee by a vote of 38 to 5 was a balanced bill. But the changes in the 66-page manager's amendment would dilute the competitive provisions in the original bill and would tilt the playing field in favor of the local exchange companies. So I will be opposing the manager's amendment.

However, this bill impacts more than just the people who work in the telecommunications industry. As many have said here tonight, our actions will impact every American citizen and we must remember them—our constitutents—in this debate.

Yes, this is an historic bill which will guide this multibillion dollar industry into the next century. But we need to understand that the results of this profound debate will enter into every facet of our personal and professional lives financial and otherwise.

And that is precisely why I oppose the manager's amendment. We should debate these substantial changes for longer than a half hour because they do represent a clear departure from the original bill. I would urge a no vote on the manager's amendment.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Ohio [Ms. KAPTUR], a very able Member of the House.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to H.R. 1555. Here we are in the middle of the night considering the most sweeping rewrite of communications legislation in the last half century. I have to say to all the gentleman that have been complimented this evening for their marvelous footwork in conducting this debate at 2 a.m., I, as one Member, not serving on the committees of jurisdiction, am appalled that those people who would raise questions, like myself, would have 30 minutes, 30 minutes, to try to deal with legislation of this magnitude.

Mr. Chairman, there are times in my career when I have been very proud of this House. One of those times was when we debated the Persian Gulf War. I think our estimation went up in the minds of the American people.

There have been times when I have been very ashamed of this House, certainly during the S&L debate, brought up on Christmas Eve at midnight when it was snowing outside, or the Mexican peso bailout, where we did not fulfill our constitutional obligation.

I feel the same way this evening on this particular bill. I feel muzzled as a Member of this body, and I am ashamed of this institution. There has been enough lobbying money spread around on this bill, over $20 million, to sink a battleship, and it has been spread on both sides of the aisle.

This bill is not going to result in full competition. Are we kidding ourselves? It is going to result in full concentration, and the only question I have in my mind is how fast a pace that will occur at.

In my district, what will happen is the single newspaper, that is owned by a very wealthy and well-meaning family, will soon buy out the television stations, because they already own the cable stations anyway. They will probably go after all the radio stations. I really do believe in free press in this country and I really do believe in competition. This bill will not result in that.

I would say with all due respect to the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] and the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS] I guess Mr. CONYERS. I guess I have to kind of leave him out of this equation, because his committee was absolutely resolved of all responsibilities in this, and that is the reason I am here at 2 a.m. in the morning.

Mr. HYDE. Mr. Chairman, if the gentlewoman will yield, if you are leaving the gentleman from Michigan [Mr. CONYERS] out, could you leave me out too?

Ms. KAPTUR. Mr. Chairman, I would say to the gentleman from Illinois [Mr. HYDE], I was hoping the gentleman would have a little more influence, because I think he is a man of very good intentions. But I wanted an opportunity on this floor to have time to debate on the foreign ownership provisions. I will not be given that opportunity. There will not be an opportunity to offer amendments. I think the neutering of the Justice Department is an absolute abomination, when we see the possibilities for concentration in this bill.

So as I leave this evening to drive home in my car, I find it a complete abomination, and I am ashamed of this House this evening. With a $1 trillion industry, with the rights of free press at stake, and competition in every one of our communities hanging in the balance, to be forced into this girdle, where we are only allowed 30 minutes during general debate, and then we will be put off on three little amendments tomorrow, maybe we will devote an hour or less to each of those, this is not the best that is in us.

I feel tonight as I did during the savings and loan debate, during the Mexican peso bailout, and probably during GATT as well, that we are truly being

muzzled, and that is not what representative democracy is all about. I feel sorry for America tonight.

Mr. Chairman, here we are in the middle of the night, considering the most sweeping rewrite of communications laws in 60 years. The telecommunications industry represents 1/7 of our economy and is a trillion dollar industry. At stake is control of the airwaves and the information pathway into every American home. Not even the many appropriations bills that we have been debating for the past month before this Congress, will have a larger effect on consumer's pocketbooks. Consumers are promised choice and lower prices. Choice at what cost? Instead of creating competition by lowering prices and improving service, this bill allows the three monopolies to become one giant concentrated monopoly. It allows the 3 major players (cable, long distance, & local telephone) to partner or swallow potential competitors in each others business. The concentration could result in one company controlling the program's content, your local television stations, your cable company, your local telephone company, your long distance company, your local radio station, and your newspaper. Thus, controlling every aspect of access to information a consumer has and obliterate the likelihood of true competition.

This bill also promises job creation. I doubt it. Last time I checked, we do not even produce a single television or telephone in our country. In addition, I have very serious concerns about the foreign ownership provisions. Currently, foreign ownership in common carriers (such as telephone, cellular, broadcast television and radio) cannot exceed 25%, except in cable where there is no restriction. At a time when our trade deficits are at record levels, we are throwing open media markets to foreign ownership.

This bill would directly repeal foreign ownership restrictions on everything except broadcast television, which remains at 25%, thus allowing foreigners to control what America sees and should think and what America does not see. The bill leaves up to USTR crucial determinations regarding the rights of foreign interests to gain even more control. Why trust the USTR? That area of our government that has brought us record trade deficits for over a decade and can't even get our rice into Japan.

I also find it very disturbing that the telecommunications industry has spent $20 million to lobby for this bill. To find out the real winners in this bill one only has to follow the money. This bill is just another reason we need real campaign finance reform in our political process.

Moreover, this bill neuters the ability of our Justice Department to enforce the anti-trust laws against these giants who want to control every aspect of what you see, hear, and know. The bill basically turns our Justice Department Anti-Trust Division into paper pushers with no real enforcement power.

I welcome some deregulation to create competition and diversity in these monopolistic industries. However, deregulation is fine. No regulation is anti-competitive and anti-democratic.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STERNS], a member of the committee.

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

Mr. STEARNS. Mr. Chairman, I rise in strong support of H.R. 1555, the Communications Act of 1995.

By the early 21st century, analysts predict the global information industry will be a $3 trillion market. That's an amazing figure when you consider the entire U.S. economy today is about $6 trillion. Make no mistake: If we fail to pass this bill, we will have forfeited a golden opportunity for the U.S. economy to catch the wave of this revolution.

It makes no sense to keep U.S. communications companies penned up in the starting gate as the global telecommunications race is set to begin. My colleagues, the Communications Act of 1995 is, quite simply, the most sweeping reform of communications law in history. And it should be. I direct your attention to the timeline. When the first Communications Act passed in 1934, we had the telegraph, the telephone and the radio. That's it. We didn't even have the black and white television set yet. Do you really want the communications industry to be governed by communications law that was enacted when we had this radio?

The communications world as it existed in 1934 is barely recognizable today. Again, I direct your attention to the timeline. We have experienced an explosion of technology. In the last 50 years, television, AM and FM radios, computers, faxes, satellites, pagers, cable TV, cellular phones, VCRs and other wireless communications have all joined the communications mix. And that's just the beginning. Video dial-tone and high definition television are poised at the entrance of the telecommunications arena, while countless other new technologies are waiting just over the horizon.

At this moment in history, when the communications revolution is racing forward, we still have not revamped communications laws written 60 years ago. To say our communications laws are out of sync with the technological revolution underway in America is an understatement.

The question we face today is not whether we can afford to deregulate the telecommunications industry, it is whether we can afford not to. I know of no sector of our economy so shackled by needless regulations as the communications industry. But if we pass this bill, the economic boom it will spark will amaze even its supporters.

My colleagues, it is not the business of Government to preordain winners and losers in the communications industry. Rather, at the starting line of the communications race, Government should step aside and allow the most dynamic sector of our economy to enjoy what most other segments of our economy take for granted, the freedom to compete. I urge all of my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Arkansas [Mrs. LINCOLN].

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

Mrs. LINCOLN. Mr. Chairman, I thank the gentleman for yielding me time.

I too would like to add my thanks to Chairman BLILEY and Chairman FIELDS, as well as to the ranking members, Mr. DINGELL and Mr. MARKEY, for their diligence and persistence in moving ahead on this issue. This is a very critical issue to rural America. As we move ahead in this age of information and technology, moving into a worldwide economy, it is absolutely critical for rural America to be able to have the capabilities to compete. Supporting this bill is important to preserve the quality of life in rural America, while bringing improved health care, educational opportunities and jobs.

Early in the debate of this issue, I went to Chairman FIELDS and asked him very honestly to let me be a part of the discussion in terms of rural issues. He was very willing and interested in obliging to that. We worked hard to make sure that rural America saw a fair shake in this.

In terms of educational opportunities, I am delighted to hear from Chairman BLILEY that he is willing to work with the gentlewoman from California, Ms. LOFGREN, in terms of educational opportunities for schools.

I recently spoke with a teacher from my district who is a part of an important program sponsored by National Geographic to bring geography into the lives of children in areas where they are not capable or do not have the opportunities otherwise to be a part of that. They were shocked to find that in rural America very few of the schools and some of the other learning institutions, as well as many of the teachers, did not have the technology or equipment to be able to bring the importance of geography into the classroom through the Internet.

This bill will help us bring that reality to rural America. It encourages new technologies like fiber optics, which will allow two-way voice and video communication. The information highway is critical to all of us, but for those of us in rural America, the entrance ramp is absolutely mandatory. Doctors at the Mayo Clinic can read x rays from Evening Shade, AR. Children in Evening Shade can dial the Library of Congress for information for a term paper. Parents can work from their home in Cloverbend with folks in New York.

I urge my colleagues to support this. Opponents may want to stay in the past and may be afraid of competition, but we must move ahead.

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

Mr. Chairman, I want to say Aloha Oahu. It is 9 o'clock in the beautiful Hawaiian Islands where America's day almost begins, and I just wanted those lucky folks in that beautiful climate to know that we are here thinking of

them. To my good friend from Michigan who did know the names of his staff, for which I should not be surprised because he would know those details, I just thought he missed George Slover, who has returned to the staff, having been away for a little while, and we welcome him, even though he serves the minority.

Mr. Chairman, I rise in support of H.R. 1555, the Communications Act of 1995. This legislation represents the most sweeping communications reform legislation to be considered in this House in 60 years. It will establish the ground rules for telecommunications policy in our Nation as we proceed into the 21st century. If enacted, this measure will have much to say about the future health of the American economy, America's international competitiveness, and expanded job opportunities for American workers.

However, it should be pointed out that H.R. 1555 does not take the approach I would have preferred, and I would like to take a few moments to discuss the role of the Judiciary Committee in the development of this legislation. The Judiciary Committee took a fundamentally different approach from that of the Commerce Committee. I believe that the entry of the regional Bell operating companies into the long distance and manufacturing businesses is an antitrust question. After all, it is an antitrust consent decree, commonly known as the modification of final judgment or MFJ, that now prevents them from entering those businesses, and it is that decree that we are now superseding. Based on this fundamental belief, I introduced H.R. 1528, the Antitrust Consent Decree Reform Act of 1995 on May 2, 1995. H.R. 1528 proposed to supersede the MFJ and replace it with a quick and deregulatory antitrust review of Bell entry by the Department of Justice.

On the other hand, the Commerce Committee understandably took a Communications Act approach. H.R. 1555 requires the Bell operating companies to meet various federal and state regulatory requirements to open their local exchanges to competition before they are allowed into the long distance and manufacturing businesses. For example, the Bell companies are required to provide interconnection to their local loops on a nondiscriminatory basis. They must unbundle the services and features of the network and offer them for resale. They must also provide number portability, dialing parity, access to rights of way, and network functionality and accessibility. Both the FCC and the state commissions will review the Bell companies' verifications to determine that they have met these regulatory requirements. In particular, there must be an actual facilities-based competitor in place before the Bell companies can get into long distance and manufacturing.

In keeping with the long tradition of these committees sharing jurisdiction over the area of telecommunications, H.R. 1528 was referred primarily to the Judiciary Committee, and secondarily to the Commerce Committee. Likewise, H.R. 1555 was referred primarily to the Commerce Committee, and secondarily to the Judiciary Committee.

I want to stress that both the antitrust approach taken in H.R. 1528 and the regulatory approach taken in H.R. 1555 are valid approaches to the problem of how to end judicial supervision of the telecommunications industry under the MFJ. My preference was the antitrust approach. Again, that is because I believe entry into new markets to be an antitrust issue, not a regulatory issue. However, despite extraordinary cooperation between the Commerce and Judiciary Committees, the two different approaches are not easily reconciled without creating precisely the kind of regulatory overkill that we are trying to eliminate in this bill. Thus, it was necessary to choose one or the other of these approaches.

Let me now describe the antitrust approach of H.R. 1528 and its consideration in the Judiciary Committee. Under H.R. 1528, the Bell companies would be able to apply to the Department of Justice for entry into the long distance and manufacturing markets immediately upon the date of enactment. The Department of Justice would then have 180 days to review the application under a substantive antitrust standard—if DOJ did not act within this tight time frame, the application would be deemed approved. Unlike the MFJ, the burden or proof would be on DOJ. Specifically, Justice would be required to approve the application unless it found by a preponderance of the evidence that there was a dangerous probability that the Bell company would use its market power to substantially impede competition in the market it was seeking to enter. DOJ's decision would then be subject to an expedited appeal to the Federal Court of Appeals in the District of Columbia. At the most, the procedure would take 11 to 13 months. H.R. 1528 also included the electronic publishing provisions that were included in last year's telecommunications bill and which passed the House by an overwhelming vote.

H.R. 1528 received broad, bipartisan support within the Judiciary Committee. The full Judiciary Committee reported H.R. 1528 by a 29 to 1 recorded vote. However, subsequently we found that there was not broad support for a substantive Department of Justice role either within the rest of the House or from interested outside groups. Thus, while I still prefer the approach taken in H.R. 1528, I have decided that it would be futile to press that approach as an alternative to H.R. 1555—there simply is not sufficient support to make such an effort worthwhile. As I have already noted, the regulatory approach taken in H.R. 1555 is also a valid approach, and it is very difficult to reconcile the two approaches. If we do not pick one or the other, then we get right back into the interminable delays that we have faced under the MFJ.

I would emphasize that in deciding not to offer such an amendment and allowing H.R. 1555 to proceed to the floor without further Judiciary Committee proceedings, I am not in any way waiving the Judiciary Committee's traditional jurisdiction in the area of antitrust law or telecommunications policy. The Judiciary Committee expects to have conferees on this bill, to participate fully in the conference, and to retain all of its existing jurisdiction over this area in future legislation.

In this connection, I note that later in the debate, the distinguished ranking member of the Judiciary Committee, Mr. CONYERS, will offer an amendment that will include some aspects of the bill as reported by our committee. Specifically, my friend from Michigan will offer the language of the antitrust test contained in H.R. 1528. However, the Conyers amendment also differs in important respects from our committee's bill. I will speak to those differences in greater detail when the Conyers amendment is debated. For now, I will simply point out that although the Conyers amendment would utilize the antitrust standard that was in H.R. 1528, it does not include the many procedural and substantive features that were central to my bill.

Despite my preference for the antitrust approach taken in my bill, I believe that H.R. 1555 is good legislation that will move America's telecommunications industry forward into the 21st century. In the development of the manager's amendment to be offered by Chairman BLILEY, the Judiciary Committee has worked closely with the Commerce Committee to improve H.R. 1555 in areas that are of particular concern to, and under the jurisdiction of, the Judiciary Committee. Let me now briefly explain those changes which are included within the manager's amendment.

First, the manager's amendment does include a consultative role for the Department of Justice. Under this part of the amendment, DOJ will apply the antitrust standard contained in H.R. 1528 to verifications that the Bells have met the competitive checklist contained in H.R. 1555. After applying the antitrust standard. DOJ will provide its views to the FCC and they will be made a part of the public record relating to the verification. Under this approach, the FCC will at least have the benefit of a DOJ antitrust analysis before the Bell companies are allowed to enter the currently restricted lines of business.

Second, we have made improvements to the electronic publishing provisions of the bill. Under the manager's amendment, the Bell companies will be required to provide services to small electronic publishers at the same per-unit prices that they give to larger publishers. This will allow small newspapers and other electronic publishers to bring the information superhighway

to rural areas that might otherwise be passed by. Also, we have broadened to definition of basic telephone service to ensure that the Bell operating companies are not able to use the more advanced parts of their networks to skirt the intent of the electronic publishing provisions.

Third, we have made various changes to title IV of the bill. Title IV addresses the effect of the bill on other laws. Those changes that we have made to the MFJ supersession language, the GTE consent decree supersession language, and the wireless successors language are technical improvements to clarify the language and they are not intended to change the substantive meaning of these provisions.

Other changes to title IV are substantive. State tax officials have complained that section 401(c)(2) of H.R. 1555 would unintentionally preempt State tax laws. Because of their concerns, this language us being stricken in the manager's amendment. We are also adding language that expressly provides that no State tax laws are unintentionally preempted by implication or interpretation. Rather, such preemptions are limited to provisions specifically enumerated in this clause. In addition, we have also amended the local tax exemption for providers of direct broadcast satellite services to make it clear that States may tax such services and rebate that money to the localities. This change balances the need to protect State sovereignty against the need to protect the direct broadcast services from the administrative nightmare that would result from subjecting them to local taxation in numerous local jurisdictions.

Fourth, we have changed the restrictions on alarm monitoring to make it clear that those Bell companies that have already entered the alarm monitoring business will be allowed to continue in that business, and to manage and conduct their business as would any other participant in that industry. That is basic fairness to any Bell company that chose to enter the business when it was perfectly legal to do so. Their investment decision should not be undercut by a retroactive change in the law.

Fifth, law enforcement and national security agencies have expressed concern about the provisions of the bill that relate to foreign ownership of telephone companies. In particular, these agencies are rightfully concerned that there should be a national security review before a foreign national or foreign government can have access to the core infrastructure of America's telecommunications system. Cooperation among the agencies and the judiciary and Commerce Committees has led to language in the manager's amendment that addresses these concerns.

Finally, I have included language within the manager's amendment to address a burgeoning problem in the fast advancing telecommunications markets. Much to the dismay of concerned parents both softcore and hardcore pornography is freely available on the Internet. Virtually anyone with a home computer hooked up to that remarkable technology can get pictures, movies—some with sound—and explicit descriptions of the most vile and base aspects of human sexuality.

Although the law currently outlaws the interstate transportation of obscenity for purposes of sale or distribution, as well as its importation, this has not stopped the corruption of one of the greatest technological advances in our modern society. Computerized depravity continues unabated, largely because of the confusion over whether the obscenity statutes include the transportation and importation of the obscene matter through the use of a computer. Furthermore, the law currently does not address the issue of sending indecent material—by contrast to obscene matter—by computer, to a child.

It is time to end this dissemination of smut that only serve to debase those depicted and to defile our children.

Consequently, my language makes it a crime to intentionally communicate, by computer, with anyone believed to be under 18 years of age, any material that is indecent. Indecency is defined in the provision as any material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

This provision is entirely consistent with Supreme Court holdings in this area of law, because it is narrowly tailored to effectuate its particular purpose of protecting minors from directed communications that involve sexually or excretorily explicit functions or organs. The first amendment, as construed by the Supreme Court, requires this much. The Court instructs that Congress must be careful not to reduce the adult population, which is guaranteed a right of access to simply indecent material, to the status of children. But, the first amendment recognizes that the Government has a compelling interest in protecting minors from both obscenity and indecent materials. The Court has carved out a slim area in which we can legislate on these matters. And, we have managed to stay within those confines through this provision. The clarification of the current obscenity statutes, simply adds to the myriad of ways in which the obscenity can travel in, or be transported, or be imported. This section includes the word computer in those provisions to make it a certainty that Congress intends to regulate and prohibit one's access to obscenity by means of computer technology.

Mr. Chairman, I want to thank Commerce Committee Chairman BLILEY and Communications Subcommittee Chairman FIELDS and their staffs for their cooperation in addressing the Judiciary Committee concerns.

Mr. Chairman, as America advances into the 21st century, this telecommunications legislation is tremendously important. It is my firm belief that this bill means more jobs for Americans and will greatly enhance American competitiveness worldwide. It is high time that we replace this overly restrictive consent decree with a statute that recognizes the telecommunications realities of the 1990's. I intend to support H.R. 1555 and the manager's amendment because it will accomplish these goals.

☐ 0200

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

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

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 2½ minutes.

Mr. CONYERS. Mr. Chairman, I want to commend the chairman of the Committee on the Judiciary for his comments about our work product in the committee, and his candor is always refreshing, as usual.

I too believe it is a superior work product. But I would urge him not to be worried about the fact that the lobbyists may not like it and there is not a lot of reported support for it. Press on. If he is doing the right thing, more and more people will begin to recognize the inevitability of the logic and the truth and the fundamental correctness of his position. And I know my friend does not give up easily, and I cannot imagine the forces that may have overwhelmed him into the uncomfortable position that I imagine him to be in this morning.

But even if we have used our bill as the base text with the manager's amendment, I still would not be able to come to the floor tonight to tell my colleagues that they ought to support this bill because the people who use telephones are going to end up paying $18 billion in rate increases during the first 4 years of this law's existence. That is projected by the International Communications Association. The people who subscribe to cable TV are going to find $5 to $7 per month average increases in their cable bill. That is according to the Consumer Federation of America. The people on fixed incomes, older Americans, will be put at particular risk by rising basic rates for phone and cable.

So I cannot support the bill, the base bill, H.R. 1555. With 30 or 40 phantom changes in the manager's amendment, I think we should be rather embarrassed by what we are doing here, no matter what time it is in Hawaii.

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

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] has 5 minutes remaining and is entitled to close the debate.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. WHITE], a new member of the committee.

Mr. WHITE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, when I think about this bill, I always think about the year 1989. If we remember reading in the newspapers in 1989, we will remember a lot of hand wringing going on about high definition television. That was the time when the Japanese were ahead of our country in developing high definition television. There are a lot of people who said that we should follow their example, that our government should decide the course that we should take, should get our industry organized, and we should all follow that course, and maybe somehow, some way we would catch up with the Japanese.

Mr. Chairman, if we had followed that advice in 1989, we would not be here today. It was in 1990 that Americans, without the help of the government, invented digital television which leapfrogged the technology that the Japanese were using and put us in the position we are in today. It is digital television and digitization of the entire telecommunications industry that led to what we are doing in this bill. It has taught us a very important lesson.

The lesson is that it is the people, not the government, who are going to make the best decisions about technology. As we like to say in my district, which is the home of Microsoft, no matter how many Rhodes scholars you have in the White House, they are never going to be smart enough to tell Bill Gates to drop out of Harvard and invent software industries.

No matter how many Rhodes scholars you have in the White House, they will never tell the next Bill Gates to drop out of whatever school he or she is in now and invent the next revolution in the telecommunication industry. What is the lesson? Under this bill, the market, not the government, is going to tell us what the next wave of technology is. We have heard some people say this bill is not perfect. I guess that may be true. But I can tell you, we have made it about as fair as we can make it.

It is close enough for government work. Although it is late at night and although I am about the last person to speak on this bill, I am proud to be here. I am happy to be here. I am proud of this bill. I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

I think it is important tonight, as we celebrate the work of Committee on Commerce and the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. FIELDS] in particular, we also give due credit to the incredible preliminary work done over the years by the gentleman from Michigan [Mr. DINGELL], the former chairman of the Committee on Commerce. Much of the work that is in this bill reflects efforts that were made over the years by Mr. DINGELL, and he deserves much credit for this bill tonight.

I rise in support of H.R. 1555. Recently the gentleman from Texas [Mr. FIELDS], and I had the opportunity to discuss telecommunications policy with government officials from several South American countries. During one of those discussions with the FCC counterpart in Chile, we asked that gentleman where in his country's communication infrastructure did they need the most investment, hoping to get some signal about where America and American companies could interact with that country in doing those investments.

The gentleman who represents the FCC in Chile responded astonishingly. He said, That is not my business; it is up to the consumers and our companies to make those decisions.

He reminded us of a lesson we forgot in telecommunications policy for many years, that consumers and companies making choices in a free marketplace where competition governs instead of court orders and regulations set on high here in Washington generally benefits the consumer much more than the best laid plans of mice and men here in Washington, DC.

He reminded us about our own free enterprise system, and H.R. 1555 reminds us about the values of competition. It remarkably keeps the program access provisions we adopted in 1992 that has produced the satellites that are now sending direct broadcast television signals to homes all over America in rural parts of this country where cable never reached.

It has produced for us competition in areas where people only had one provider of television, one provider of telephones and all of a sudden now there are choices coming to them. This bill will produce more of those choices. It has the possibility of several million new jobs for Americans, as we develop these new technologies and the new choices for our citizens. It will reach rural areas that we have been trying to force companies to reach. It will reach them by the sheer force of the free market, because now with multiple services, it will be profitable to serve communities as small as 12 people, when we could not serve them with a mere telephone, even under universal service.

This bill will do more to bring us together as a country by linking us together with communication, education, information, recreational programming, data services, including medicine at home and education at home for people who never saw education.

This bill is a good bill. It deserves our endorsement.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has 2½ minutes remaining.

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

Mr. Chairman, I hope my colleagues were listening to the remarks of the distinguished gentleman from Louisiana about what this bill is going to do.

I want to commend my good friend from Virginia [Mr. BLILEY] the distinguished gentleman from Texas [Mr. FIELDS] my friend, the gentleman from Michigan [Mr. CONYERS] and our good friend, the gentleman from Illinois [Mr. HYDE] who is one of the finest Members in this body.

We have had a good debate. It has been an enlightening debate, an intelligent discussion of the legislation before us. I think that is important. I was rather troubled earlier about the ill will which we saw sprinkled around in the discussion. I think that was a bad thing. This legislation is extremely important not only to all of us individually and to our people but indeed to the future of the country.

It has been a long time since the modified final judgment was adopted. These have been bad times for telecommunications and for communications and for that industry. It also has had bad consequences for the country.

I want to repeat to my colleagues that this offers a chance now to utilize a good, new regulatory system which will enable us to begin to bring on new technology and to bring into play the forces of competition, which will serve all of our people both in terms of product and in terms of quality and in terms of cost. That is important. It also will open up the process.

I had been bitterly critical of the curious process which has gone on under the modified final judgment. It has been inadequate. It has been unfair, and it has been a closed process. The business of regulation of the telecommunications industry has gone on in a closed courtroom where no one could find out what was going on, no one could participate in the pleadings. No one could appear without the leave of the court and the people who were the principal beneficiaries of that particular modified final judgment. It is important that we get rid of that. And even if this were a bad bill, I would say that almost any price is worth paying to get rid of a system which is so basically unfair.

□ 0215

It is so basically unseemly and so inconsistent with the system that this country has, so closed to innovation, and so closed to the participation by the people whose interests are affected by it, and so controlled by the beneficiaries of it. This is one of the curious examples where government has been controlled for the benefit of the people who did in fact do the governing, AT&T, the Justice Department, working with the judge. He was a good judge, but a bad process.

Mr. Chairman, I would urge my colleagues to support the amendment. I want to commend the staff which has worked, Mr. Regan, Ms. Reid, Mr. Ulman, and Mr. Michael O'Rielly, as well as my dear friend and colleague, Mr. David Leach, who have all worked

so effectively to put together the packages before us.

Mr. CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] is recognized to close debate.

Mr. BLILEY. Mr. Chairman, it is late. I want to commend our colleagues, particularly the ranking member, for his fine statement that he has just concluded. I also commend the ranking member of the Committee on the Judiciary, though we disagree on the policy. I want to commend the chairman of our subcommittee who has put in numerous hours to make this bill as balanced as we possibly can make it.

Mr. Chairman, I say to the White House who have not been involved with us that we welcome you to join us now as we prepare to go to conference. Bring us your concerns, sit down with us, and we will certainly consider any changes that you would suggest. Whether we will adopt them all, that is another matter. But we will certainly consider them, and I invite them to come forward.

Mr. Chairman, it has been an interesting debate, as the gentleman said, and I look forward to tomorrow when we will consider amendments to further perfect this bill, and then we will pass it and we will go to conference some time later this year. This is the way this process works. It is not a sprint, it is a marathon. We have had subcommittee, we have had full committee. We now are on the floor, and ultimately we will go to conference and we will come back with a conference report. That is the way it should be, Mr. Chairman, and I urge my colleagues to support his legislation and to help us craft it, make it even better as we go on with the process.

Mr. BILIRAKIS. I rise in strong support of the landmark legislation which we are considering today, and I want to commend my colleagues on the committees of jurisdiction for their hard work on this bill. H.R. 1555 is the culmination of years of work to overhaul Federal telecommunications policy and position America as a world leader in the dawning information age.

While this bill contains many important provisions, I want to address one area in particular—the issue of telemedicine. As Chairman of the Commerce Health Subcommittee, I have a special interest in this subject.

Although it is subject to different interpretations, the term ''telemedicine'' generally refers to live, interactive audiovisual communication between physician and patient or between two physicians. Telemedicine can facilitate consultation between physicians and serve as a method of health care delivery in which physicians examine patients through the use of advanced telecommunications technology.

One of the most important uses of telemedicine is to allow rural communities and other medically under-served areas to obtain access to highly trained medical specialists. It also provides a access to medical care in circumstances when possibilities for travel are limited or unavailable.

Despite widespread support for telemedicine in concept, many critical policy questions remain unresolved. At the same time, the Federal Government is currently spending millions of dollars on telemedicine demonstration projects with little or no congressional oversight. In particular, the Departments of Commerce and Health and Human Services have provided sizable grants for projects in a number of States.

Therefore, I drafted a provision which is included in the manager's amendment to require the Department of Commerce, in consultation with other appropriate agencies, to report annually to congress on the findings of any studies and Demonstrations on telemedicine which are funded by the Federal Government.

My amendment is designed to provide greater information for federal policymakers in the areas of patient safety, quality of services, and other legal, medical and economic issues related to telemedicine. Through adoption of this provision, I am hopeful that we can shed light on the potential benefits of telemedicine, as well as existing roadblocks to its use.

Mrs. FOWLER. Mr. Chairman, I rise in opposition to H.R. 1555, the Communications Act of 1995. Although I believe that our telecommunications laws are in need of reform, I have serious concerns about certain sections of this bill, and about the manner in which it has been brought to the floor.

This is an important bill, because it will affect every time he or she picks up a phone or turns on the TV. It is incumbent upon us to consider it carefully and thoughtfully. I am concerned that this bill has been brought to the floor in a rush, following a process which was none-too-open.

My primary concern revolves around provisions in the manager's amendment regarding entry of local telephone service providers into the long distance market and vice versa. I never expected that the long distance companies and the local telephone companies would ever completely agree on any bill. But to formulate a manager's amendment that is vehemently opposed by one of the parties forces Members to choose between the two. It is the responsibility of the leadership to do everything possible to reconcile the differences between those affected by this bill, and I do not believe this has been done.

I have other concerns, including the potential of the bill to concentrate media ownership in a few hands and the bill's effects on radio and television broadcasting audience reach limits.

I am also concerned about the effect of the bill on State authority to regulate the costs of certain long distance calls within States. Many States have already taken steps to liberate such rates, and the bill would negatively affect these efforts. I share the concerns of the Governor of Florida and several other governors about this issue.

Mr. Chairman, we need to reform our telecommunications laws so that we can enter the 21st century governed by laws appropriate to the technology and services available to us. But this bill is not the vehicle that will best accomplish those goals. I say let's go back to the drawing board and try again.

Mr. LAZIO of New York. Mr. Chairman, the House shortly will consider H.R. 1555, the Communications Act of 1995. Among other things, this bill and its Senate-passed companion, S. 652, aims to ensure competition in the cable television industry as it expands into interactive voice, data and video services.

I wanted to bring to the attention of my colleagues in both bodies a serious and potentially dangerous situation that merits further study by Congress in the future, as it was not addressed by the legislation we are about to take up.

Curently, telephone systems provide a different sort of lightning or surge protection than is provided by the cable industry. Telephone companies have provided such protection through devices that instantaneously detect dangerous surges and direct them to ground. Cable companies do not have these devices and now only are required to ground their systems. As telephone companies branch out into broadband transmission services, they will continue to be required to protect the public from power surge and lightning hazards.

The National Electric Code does not require the cable industry to provide the same kind of surge protection to current and future cable users, even if cable companies will be providing the same kind of telephone service in the future that telephone companies now provide. I am told that the cable industry has made a commitment to do so if it does offer such telephone service, but it is an issue Congress should review.

I would urge my colleagues, particularly those in the Commerce Committee, to closely examine this potential problem and to hold hearings to make sure public safety will be adequately protected as our telecommunications industry goes through a period of unprecedented change.

Mr. BLILEY. Mr. Chairman, with that, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTART) having assumed the chair, Mr. KOLBE, 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. 1555), to promote competition and reduce regulation in order to lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies, had come to no resolution thereon.

PRINTING OF OMISSIONS FROM RECORD OF JULY 31, 1995

(Consideration of the following 3 bills, H.R. 714, H.R. 701 and H.R. 1874 are reprinted as follows containing omissions from the RECORD of Monday, July 31, 1995, beginning at page H7996.)

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 a local landfill.

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 for 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 103d 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 treasury 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 important to note 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 ever-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 project a reality, 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 cooperation extended 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 facilities slated 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 103d Congress by Congressman Sangmeister. H.R. 4946 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. 714, introduced by Congressman WELLER, establishes the Midewin Tallgrass Prairie by initially transferring approximately 16,000 acres currently held by the Department of the Army to the Department of Agriculture. Another 3,000 acres will be transferred when the Department of the Army completes an environmental cleanup on the site. Provision is made for the continued responsibility of cleanup of hazardous wastes by the Department of the Army. The bill also provides for the transfer of approximately 910 acres to the Department of Veterans' Affairs and the establishment of a National Cemetery on the site to be administered by the Secretary of Veterans Affairs. Additionally the bill provides for transfer to the county of approximately 425 acres to be operated as a landfill and approximately 3,000 acres to the State of Illinois to be used for economic development. The U.S. Forest Service is supportive of the legislation before us today.

Mr. Speaker, an amendment that will be offered to modify the language regarding special use permits is supported by the U.S. Forest Service. I ask that a letter from U.S. Forest Service Chief Jack Ward Thomas, acknowledging the new language's consistency with current U.S. Forest Service management practices, be included in the RECORD.

DEPARTMENT OF AGRICULTURE,
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture
Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had with members of your staff regarding language contained in a draft Agriculture Committee version of H.R. 714, the ''Illinois 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, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: ''Such special use authorization 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.''

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,
Chief.

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''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE
Sec. 101. Principles of transfer.
Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.
TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT
Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
Sec. 203. Disposal of certain real property at Arsenal for economic development.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term ''Administrator'' means the Administrator of the United States Environmental Protection Agency.

(2) The term ''agricultural purposes'' means the use of land for row crops, pasture, hay, and grazing.

(3) The term ''Arsenal'' means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term ''Defense Environmental Restoration Program'' means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term ''environmental law'' means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term ''hazardous substance'' has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation ''MNP'' means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term ''national cemetery'' means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term ''person'' has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term ''pollutant or contaminant'' has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term ''release'' has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term ''response action'' has the meaning given such term by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL 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 which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on April 8, 1994.

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

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those 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 include measures to prevent members 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 health or 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 transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally 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 studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction

pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, 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 section 105.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army to the Secretary of Agriculture shall be shared equally by the two Secretaries.

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 as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall remain liable for and continue to carry out—

(1) all response actions required under CERCLA at or related to the property;

(2) all remediation actions required under any other environmental law at or related to the property; and

(3) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), monies appropriated from the Land and

Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(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 is authorized and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue 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 may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty years from the date of enactment of this Act, except that nothing in this Act shall preclude the Secretary from issuing agricultural special use authorizations or grazing permits which are effective after twenty 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) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, to cover the cost to the United States of such prairie-improvement work as the Secretary of Agriculture may direct. Any portion of any deposit made to the fund which the Secretary of Agriculture determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary is authorized to charge reasonable fees for the 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 including those providing volunteer 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 facilities and improvements which have been transferred to the Secretary of Agriculture pursuant to this Act.

(f) TREATMENT OF USER FEES AND SALVAGE RECEIPTS.—Monies collected pursuant to subsections (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, which are hereby appropriated and made available until expended, shall be used for restoration and administration of the Midewin National Tallgrass Prairie, including construction of a visitor and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

(g) USE OF GROUND WATER RESOURCES.—The Secretary of Agriculture shall develop a plan to provide Will County, Illinois, and local jurisdictions in the county with reasonable access to, and use of, ground water through the system of water wells in existence on the date of the enactment of this Act and located on portions of Arsenal property to be included in the Midewin National Tallgrass Prairie. The Secretary shall develop the water access and use plan in consultation with the Board of Commissioners of Will County, the redevelopment authority established pursuant to section 203(c), and representatives of the affected jurisdictions.

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

(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 Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble 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, Doyle Lake: Study Area L12, Group 4: Study Area L14, Group 5: Study Area L15, Group 8: Study Area L18, Group 9: Study Area L19, Group 20, Study Area L20, Group 25: Study Area L22, Group 27: Study Area L23, Group 62: Study Area L25, Extraction Pits: Study Area L31, PVC Area: Study Area L33, Former Burning Area: Study Area L34, Fill Area: Study Area L35, including all associated inventoried buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Phase 2 Remedial Investigation Manufacturing (MFG) Area Joliet Army Ammunition Plant Joliet, Illinois (May 30, 1993. Contract No. DAAA15–90–D–0015 task order No. 6 prepared for: United States Army Environmental Center).

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(a) TRANSFER REQUIRED.—Not later than 6 months after the date of the enactment of this Act, 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. Subsections (b) and (c) of section 2337 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 101–180; 101 Stat. 1225) shall apply to the transfer.

(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 910 acres, the approximate legal description of which includes part of sections 30 and 31 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.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain

physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) 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 shared equally by the two Secretaries.

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

(a) TRANSFER REQUIRED.—The Secretary of the Army shall transfer, without compensation, to the County of Will, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 425 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept; and

(2) such additional acreage at the Arsenal as is necessary to reasonably accommodate needs for the disposal of refuse and other materials from the restoration and cleanup of only the Arsenal property as provided for in this Act.

(c) USE OF LANDFILL.—The use by any agency of the Federal Government (or its agents or assigns) of the landfill established on the real property described in subsection (b)(2) shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that the Federal Government (or its agents or assigns) is denied reasonable access to the portion of the landfill described in subsection (b)(2), all right, title and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection 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.

(f) 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.

SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.

(a) TRANSFER REQUIRED.—Subject to subsection (c), the Secretary of the Army shall transfer, without compensation, to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres located at the Arsenal, the approximate legal description of which includes part of section 30, Jackson Township, T34N R10E, and sections or part of sections 24, 25, 26, 35, and 36, Channahon Township, T34N R9E, Will County, Illinois, as depicted in the Arsenal Land Use Concept; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being used for economic redevelopment or that the redevelopment authority established under subsection (c) is not overseeing such redevelopment, all right, title and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection 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.

(f) 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 provisions of any environmental law.

(b) RESPONSE ACTION.—The establishment of the Midewin National Tallgrass Prairie shall not restrict or lessen in any way 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.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, 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.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute.

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Illinois Land Conservation Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL TALLGRASS PRAIRIE
Sec. 101. Principles of transfer.
Sec. 102. Transfer of management responsibilities and jurisdiction over Arsenal.
Sec. 103. Continuation of responsibility and liability of Secretary of the Army for environmental cleanup.
Sec. 104. Establishment and administration of Midewin National Tallgrass Prairie.
Sec. 105. Special management requirements for Midewin National Tallgrass Prairie.
Sec. 106. Special disposal rules for certain Arsenal parcels intended for MNP.
TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT
Sec. 201. Disposal of certain real property at Arsenal for a national cemetery.
Sec. 202. Disposal of certain real property at Arsenal for a county landfill.
Sec. 203. Disposal of certain real property at Arsenal for economic development.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Degree of environmental cleanup.

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term ''Administrator'' means the Administrator of the United States Environmental Protection Agency.

(2) The term ''agricultural purposes'' means the use of land for row crops, pasture, hay, and grazing.

(3) The term ''Arsenal'' means the Joliet Army Ammunition Plant located in the State of Illinois.

(4) The acronym ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(5) The term ''Defense Environmental Restoration Program'' means the program of environmental restoration for defense installations established by the Secretary of Defense under section 2701 of title 10, United States Code.

(6) The term ''environmental law'' means all applicable Federal, State, and local laws, regulations, and requirements related to protection of human health, natural and cultural resources, or the environment, including CERCLA, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), and the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(7) The term ''hazardous substance'' has the meaning given such term by section 101(14) of CERCLA (42 U.S.C. 9601(14)).

(8) The abbreviation ''MNP'' means the Midewin National Tallgrass Prairie established pursuant to section 104 and managed as a part of the National Forest System.

(9) The term ''national cemetery'' means a cemetery established and operated as part of the National Cemetery System of the Department of Veterans Affairs and subject to the provisions of chapter 24 of title 38, United States Code.

(10) The term ''person'' has the meaning given such term by section 101(21) of CERCLA (42 U.S.C. 9601(21)).

(11) The term ''pollutant or contaminant'' has the meaning given such term by section 101(33) of CERCLA (42 U.S.C. 9601(33)).

(12) The term ''release'' has the meaning given such term by section 101(22) of CERCLA (42 U.S.C. 9601(22)).

(13) The term ''response action'' has the meaning given the term ''response'' by section 101(25) of CERCLA (42 U.S.C. 9601(25)).

TITLE I—CONVERSION OF JOLIET ARMY AMMUNITION PLANT TO MIDEWIN NATIONAL 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 which was developed by the Joliet Arsenal Citizen Planning Commission and unanimously approved on May 30, 1995.

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

(c) MANAGEMENT OF MNP.—Management by the Secretary of Agriculture of those 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 include measures to prevent members 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 health or 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 transfer to the Secretary of Agriculture only those portions of the Arsenal for which the Secretary of the Army and the Administrator concur that no further action is required under any environmental law and which therefore have been eliminated from the areas to be further studied pursuant to the Defense Environmental Restoration Program for the Arsenal. Within 4 months after the date of the enactment of this Act, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portions of the Arsenal to be transferred to the Secretary of Agriculture pursuant to this subsection.

(b) ADDITIONAL TRANSFERS.—The Secretary of the Army shall transfer to the Secretary of Agriculture in accordance with section 106(c) any portion of the property generally 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 studied pursuant to the Defense Environmental Restoration Program for the Arsenal. At least 2 months before any transfer under this subsection, the Secretary of the Army and the Administrator shall provide to the Secretary of Agriculture all existing documentation supporting such finding and all existing information relating to the environmental conditions of the portion of the Arsenal to be transferred. Transfer of jurisdiction pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

(c) EFFECT ON CONTINUED RESPONSIBILITIES AND LIABILITY OF SECRETARY OF THE ARMY.—Subsections (a) and (b), and their requirements, shall not in any way affect the responsibilities and liabilities of the Secretary of the Army specified in section 103.

(d) IDENTIFICATION OF PORTIONS FOR TRANSFER FOR MNP.—The lands to be transferred to the Secretary of Agriculture under subsections (a) and (b) shall be identified on a map or maps which shall be agreed to by the Secretary of the Army and the Secretary of Agriculture. Generally, the land to be transferred to the Secretary of Agriculture shall be all the real property and improvements comprising the Arsenal, except for lands and facilities described in subsection (e) or designated for disposal under section 106 or title II.

(e) PROPERTY USED FOR ENVIRONMENTAL CLEANUP.—

(1) RETENTION.—The Secretary of the Army shall retain jurisdiction, authority, and control over real property at the Arsenal to be used for—

(A) water treatment;

(B) the treatment, storage, or disposal of any hazardous substance, pollutant or contaminant, hazardous material, or petroleum products or their derivatives;

(C) other purposes related to any response action at the Arsenal; and

(D) other actions required at the Arsenal under any environmental law to remediate contamination or conditions of noncompliance with any environmental law.

(2) CONDITIONS.—The Secretary of the Army shall consult with the Secretary of Agriculture regarding the identification and management of the real property retained under this subsection and ensure that activities carried out on that property are consistent, to the extent practicable, 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 section 105.

(3) PRIORITY OF RESPONSE ACTIONS.—In the case of any conflict between management of the property by the Secretary of Agriculture and any response action or other action required under environmental law to remediate petroleum products or their derivatives, the response action or other such action shall take priority.

(f) SURVEYS.—All costs of necessary surveys for the transfer of jurisdiction of Arsenal property from the Secretary of the Army 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 as a result of the property transfers made under section 102 or section 106, or as a result of interim activities of the Secretary of Agriculture on Arsenal property under section 101(f). With respect to the real property at the Arsenal, the Secretary of the Army shall—

(1) remain liable for environmental contamination attributed to the Army; and

(2) with respect to such contamination, continue to carry out—

(A) all response actions required under CERCLA at or related to the property;

(B) all remediation actions required under any other environmental law at or related to the property; and

(C) all actions required under any other environmental law to remediate petroleum products or their derivatives (including motor oil and aviation fuel) at or related to the property.

(b) LIABILITY.—

(1) IN GENERAL.—Nothing in this Act shall be construed to effect, modify, amend, repeal, alter, limit or otherwise change, directly or indirectly, the responsibilities or liabilities under any applicable environmental law of any person (including the Secretary of Agriculture), except as provided in paragraph (3) with respect to the Secretary of Agriculture.

(2) LIABILITY OF SECRETARY OF THE ARMY.—The Secretary of the Army shall retain any obligation or other liability at the Arsenal that the Secretary may have under CERCLA and other environmental laws. Following transfer of any portions of the Arsenal pursuant to this Act, the Secretary of the Army shall be accorded all easements and access to such property as may be reasonably required to carry out such obligation or satisfy such liability.

(3) SPECIAL RULES FOR SECRETARY OF AGRICULTURE.—The Secretary of Agriculture shall not be responsible or liable under any environmental law for matters which are in any way related directly or indirectly to activities of the Secretary of the Army, or any party acting under the authority of the Secretary in connection with the Defense Environmental Restoration Program, at the Arsenal and which are for any of the following:

(A) Costs of response actions required under CERCLA at or related to the Arsenal.

(B) Costs, penalties, or fines related to noncompliance with any environmental law at or related to the Arsenal or related to the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, hazardous waste or hazardous material of any kind at or related to the Arsenal, including contamination resulting from migration of hazardous substances, pollutants, contaminants, hazardous materials, or petroleum products or their derivatives disposed during activities of the Department of the Army.

(C) Costs of actions necessary to remedy such noncompliance or other problem specified in subparagraph (B).

(c) PAYMENT OF RESPONSE ACTION COSTS.—Any Federal department or agency that had or has operations at the Arsenal resulting in the release or threatened release of hazardous substances, pollutants, or contaminants shall pay the cost of related response actions or related actions under other statutes to remediate petroleum products or their derivatives, including motor oil and aviation fuel.

(d) CONSULTATION.—The Secretary of Agriculture shall consult with the Secretary of the Army with respect to the Secretary of Agriculture's management of real property included in the Midewin National Tallgrass Prairie subject to any response action or other action at the Arsenal being carried out by or under the authority of the Secretary of the Army under any environmental law. The Secretary of Agriculture shall consult with the Secretary of the Army prior to undertaking any activities on the Midewin National Tallgrass Prairie that may disturb the property to ensure that such activities will not exacerbate contamination problems or interfere with performance by the Secretary of the Army of response actions at the property. In carrying out response actions at the Arsenal, the Secretary of the Army shall consult with the Secretary of Agriculture to ensure that such actions are carried out in a manner consistent with the purposes for which the Midewin National Tallgrass Prairie is established, as specified in section 104(c), and the other provisions of such section and section 105.

SEC. 104. ESTABLISHMENT AND ADMINISTRATION OF MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) ESTABLISHMENT.—On the effective date of the initial transfer of jurisdiction of portions of the Arsenal to the Secretary of Agriculture under section 102(a), the Secretary of Agriculture shall establish the Midewin National Tallgrass Prairie. The MNP shall—

(1) be administered by the Secretary of Agriculture; and

(2) consist of the real property so transferred and such other portions of the Arsenal subsequently transferred under section 102(b) or 106.

(b) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall manage the Midewin National Tallgrass Prairie as a part of the National Forest System in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System, except that the Bankhead-Jones Farm Tenant Act of 1937 (7 U.S.C. 1010–1012) shall not apply to the MNP.

(2) INITIAL MANAGEMENT ACTIVITIES.—In order to expedite the administration and public use of the Midewin National Tallgrass Prairie, the Secretary of Agriculture may conduct management activities at the MNP to effectuate the purposes for which the MNP is established, as set forth in subsection (c), in advance of the development of a land and resource management plan for the MNP.

(3) LAND AND RESOURCE MANAGEMENT PLAN.—In developing a land and resource management plan for the Midewin National Tallgrass Prairie, the Secretary of Agriculture shall consult with the Illinois Department of Conservation and local governments adjacent to the MNP and provide an opportunity for public comment. Any parcel transferred to the Secretary of Agriculture under this Act after the development of a land and resource management plan for the MNP may be managed in accordance with such plan without need for an amendment to the plan.

(c) PURPOSES OF THE MIDEWIN NATIONAL TALLGRASS PRAIRIE.—The Midewin National Tallgrass Prairie is established to be managed for National Forest System purposes, including the following:

(1) To conserve and enhance populations and habitats of fish, wildlife, and plants, including populations of grassland birds, raptors, passerines, and marsh and water birds.

(2) To restore and enhance, where practicable, habitat for species listed as proposed, threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) To provide fish and wildlife oriented public uses at levels compatible with the conservation, enhancement and restoration of native wildlife and plants and their habitats.

(4) To provide opportunities for scientific research.

(5) To provide opportunities for environmental and land use education.

(6) To manage the land and water resources of the MNP in a manner that will conserve and enhance the natural diversity of native fish, wildlife, and plants.

(7) To conserve and enhance the quality of aquatic habitat.

(8) To provide for public recreation insofar as such recreation is compatible with the other purposes for which the MNP is established.

(d) OTHER LAND ACQUISITION FOR MNP.—

(1) LAND ACQUISITION FUNDS.—Notwithstanding section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–9), monies appropriated from the Land and Water Conservation Fund established under section 2 of such Act (16 U.S.C. 460l–5) shall be available for acquisition of lands and interests in land for inclusion in the Midewin National Tallgrass Prairie.

(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 and encouraged to cooperate with appropriate Federal, State and local governmental agencies, private organizations and corporations. Such cooperation may include cooperative agreements as well as the exercise of the existing authorities of the Secretary under the Cooperative Forestry Assistance Act of 1978 and the Forest and Rangeland Renewable Resources Research Act of 1978. The objects of such cooperation may include public education, land and resource protection, and cooperative management among government, corporate and private landowners in a manner which furthers the purposes for which the Midewin National Tallgrass Prairie is established.

SEC. 105. SPECIAL MANAGEMENT REQUIREMENTS FOR MIDEWIN NATIONAL TALLGRASS PRAIRIE.

(a) PROHIBITION AGAINST THE CONSTRUCTION OF NEW THROUGH ROADS.—No new construction of any highway, public road, or any part of the interstate system, whether Federal, State, or local, shall be permitted through or across any portion of the Midewin National Tallgrass Prairie. Nothing herein shall preclude construction and maintenance of roads for use within the MNP, or the granting of authorizations for utility rights-of-way under applicable Federal law, or preclude such access as is necessary. Nothing herein shall preclude necessary access by the Secretary of the Army for purposes of restoration and cleanup as provided in this Act.

(b) AGRICULTURAL LEASES AND SPECIAL USE AUTHORIZATIONS.—Within the Midewin National Tallgrass Prairie, use of the lands for agricultural purposes shall be permitted subject to the following terms and conditions:

(1) If at the time of transfer of jurisdiction under section 102 there exists any lease issued by the Department of the Army, Department of Defense, or any other agency thereof, for agricultural purposes upon the parcel transferred, the Secretary of Agriculture, upon transfer of jurisdiction, shall convert the lease to a special use authorization, the terms of which shall be identical in substance to the lease that existed prior to the transfer, including the expiration date and any payments owed the United States.

(2) The Secretary of Agriculture may issue 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 may deem appropriate.

(3) No agricultural special use authorization shall be issued for agricultural purposes which has a term extending beyond the date twenty 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 grazing permits which are effective after twenty 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) TREATMENT OF RENTAL FEES.—Monies received pursuant to subsection (b) shall be subject to distribution to the State of Illinois and affected counties pursuant to the Acts of May 23, 1908, and March 1, 1911 (16 U.S.C. 500). All such monies not distributed pursuant to such Acts shall be covered into the Treasury and shall constitute a special fund, which shall be available to the Secretary of Agriculture, in such amounts as are provided in advance in appropriation Acts, to cover the cost to the United States of such prairie-improvement work as the Secretary may direct. Any portion of any deposit made to the fund which the Secretary determines to be in excess of the cost of doing such work shall be transferred, upon such determination, to miscellaneous receipts, Forest Service Fund, as a National Forest receipt of the fiscal year in which such transfer is made.

(d) USER FEES.—The Secretary of Agriculture is authorized to charge reasonable fees for the 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 including those providing volunteer 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 facilities 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 subsections (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 and education center, restoration of ecosystems, construction of recreational facilities (such as trails), construction of administrative offices, and operation and maintenance of the MNP.

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

(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 Pile, Study Area 2—Explosive Burning Ground, Study Area 3—Flashing Grounds, Study Area 4—Lead Azide Area, Study Area 10—Toluene Tank Farms, Study Area 11—Landfill, Study Area 12—Sellite Manufacturing Area, Study Area 14—Former Pond Area, Study Area 15—Sewage Treatment Plant.

(2) Load Assemble 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 8: 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 buildings and structures as identified in the Joliet Army Ammunition Plant Plantwide Building and Structures Report and the contaminate study sites for both the Manufacturing and Load Assembly and Packing sides of the Joliet Arsenal as delineated in the Dames and Moore Final Report, Proposed Future Land Use Map, dated May 30, 1995.

(b) EXCEPTION.—The parcels described in subsection (a) shall not include the property at the Arsenal designated for disposal under title II.

(c) INITIAL OFFER TO SECRETARY OF AGRICULTURE.—Within 6 months after the construction and installation of any remedial design approved by the Administrator and required for any lands described in subsection (a), the Administrator shall provide to the Secretary of Agriculture all existing information regarding the implementation of such remedy, including information regarding its effectiveness. Within 3 months after the Administrator provides such information to the Secretary of Agriculture, the Secretary of the Army shall offer the Secretary of Agriculture the option of accepting a transfer of the areas described in subsection (a), without reimbursement, to be added to the Midewin National Tallgrass Prairie and subject to the terms and conditions, including the limitations on liability, contained in this Act. In the event the Secretary of Agriculture declines such offer, the property may be disposed of as the Army would ordinarily dispose of such property under applicable provisions of law. Any sale or other transfer of property conducted pursuant to this subsection may be accomplished on a parcel-by-parcel basis.

TITLE II—OTHER REAL PROPERTY DISPOSALS INVOLVING JOLIET ARMY AMMUNITION PLANT

SEC. 201. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR A NATIONAL CEMETERY.

(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 30 and 31 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.

(c) SECURITY MEASURES.—The Secretary of Veterans Affairs shall provide and maintain physical and other security measures on the real property transferred under subsection (a). Such security measures (which may include fences and natural barriers) shall include measures to prevent members of the public from gaining unauthorized access to the portion of the Arsenal that is under the administrative jurisdiction of such Secretary and that may endanger health or safety.

(d) 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.

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 compensation, to Will County, Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be operated as a landfill by the County.

(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 455 acres, the approximate legal description of which includes part of sections 8 and 17, Florence Township, T33N R10E, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONDITION ON CONVEYANCE.—The conveyance shall be subject to the condition that the Army (or its agents or assigns) may use the landfill established on the real property transferred under subsection (a) for the disposal of construction debris, refuse, and other nonhazardous materials from the restoration and cleanup of the Arsenal property as provided for in this Act. Such use shall be at no cost to the Federal Government.

(d) REVERSIONARY INTEREST.—During the 5-year period beginning on the date the Secretary of the Army makes the conveyance under subsection (a), if the Secretary determines that the conveyed real property is not being operated as a landfill or that Will County, Illinois, is in violation of the condition specified in subsection (c), all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States. The United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection 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 Will County, Illinois.

(f) 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.

SEC. 203. DISPOSAL OF CERTAIN REAL PROPERTY AT ARSENAL FOR ECONOMIC DEVELOPMENT.

(a) TRANSFER REQUIRED.—Subject to section 301, the Secretary of the Army shall transfer to the State of Illinois, all right, title, and interest of the United States in and to the parcel of real property at the Arsenal described in subsection (b), which shall be used for economic redevelopment to replace all or a part of the economic activity lost at the Arsenal.

(b) DESCRIPTION OF PROPERTY.—The real property to be transferred under subsection (a) is a parcel of real property at the Arsenal consisting of—

(1) approximately 1,900 acres, the approximate legal description of which includes part of section 30, Jackson Township, Township 34 North, Range 10 East, and sections or parts of sections 24, 25, 26, 35, and 36, Township 34 North, Range 9 East, in Channahon Township, an area of 9.77 acres around the Des Plaines River Pump Station located in the southeast quarter of section 15, Township 34 North, Range 9 East of the Third Principal Meridian, in Channahon Township, and an area of 511' x 596' around the Kankakee River Pump Station in the Northwest Quarter of section 5, Township 33 North, Range 9 East, east of the Third Principal Meridian in Wilmington Township, containing 6.99 acres, located along the easterly side of the Kankakee Cut-Off in Will County, Illinois, as depicted in the Arsenal Re-Use Concept, and the connecting piping to the northern industrial site, as described by the United States Army Report of Availability, dated 13 December 1993; and

(2) approximately 1,100 acres, the approximate legal description of which includes part of sections 16, 17, 18 Florence Township, Township 33 North, Range 10 East, Will County, Illinois, as depicted in the Arsenal Land Use Concept.

(c) CONSIDERATION.—The conveyance under subsection (a) shall be made without consideration. However, the conveyance shall be subject to the condition that, if the State of Illinois reconveys all or any part of the conveyed property to a non-Federal entity, the State shall pay to the United States an amount equal to the fair market value of the reconveyed property. The Secretary shall determine the fair market value of any property reconveyed by the State as of the time of the reconveyance, excluding the value of improvements made to the property by the State. The Secretary may treat a lease of the property as a reconveyance if the Secretary determines that the lease was used in an effort to avoid operation of this subsection. Amounts received under this subsection shall be deposited in the general fund of the Treasury for purposes of deficit reduction.

(d) OTHER CONDITIONS OF CONVEYANCE.—

(1) REDEVELOPMENT AUTHORITY.—The conveyance under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois establish a redevelopment authority to be responsible for overseeing the economic redevelopment of the conveyed land.

(2) TIME FOR ESTABLISHMENT.—To satisfy the condition specified in paragraph (1), the redevelopment authority shall be established within one year after the date of the enactment of this Act.

(e) REVERSIONARY INTEREST.—During the 20-year period beginning on the date the Secretary makes the conveyance under subsection (a), if the Secretary determines that a condition specified in subsection (c) or (d) is not being satisfied, all right, title, and interest in and to the conveyed property, including improvements thereon, shall revert to the United States. The United States

shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(f) 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 provisions of any environmental law.

(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.

(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, 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.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

AMENDMENTS OFFERED BY MR. EMERSON TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. EMERSON. Mr. Speaker, I offer amendments to the Committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendments offered by Mr. EMERSON to the Committee amendment in the nature of a substitute. In section 105(b)(2) of the bill, strike the sentence beginning with ''Such special use'' and the sentence beginning with ''Fair market value''.

In section 201 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, reserving 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 gives the Forest Service 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:

DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, DC, July 28, 1995.

Hon. PAT ROBERTS,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to confirm discussions my staff have had 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, including livestock grazing. The proposed amendment would strike the second and third complete sentences in that subsection, specifically: ''Such special use authorization 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.''

It is our understanding that the proposed deletion of those two sentences is intended to avoid any confusion between the use provisions of this bill and the ongoing legislative debate over grazing fees in the Western States. Mr. Hogan asked our opinion as to what effect the deletion of these two sentences would have on management of the Midewin National Tallgrass Prairie.

The proposed deletion of the referenced sentence would have no practical effect on management of the Prairie. The Forest Service will utilize the same general terms and conditions for agricultural leasing as was utilized by the Army, including competitive bidding for farming and leasing rights. This system has worked well for the Army and we plan to continue it. And, we note, the system is consistent with general Forest Service management practices throughout the Eastern United States.

If we can provide additional information, please do not hesitate to ask.

JACK WARD THOMAS,
Chief.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Missouri [Mr. EMERSON] to the committee amendment in the nature of a substitute.

The amendments to the committee amendment in the nature of a substitute were agreed to.

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 have 5 legislative days to revise and extend their remarks on H.R. 714, the bill just passed.

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

There was no objection.

AUTHORIZING THE SECRETARY OF AGRICULTURE TO CONVEY LANDS TO THE CITY OF ROLLA, MO

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill (H.R. 701) to authorize the Secretary of Agriculture to convey lands to the city of Rolla, MO, 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. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

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

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation.

Mr. Speaker, I rise today in strong support of this measure, H.R. 701, which is vital to the rural economic development efforts of southern Missouri. This legislation will authorize the U.S. Department of Agriculture to convey land within the Mark Twain National Forest to the city and citizens of Rolla, MO. This same bill was approved by the full House in the 103d Congress; however, procedural obstacles in the U.S. Senate on the last day of the 2d session, unrelated to the merits of this legislation, blocked further consideration and eventual passage.

The city of Rolla has been diligent in its plan to utilize the U.S. Forest Service's district ranger office site in the development and construction of a regional tourist center. I feel its important to note that tourism is the second largest industry in Missouri and this tourist center has already attracted great interest along with injecting needed dollars into the regional Rolla economy.

Clearly, this project is a prime example of a local community exercising its own rural development plan for local expansion and job creation. In these times of reduced Federal support for rural community-based economic enterprises, the city of Rolla is a shining example and model of both involvement and initiative that other communities around the country can clearly emulate.

For over a year now, the city of Rolla has been collecting a 3-percent tax on local hotels in the attempt to finance

this project independent of any assistance from the Federal Government. Indeed, this land transfer arrangement is a very unique partnership for both Rolla and the Mark Twain National 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 now, 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 in order that 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 103d 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 6 months of conveyance or, at the option of the city, pay for land in annual payments over 20 years with no interest. If the 20-year option is taken, the payments must be put in a Sisk Act Fund where they will be available, subject to appropriation, until expended by the Secretary. The bill also releases the U.S. Forest Service from liability due to hazardous wastes found on the property that were not identified prior to conveyance and requires the preservation of historic resource on the property.

Mr. STENHOLM. 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.

H.R. 701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the following: The property identified as the Rolla Ranger District Administrative Site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more or less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) RELEASE.—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property, including all claims resulting from hazardous materials on the conveyed lands.

(e) REVERSION.—The conveyance under subsection (a) shall be made by quitclaim deed in fee simple subject to reversion to the United States and right of reentry upon such conditions as may be prescribed by the Secretary in the deed of conveyance or in the event the City fails to comply with the compensation requirements specified in subsection (b).

(f) CONVERSION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the Committee amendment in the nature of a substitute,

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. LAND CONVEYANCE, ROLLA RANGER DISTRICT ADMINISTRATIVE SITE, ROLLA, MISSOURI.

(a) CONVEYANCE AUTHORIZED.—Subject to the terms and conditions specified in this section, the Secretary of Agriculture may sell to the city of Rolla, Missouri (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the following:

The property identified as the Rolla Ranger District Administrative Site of the Forest Service located in Rolla, Phelps County, Missouri, encompassing ten acres more or less, the conveyance of which by C.D. and Oma A. Hazlewood to the United States was recorded on May 6, 1936, in book 104, page 286 of the Record of Deeds of Phelps County, Missouri.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the fair market value of the property as determined by an appraisal acceptable to the Secretary and prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition as published by the Department of Justice. Payment shall be due in full within six months after the date the conveyance is made or, at the option of the City, in twenty equal annual installments commencing on January 1 of the first year following the conveyance and annually thereafter until the total amount due has been paid.

(c) DEPOSIT OF FUNDS RECEIVED.—Funds received by the Secretary under subsection (b) as consideration for the conveyance shall be deposited into the special fund in the Treasury authorized by the Act of December 4, 1967 (16 U.S.C. 484a, commonly known as the Sisk Act). Such funds shall be available, subject to appropriation, until expended by the Secretary.

(d) RELEASE.—Subject to compliance with all Federal environmental laws prior to transfer, the City, upon conveyance of the property under subsection (a), shall agree in writing to hold the United States harmless from any and all claims relating to the property, including all claims resulting from hazardous materials on the conveyed lands.

(e) RIGHT OF REENTRY.—The conveyance to the City under subsection (a) shall be made by quitclaim deed in fee simple, subject to the right of reentry to the United States if the Secretary determines that the City is not in compliance with the compensation requirements specified in subsection (b) or other condition prescribed by the Secretary in the deed of conveyance.

(f) CONSERVATION OF HISTORIC RESOURCES.—In consultation with the State Historic Preservation Office of the State of Missouri, the Secretary shall ensure that the historic resources on the property to be conveyed are conserved by requiring, at the closing on the conveyance of the property, that the City convey an historic preservation easement to the State of Missouri assuring the right of the State to enter the property for historic preservation purposes. The historic preservation easement shall be negotiated between the State of Missouri and the City, and the conveyance of the easement shall be a condition to the conveyance authorized under subsection (a). The protection of the historic resources on the conveyed property shall be the responsibility of the State of Missouri and the City, and not that of the Secretary.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection

Mr. SPEAKER pro tempore. The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

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 Members may have 5 legislative days to revise and extend their remarks on H.R. 701, the bill just considered.

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

There was no objection.

MODIFYING BOUNDARIES OF TALLADEGA NATIONAL FOREST

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to call up the bill, H.R. 1874, to modify the boundaries of the Talladega National Forest, Alabama, 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. Reserving the right to object, Mr. Speaker, I shall not object, but I yield to the gentleman from Missouri [Mr. EMERSON] for an explanation of the bill.

Mr. EMERSON. Mr. Speaker, I thank the gentleman for yielding under his reservation of objection.

Mr. Speaker, this bill would transfer land currently under the jurisdiction of the Bureau of Land Management to the Forest Service. The land is currently being managed by the Forest Service. Another reason for the transfer is that the Penhody National Recreational Trail runs through a portion of the land that we are transferring. This transfer will enhance the management of the Penhody. The total amount being transferred is 559 acres. It is my understanding that the minority has no objection to this legislation, and that the administration is in support.

Mr. Speaker, I will include a document titled ''Questions and Answers, H.R. 1874, Talladega National Forest,'' for the RECORD.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1874, a bill to modify the boundaries of the Talladega National Forest. This bill is a commonsense attempt to streamline and make more cost-efficient the management of our national forests by transferring two small tracts of adjacent Bureau of Land Management [BLM] land to the Talladega National Forest in Alabama. I commend our colleague, Mr. BROWDER of Alabama, in his efforts.

H.R. 1874 modifies the boundaries of the Talladega National Forest in Alabama by transferring approximately 350 acres of Bureau of Land Management [BLM] land to the Talladega National Forest. Both the U.S. Forest Service and the BLM support the concept of the transfer. The bill ensures that no existing rights of way, easement, lease license or permit shall be affected by the transfer.

According to the U.S. Forest Service this transfer will actually reduce the amount of boundary line the U.S. Forest Service will be required to maintain. Further, because the BLM lands are adjacent to or surrounded by the Talladega National Forest, the Congressional Budget Office reports that there are no significant costs to the government associated with the change in jurisdiction.

Mr. Speaker, I would also like included in the RECORD a document from the U.S. Forest Service entitled ''Questions and Answers, H.R. 1874, Talladega National Forest, Alabama,'' regarding the transfer.

QUESTION AND ANSWERS, H.R. 1874, TALLADEGA NATIONAL FOREST, ALABAMA

Q. Where is the Talladega National Forest located in Alabama?

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

Q. Which Division is effected by 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 first tract is located in Cleburne County and contains 399.4 acres and is more particularly described as Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½ NW¼. This tract is located within the existing Proclamation Boundary of the Talladega N.F. 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 13 South, Range 9 East, Section 28, SE¼. This tract is located just outside of the existing Proclamation Boundary of Talladega N.F. 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. What is a Habitat Management Area (HMA)? and why is it ''tentative''?

A. This is an area that contains pine and pine-hardwood forest types that will be managed for the recovery of the Red Cockaded Woodpecker.

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 at Clairmont Gap off of the Talladega Scenic Drive and ends on the Northeastern boundary of the Shoal Creek Ranger District at Highway 278.

Q. H.R. 1874 indicates that the first tract contains 339.4 acres while the description calls for 399.4 acres. Which is correct?

A. The 399.4 acres is correct. There was probably a typo error made while drafting the bill. However, the description is accurate.

Q. Just what does the Bill do?

A. The Bill will transfer jurisdiction of these two tracts totaling 559.4 acres from the Bureau of Land Management, U.S. Department of Interior to the Forest Service, U.S. Department of Agriculture.

Q. Why is this necessary?

A. As pointed out, the effected lands are adjacent to and mixed in with existing National Forest lands. This would ease the administration of these federal lands for both agencies.

Q. Does BLM Agee with this change of jurisdiction?

A. Yes. They have worked closely with the Forest Service on this transfer for a number of years.

Q. Does the public have any concern about the change?

A. No. They already think the land is part of the National Forest System because of their location. This is especially true where the Pinhoti Trail runs through the larger tract in Cleburne County. In fact, the Forests current Administrative Map shows the 399 acre parcel as being national forest.

The county records in Cleburne County shows the property to be owned by the ''USA Talladega NF''; while the Calhoun County records shows it to be owned by the ''US Forestry Division''.

Q. Why does the Administrative Map show this property to be National Forest?

A. Probably an error was made when the map was last revised since the property is government land, almost surrounded by national forest land and has the Pinhoti Trail running through it.

Q. Are there any right-of-ways, easements, leases, licenses or permits on the lands being transferred?

A. There are no known right-of-ways, easements, etc. or known claims (neither properties are adjacent to residential development) on either of the properties. If there were, the Forest Service has the necessary authority and regulations to handle.

Q. What is the history of these Tracts?

A. The 160 acre parcel, located in Calhoun 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. This property has always been owned by the United States.

The 399 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 condition that the land hereby 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 has not been used by the said State of Alabama for park or recreational purposes, or that such land or any part thereof is being devoted to other uses.'' On November 14, 1978, the State of Alabama Quitclaimed this land to the United States and on February 9, 1979 title was accepted by the Bureau of Land Management.

(NOTE: The 1891 Organic Act originally gave the President the authority to place forest land into public reservations by Proclamation. President Franklin Roosevelt issued a Proclamation withdrawing the land now within our forest boundary for public recreational use pursuant to the Recreation and Public Purposes Act before 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

reconveyed by Quit Claim deed to the United States in 1978 due to its non-use. The Proclamation creating the Talladega National Forest included a provision that all lands hereafter acquired by the United States under the Weeks Act should be administered as a part of the Talladega National Forest. This provision, however, only applied to lands acquired under the Weeks Act, and not the BLM land which simply reverted 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 1891 Act by section 704 of the Federal Land Policy and Management Act of 1976. Hence, the subject land reverted to the status of unappropriated public land, and hence are not included within 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, thus entirely escaping federal control and the scope of the proclamation.)

Q. What boundaries are being modified?

A. As previously indicated, the 160 acre parcel located in Calhoun County is located adjacent to but west of and outside of the existing Proclamation Boundary for the Talladega National Forest. The Bill would extend this boundary to incorporate the tract.

The 399.4 acre parcel located in Cleburne County is within the Proclamation Boundary. Technically no boundary modification is needed in this case as far as the Proclamation Boundary is concerned. However, 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 lands does the BLM presently have jurisdiction over that are within or adjacent to the Talladega National Forest?

A. None to the best of our knowledge.

Q. How is BLM presently managing these lands to be transferred to the Forest Service?

A. They are currently being managed for hunting and dispersed recreation.

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 maintenance runs around $500 to $600 per mile. However, with the tract located in Cleburne County, the Forest Service would actually lose approximately 1¾ miles of land lines. Therefore there is a net loss of around ¾ miles of land lines that the Forest Service will not have to maintain.

Since the lands are adjacent to and/or are within the 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 Division, Talladega National Forest. (Total for the entire Talladega National Forest is 387,176 acres.)

Mr. STENHOLM. 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. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANSION OF TALLADEGA NATIONAL FOREST.

(a) BOUNDARY MODIFICATION.—The exterior boundaries of the Talladega National Forest is hereby modified to include the following described lands:

Huntsville Meridian, Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½NW¼, Cleburne County, containing 339.40 acres, more or less.

Huntsville Meridian, Township 13 South, Range 9 East, Section 28, SE¼, Calhoun County, containing 160.00 acres, more or less.

(b) ADMINISTRATION.—(1) Subject to valid existing rights, all Federal lands described under subsection (a) are hereby added to and shall be administered as part of the Talladega National Forest.

(2) Nothing in this section shall be construed to affect the validity of or the terms 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 resulting from the enactment of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the Committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert:

SECTION 1. EXPANSION OF TALLADEGA NATIONAL FOREST.

(a) BOUNDARY MODIFICATION.—The exterior boundaries of the Talladega National Forest is hereby modified to include the following described lands:

Huntsville Meridian, Township 17 South, Range 8 East, Section 34, NE¼, SW¼, and S½NW¼, Cleburne County, containing 339.40 acres, more or less.

Huntsville Meridian, Township 13 South, Range 9 East, Section 28, SE¼, Calhoun County, containing 160.00 acres, more or less.

(b) ADMINISTRATION.—(1) Subject to valid existing rights, all Federal lands described under subsection (a) are hereby added to and shall be administered as part of the Talladega National Forest, and the Secretary of the Interior shall transfer, without reimbursement, administrative jurisdiction over such lands to the Secretary of Agriculture.

(2) Nothing in this section shall be construed to affect the validity of or the terms 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 resulting from the enactment of this Act shall not constitute a ground for the denial of renewal or reissuance of such authorization.

Mr. EMERSON (during the reading). Mr. Speaker, I ask unanimous consent that the Committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the Committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

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.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. THURMAN (at the request of GEPHARDT) for today and the balance of the week, on account of illness in the family.

ADJOURNMENT

Mr. KOLBE. Mr. Chairman, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 19 minutes a.m.), the House adjourned until today, Thursday, August 3, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1298. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a memorandum of justification for Presidential determination on drawdown of Department of Defense articles and services to the United Nations for purposes of supporting the rapid reaction force [RRF], pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

1299. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–126, ''Motor Vehicle Rental Company Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1300. A letter from the Administrator, Federal Aviation Administration, transmitting a copy of a report entitled ''Cost/Benefit Analysis of Radar Installations at Joint-Use Military Airports and Radar Coverage at Cheyenne, Wyoming, Airport,'' pursuant to Public Law 103–305, section 524 (108 Stat. 1603); to the Committee on Transportation and Infrastructure.

1301. A letter from the Administrator, Federal Aviation Administration, transmitting the department's report on the implementation of the aircraft cabin air quality research program, pursuant to Public Law 103–305, section 304(e)(1) (108 Stat. 1592); to the Committee on Transportation and Infrastructure.

1302. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's report on aviation safety inspector staffing requirements for fiscal years 1995, 1996, and 1997, pursuant to Public Law 102–581, section 121 (106 Stat. 4884); 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. STUMP: Committee on Veterans' Affairs. H.R. 1536. A bill to amend title 38, United States Code, to extend for two years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs (Rept. 104–225). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1384. A bill to amend title 38, United States Code, to exempt certain full-time health-care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities; with amendment (Rept. 104–226). Referred to the Committee of the Whole House on the State of the Union

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 2108. A bill to permit the Washingotn Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes (Rept. 104–227). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1445. A bill to amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions (Rept. 104–228). 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. 1670. Referral to the Committees on National Security and the Judiciary extended for a period ending not later than Oct. 2, 1995.

PUBLIC BILLS AND RESOLUTION

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. ROMERO-BARCELO (for himself, Mr. GALLEGLY, Mr. MILLER of California, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, Mr. PASTOR, Mr. SERRANO, Mr. GUTIERREZ, Ms. VELAZQUEZ, and Mr. FRAZER):

H.R. 2159. A bill to provide for the transfer of certain lands on the Island of Vieques, PR, to the municipality of Vieques; to the Committee on National Security, and in addition to the Committee on Resources, 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. SAXTON:

H.R. 2160. A bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986 and the Anadromous Fish Conservation Act; to the Committee on Resources.

By Mr. GILMAN:

H.R. 2161. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. ARCHER:

H.R. 2162. A bill to restore immigration to traditional levels by curtailing illegal immigration and imposing a ceiling on legal immigration; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Commerce, Agriculture, and Government Reform and Oversight, 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. DE LA GARZA:

H.R. 2163. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 2164. A bill to curtail illegal immigration through increased enforcement of the employer sanctions provisions in the Immigration and Nationality Act and related laws; to the Committee on the Judiciary, and in addition to the Committee on Economic and Educational Opportunities, 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. FORBES:

H.R. 2165. A bill to clarify the application of a certain transitional rule; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 2166. A bill to amend the Internal Revenue Code of 1986 to impose a minimum tax on certain foreign and foreign-controlled corporations; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 2167. A bill to amend title II of the Social Security Act to provide that the reductions in Social Security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which the total amount of the combined monthly benefit—before reduction—and monthly pension exceeds $1,200; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 2168. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Economic and Educational Opportunities, 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. MCHALE (for himself, Mr. SHAYS, Mrs. WALDHOLTZ, Mr. BARRETT of Wisconsin, Mr. KLUG, Mr. MINGE, Mr. DEAL of Georgia, Mr. DICKEY, Mr. ZIMMER, Mr. MEEHAN, Mr. LUTHER, and Mr. INGLIS of South Carolina):

H.R. 2169. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN (for himself, Mr. WYNN, Mr. WOLF, Mrs. MORELLA, Mr. DAVIS, and Ms. NORTON):

H.R. 2170. A bill to authorize the establishment of the Woodrow Wilson Memorial Bridge Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, 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. PETRI:

H.R. 2171. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for certain political contributions and to eliminate the Presidential campaign fund; to the Committee on Ways and Means, and in addition to the Committee on House Oversight, 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. SMITH of Washington:

H.R. 2172. A bill to establish the Vancouver National Historic Reserve, and for other purposes; to the Committee on Resources.

By Mr. STARK:

H.R. 2173. A bill to amend title XVIII of the Social Security Act to modify the types of ownership and compensation arrangements which are not considered arrangements between a physician and an entity furnishing a designated health service under the Medicare Program for purposes of the provisions of such title which deny payment for designated health services for which a referral is made by a physician with an ownership or compensation arrangement with the entity furnishing the service; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. STUPAK:

H.R. 2174. A bill to establish the Commission on Missing-in-Action and Prisoners of War in Southeast Asia; to the Committee on International Relations.

By Mr. WILLIAMS:

H.R. 2175. A bill to amend the Public Health Service Act and the Social Security Act to improve the access of rural residents to quality health care by consolidating various categorical programs into a single program of grants to the States, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. BARTON of Texas (for himself, Mr. PETE GEREN of Texas, Mr. SHADEGG, Mr. HALL of Texas, Mr. ALLARD, Mr. ARCHER, Mr. ARMEY, Mr. BACHUS, Mr. BAKER of California, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BLILEY, Mr. BLUTE, Mr. BOEHNER, Mr. BONILLA, Mr. BROWNBACK, Mr. BRYANT of Tennessee, Mr. BUNN of Oregon, Mr. BUNNING of Kentucky, Mr. BURR, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. CALVERT, Mr. CAMP, Mr. CHABOT, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRISTENSEN, Mr. CHRYSLER, Mr. COBLE, Mr. COBURN, Mr. COMBEST, Mr. COOLEY, Mr. COX, Mr. CRANE, Mr. CREMEANS, Mrs. CUBIN, Mr. CUNNINGHAM, Ms. DANNER, Mr. DEAL of Georgia, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN of Washington, Mr. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FOX, Mr. FRANKS of New Jersey, Mr. FRANKS of Connecticut, Mr. FRELINGHUYSEN, Mr. FRISA, Mr. FUNDERBURK, Mr. GALLEGLY, Mr. GANSKE, Mr. GILMAN, Mr. GOODLING,

Mr. GOSS, Mr. GRAHAM, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HANSEN, Mr. HASTERT, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HEFLEY, Mr. HEINEMAN, Mr. HERGER, Mr. HILLEARY, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUNTER, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. JONES, Mrs. KELLY, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LARGENT, Mr. LATHAM, Mr. LAUGHLIN, Mr. LEWIS of Kentucky, Mr. LIGHTFOOT, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS, Mr. MANZULLO, Mr. MARTINI, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mrs. MYRICK, Mr. NEUMANN, Mr. NEY, Mr. NORWOOD, Mr. PACKARD, Mr. PARKER, Mr. PAXON, Mr. PETERSON of Minnesota, Mr. QUILLEN, Mr. QUINN, Mr. RADANOVICH, Mr. RAMSTAD, Mr. RIGGS, Mr. ROBERTS, Mr. ROHRABACHER, Mr. ROYCE, Mr. SALMON, Mr. SANFORD, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SCHAEFER, Mrs. SEASTRAND, Mr. SENSENBRENNER, Mr. SKEEN, Mr. SMITH of Texas, Mrs. SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. TATE, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. THORNBERRY, Mr. TIAHRT, Mr. TORKILDSEN, Mr. UPTON, Mrs. WALDHOLTZ, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WICKER, Mr. YOUNG of Alaska, and Mr. ZELIFF):

H.J. Res. 106. Joint resolution proposing an amendment to the Constitution of the United States to require three-fifths majorities for bills increasing taxes; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. GILMAN):

H. Con. Res. 90. Concurrent resolution expressing the sense of the Congress concerning freedom of the press in Russia; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. KENNEDY of Rhode Island, Mr. STARK, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. BILBRAY, Mr. MEEHAN, Mr. REED, Mr. MOAKLEY, Mr. TORRICELLI, Mr. MENENDEZ, Mr. PALLONE, Mr. ZIMMER, Mr. MARTINI, and Mr. KENNEDY of Massachusetts):

H. Con. Res. 91. Concurrent resolution expressing the sense of the Congress that the United States should participate in Expo '98 in Lisbon, Portugal; to the Committee on International Relations.

By Mr. BUNNING of Kentucky (for himself, and Mr. JACOBS):

H. Res. 209. Resolution honoring the old-age, survivors, and disability insurance program upon the 60th anniversary of the enactment of the Social Security Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HYDE introduced a bill (H.R. 2176) for the relief of Christopher Urban; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 103: Mr. MCCOLLUM.
H.R. 109: Mr. HOEKSTRA, Mrs. MORELLA, Mr. LATHAM, and Mr. MCCOLLUM.
H.R. 127: Mr. ENGLISH of Pennsylvania and Mr. YOUNG of Florida.
H.R. 359: Mr. STUDDS.
H.R. 373: Mr. BEVILL.
H.R. 468: Mr. LIVINGSTON.
H.R. 497: Mr. ENGEL, Mr. ORTON, Mr. DICKEY, Mr. WELDON of Florida, Mrs. ROUKEMA, Mr. PORTER, and Mr. LAUGHLIN.
H.R. 656: Mr. MCCOLLUM.
H.R. 721: Mr. ZIMMER.
H.R. 739: Mr. PICKETT and Mr. KIM.
H.R. 783: Mr. WILLIAMS.
H.R. 862: Mr. NORWOOD.
H.R. 931: Ms. VELAZQUEZ, Mr. ENSIGN, and Mr. HERGER.
H.R. 975: Mr. ZIMMER.
H.R. 989: Mr. PACKARD.
H.R. 995: Mr. UPTON.
H.R. 1005: Mr. TAYLOR of North Carolina.
H.R. 1006: Mr. PASTOR.
H.R. 1023: Mr. MCKEON.
H.R. 1050: Mr. NADLER.
H.R. 1099: Ms. DUNN of Washington.
H.R. 1161: Mr. PARKER, Mr. SCARBOROUGH, Mr. MASCARA, Mr. PETE GEREN of Texas, and Mr. EHLERS.
H.R. 1242: Mr. ZIMMER and Mr. ALLARD.
H.R. 1300: Mr. HAYES.
H.R. 1461: Mr. COBLE.
H.R. 1493: Mr. LINDER and Mr. BARR.
H.R. 1514: Mrs. KELLY, Mr. GRAHAM, Mr. WAMP, Mr. DOOLEY, Mr. LOBIONDO, Mr. DICKEY, Mr. ABERCROMBIE, Mr. NORWOOD, Mr. JOHNSTON of Florida, Mr. KILDEE, and Ms. MCCARTHY.
H.R. 1625: Mr. MCCRERY.
H.R. 1713: Mr. THOMAS.
H.R. 1733: Mr. BERMAN.
H.R. 1734: Mr. CONYERS.
H.R. 1744: Mr. OBERSTAR.
H.R. 1748: Mr. WILLIAMS.
H.R. 1766: Mr. SHAYS, Mr. LUTHER, Mr. OXLEY, Mr. FROST, Mr. CLINGER, Mr. THOMAS, Mr. PETERSON of Minnesota, Mr. EHLERS, and Mr. PETRI.
H.R. 1856: Mrs. VUCANOVICH.
H.R. 1893: Mr. SERRANO and Mr. QUINN.
H.R. 1915: Mr. COLLINS of Georgia, Mr. HANSEN, Mr. HORN, Mr. ROYCE, Mr. PAXON, Ms. MOLINARI, Mr. LINDER, and Mr. Hastert.
H.R. 1972: Mr. BACHUS, Mr. TAYLOR of North Carolina, Mr. LOBIONDO, and Mr. KLUG.
H.R. 2013: Mr. SANDERS.
H.R. 2026: Mr. HASTERT, Mr. SKEEN, and Mr. KASICH.
H.R. 2027: Mr. GREENWOOD.
H.R. 2077: Mr. BALDACCI.
H. Con. Res. 47: Mr. MENENDEZ, Mr. BLILEY, Mrs. VUCANOVICH, and Mr. WELDON of Pennsylvania.
H. Con. Res. 79: Mr. HASTINGS of Florida.
H. Res. 36: Mr. CRAMER.
H. Res. 123: Mr. CUNNINGHAM
H. Res. 200: Mr. JOHNSTON of Florida, Mr. FROST, Mr. FLANAGAN, and Mr. SCHUMER.
H. Res. 202: Mr. OLVER and Mr. BROWN of Ohio.
H. Res. 203: Mr. OLVER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 55: Page 23, line 17, strike ''$7,162,603,000'' and insert ''$9,169,603,000''; and

On page 21, line 6, strike ''$5,577,958,000'' and insert ''$3,184,958,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 56: Page 23, line 17, insert ''(reduced by $493,000,000)'' before ''to remain available''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 57: Page 26, line 10, strike ''$908,125,000'' and insert ''$877,125,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 58: Page 28, line 11, strike ''$13,110,335,000'' and insert ''$13,010,335,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 59: Page 28, line 11, insert ''(reduced by $100,000,000)'' before ''to remain available''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 60: Page 28, line 11, insert ''(reduced by $200,000,000)'' before ''to remain available''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 61: Page 28, line 11, insert ''(reduced by $1,000,000,000)'' before ''to remain available''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 62: Page 28, line 24, insert ''(reduced by $450,000,000)'' before ''to remain available''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 63: Page 32, line 17, strike ''$746,698,000'' and insert ''$784,000,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 64: Page 32, line 20, strike ''$53,400,000'' and insert ''$90,702,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 65: Page 33, line 10, strike ''$688,432,000'' and insert ''$738,432,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 66: Page 35, line 11, strike ''$75,683,000'' and insert ''$70,683,000''.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 67: On page 77, line 8 delete $250,000 and insert $148,400.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 68: On page 82 line 23 delete everything from ''SEC. 8094'' through ''reasons.'' on page 83 line 25.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 69: On page 85 line 20 delete everything from ''SEC. 8098'' through ''Center.'' on page 86 line 11.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO. 70: On page 90 line 19 strike everything from ''(d)'' through ''commences.'' on page 91 line 2.

H.R. 2126

OFFERED BY: MR. OBEY

AMENDMENT NO 71: Page 94, after line 3, insert the following new section:

SEC. 8107. None of the funds in this Act may be used for the continuation of the Extremely Low Frequency Communication System of the Navy.

H.R. 2126

OFFERED BY: MR. SCHUMER

AMENDMENT NO. 72: Page 16, line 14, after the dollar amount, insert the following: ''(increased by $50,000,000)''.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 117: Page 31, line 18, strike $85,423,000 and insert $67,423,000.

Page 35, line 21, strike $411,781,000 and insert $405,781,000.

Page 42, line 7, strike $645,000,000 and insert $669,000,000.

Page 42, line 7, strike $550,000,000 and insert $584,000,000.

Page 42, line 10, strike $50,000,000 and insert $40,000,000.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 118: Page 31, line 18, strike $85,423,000 and insert $67,423,000.

Page 35, line 21, strike $411,781,000 and insert $405,781,000.

Page 42, line 7, strike $645,000,000 and insert $669,000,000.

Page 42, line 7, strike $550,000,000 and insert $584,000,000.

Page 42, line 10, strike $50,000,000 and insert $40,000,000.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 119: Page 42, line 13, after the colon, strike all through Page 42, line 22.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 120: Page 42, line 13 after the colon, strike all through Page 42, line 22.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 121: Page 42, line 20, after the colon, strike all through Page 42, line 22.

H.R. 2127

OFFERED BY: MR. BATEMAN

AMENDMENT NO. 122: Page 42, line 20, after the colon, strike all through Page 42, line 22.

H.R. 2127

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 123: Page 25, line 5, strike ''$2,085,831,000'' and insert ''$2,063,331,000''.

Page 42, strike line 7 and insert ''$655,000,000, of which $550,000,000 shall be for basic''.

H.R. 2127

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 124: Page 35, line 21, strike ''$411,781,000'' and insert ''$396,599,000''.

Page 42, strike line 7 and insert ''$657,009,000, of which $562,009,000 shall be for basic''.

H.R. 2127

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 125: Page 35, line 21, strike ''$411,781,000'' and insert ''$396,599,000''.

Page 25, line 5, strike ''$2,085,831,000'' and insert ''$2,063,331,000''.

Page 42, strike line 7 and insert ''$667,009,000, of which $572,009,000 shall be for basic''.

H.R. 2127

OFFERED BY: MR. EDWARDS

AMENDMENT NO. 126: Page 42, line 13, strike the colon and all that follows through ''8003(e)'' on line 22.

H.R. 2127

OFFERED BY: MR. EMERSON

AMENDMENT NO. 127: Page 37, line 7, after the dollar amount, insert the following: ''(reduced by $2,000,000)''.

H.R. 2127

OFFERED BY: MR. EMERSON

AMENDMENT NO. 128: Page 88, after line 7, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for ''DEPARTMENT OF HEALTH AND HUMAN SERVICES—Administration for Children and Families—Children and families services programs'' is hereby reduced by $2,000,000.

H.R. 2127

OFFERED BY: MR. HASTERT

AMENDMENT NO. 129: Page 54, line 14, strike ''objective criteria'' and insert ''specific criteria''.

H.R. 2127

OFFERED BY: MR. SAM JOHNSON OF TEXAS

AMENDMENT NO. 130: Page 88, after line 7, insert the following new title:

TITLE VIII—OTHER PROGRAMS

PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

SEC. . In addition to amounts otherwise provided in this Act, for carrying out programs under the head ''SCHOOL IMPROVEMENT PROGRAMS''; for carrying out programs under the head ''VOCATIONAL AND ADULT EDUCATION'', respectively, $50,000,000 and $100,000,000, to be derived from amounts under the head ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'', $60,000,000: *Provided*, That, notwithstanding any other provision in this Act, none of the funds under the head ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'' shall be expended from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

H.R. 2127

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT NO. 131: Page 84, lines 10 through 13, strike the following phrase:

the provision of funds for acquisition (by purchase, lease or barter) of property or services for the direct benefit or use of the United States,

H.R. 2127

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 132: Page 80, strike lines 13 through 22 and insert the following:

''(C) any act of self-dealing (as defined section 4941(d) of the Internal Revenue Code of 1986, determined by treating only government officials described in paragraph (1) or (2) of section 4946(c) of such Code as disqualified persons) between such an official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code;''.

Page 84, at the end of line 15, insert the following: ''In the case of an organization described in paragraph (3) or (4) of section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, all of the funds of such organization shall be treated as from a grant.''

H.R. 2127

OFFERED BY: MR. MENENDEZ

AMENDMENT NO. 133: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available by this or any other Act may be used to pay the salary of any government official (as defined in paragraph (1) or (2) of section 4946(c) of the Internal Revenue Code of 1986) when it is made known to the Federal official having authority to obligate or expend such funds that there has been an act of self-dealing (as defined section 4941(d) of such Code, determined by treating such government officials as disqualified persons) between such government official and any organization described in paragraph (3) or (4) of section 501(c) of such Code and exempt from tax under section 501(a) of such Code.

H.R. 2127

OFFERED BY: MR. NEY

AMENDMENT NO. 134: Page 41, after line 8, insert the following section:

SEC. 210. Of the first dollar amount specified in this title under the heading ''AGENCY FOR HEALTH CARE POLICY AND RESEARCH—HEALTH CARE POLICY AND RESEARCH'', $39,900,000 is transferred from such amount, of which $30,000,000 is available for allotments for State Developmental Disabilities Councils under part B of the Developmental Disabilities Assistance and Bill of Rights Act, $8,900,000 is available for grants to university affiliated programs under part D of such Act, and $1,000,000 is available for grants and contracts for projects of national significance under part E of such Act.

H.R. 2127

OFFERED BY: MR. WATTS OF OKLAHOMA

AMENDMENT NO. 135: Page 25, line 5, after the dollar amount insert ''(decreased by $5,000,000)''.

Page 35, line 21, after the dollar amount insert ''(decreased by $14,427,000)''.

Page 49, line 1, after the dollar amount insert ''(decreased by $20,000,000)''.

Page 42, line 7, after the dollar amount insert ''(increased by $24,427,000)''.

Page 45, line 7, after the dollar amount insert ''(increased by $15,000,000)''.

H.R. 2127

OFFERED BY: MR. WATTS OF OKLAHOMA

AMENDMENT NO. 136: Page 42, line 13, strike the colon and all that follows through ''8003(e)'' on line 22.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, WEDNESDAY, AUGUST 2, 1995 *No. 127*

Senate

(Legislative day of Monday, July 10, 1995)

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

The PRESIDENT pro tempore. We have a guest chaplain, Father Stephen Leva, St. Ann Church, Arlington, VA. He is the guest of Senator JOHN WARNER.

PRAYER

The guest chaplain, Father Stephen Leva, St. Ann Church, Arlington, VA, offered the following prayer:

Let us pray:

Almighty and eternal God: You have revealed Your glory to all nations. God of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted, and judgment is decreed. Assist with Your spirit of counsel and fortitude these women and men that they may be blessed with an abundance of wisdom and right judgment. May they encourage due respect for virtue; execute the law with justice and mercy; and seek the good of all the people of the United States.

Let the light of Your divine wisdom direct their deliberations and shine forth in all proceedings and laws framed for our rule and government. May they seek to preserve peace, promote civic happiness, and continue to bring us the blessings of liberty and equality. We likewise commend to Your unbounded mercy all the citizens of the United States; that they may be blessed in the knowledge and sanctified in the observance of Your law. May we be preserved in union and that peace which the world cannot give; and, after enjoying the blessings of this life, be admitted to those which are eternal. In Your holy name. Amen.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, the Senate will proceed to consideration of S. 1026, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consideration of the bill.

Mr. THURMOND. Madam President, today the Senate begins consideration of S. 1026, the National Defense Authorization Act for fiscal year 1996. The bill we bring to the floor incorporates the Armed Services Committee's best judgments on the Nation's defense requirements. It is based on many long hours of testimony, analysis, debate, and consideration of opposing views.

I would like to thank the distinguished ranking member of the committee, Senator NUNN, for his outstanding leadership, and for his open, fair, and bi-partisan manner. I would also like to thank the members of the committee and the professional staff for their dedication and hard work.

It has been a privilege to work with Senator NUNN to bring this bill to the Senate. Although it is a good bill, not every Member, including me, is happy with every part of it. Throughout the past 6 months the committee worked in its traditional bipartisan manner because the security of the United States and the safety of our people are paramount. The bill reflects this cooperative effort, provides a clear direction for national security, and maintains a solid foundation for the defense of the Nation.

The committee's overarching intent was to revitalize the Armed Forces and enhance or preserve our national security capabilities. That is essential in this post-cold-war world in order to provide the leadership and stability which are critical to the growth of democracy. Our military must be capable and ready in order to provide our men and women in uniform the best possible chance to succeed and survive in every demanding situation. We were reminded recently, with the dedication of the Korean War Memorial, that freedom is not free. We must always remember that courage and sacrifice are the price of freedom.

This bill would fund defense at $264.7 billion in budget authority for fiscal year 1996. I have noted with interest some inaccurate reports in the press that the bill would increase defense spending, and I would like to set the record straight. The funding level in the bill we bring to the floor today is nearly $6.2 billion lower in real terms than last year's bill, and that represents a decline of 2 percent. Although it had been my hope to preserve funding at last year's level, this is the best the committee could do, given the budgetary pressures facing the Congress.

I have stated repeatedly that the administration is cutting defense too far, too fast. Most credible analysts conclude there is a shortfall of at least $150 billion in defense budget authority over the future years defense plan. Although the proposal contained in this bill represents a decline in defense spending, I would note that the funding level is still $7 billion higher than the administration's budget request. The administration requested a defense budget 5 percent lower than the fiscal year 1995 level, and that is simply unwise.

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

Printed on recycled paper containing 100% post consumer waste

Despite a decline in defense spending, the bill provides the resources to maintain substantial U.S. military power and the ability to project that power wherever our vital interests are at stake. An implicit theme in our bill is that any aggressor or potential adversary should know that our military services will remain the most effective and combat ready in the world.

National security is the most important responsibility of the Federal Government, and as we begin debate on this matter, I would like to explain the priorities which the committee kept in mind in crafting the bill, and highlight a few key decisions. The first objective was to ensure that forces remain viable, and manned at sufficient levels by people of the highest quality. Well-motivated, well-trained, and well-led soldiers, sailors, airmen, and marines are the bedrock of national security. Strong support for equitable pay and benefits, bachelor and family housing, and other quality of life measures are key elements in attracting and retaining high-quality people. Perhaps more importantly, this bill expresses the commitment of the Senate to our men and women in uniform and attempts to uphold our part of the implied contract.

Our second objective was to ensure the military effectiveness and combat readiness of the Armed Forces. We believe the funding levels we have recommended will be barely adequate to take care of current readiness if the Department of Defense manages resources wisely and carefully.

The quality of overall readiness essentially depends on adequate funding for both current and future readiness. Although this funding allocation is often described in shorthand as a balance, I would suggest it is a fundamental obligation of the Federal Government to provide adequate resources for both current and future readiness. However, the mix is important because a disproportionate allocation of scarce resources to operation and maintenance accounts would limit funds for the research, development, and procurement essential to modernization. We sought to achieve a reasonable balance. We also addressed multiyear procurement to avoid creating bow waves of funding requirements in subsequent years.

Department of Defense decisions to cancel or delay modernization programs create unrealistic modernization requirements for the future. The committee has addressed critical modernization needs by adding $5.3 billion in procurement and $1.7 billion in research and development accounts to offset some of these problems. We believe the Department of Defense must continue to fund procurement, and research and development, at similar inflation-adjusted levels in future budget requests.

Congress must also continue to provide sufficient funds for research and development to ensure the military's technological superiority in the future. If we do not, future readiness will be jeopardized. Unless the research and development, and procurement accounts are adequately funded from year to year, the services will not have the right weapons, in sufficient quantity, to be able to fight and win in the next decade. We must remember that the force we sent to war in Desert Storm was conceived in the 1970's and built in the 1980's. We must focus on the future.

Third, we addressed the proliferation of missile technology and weapons of mass destruction. We cannot stand by, idly watching, as an increasing number of foreign states develop and acquire long-range ballistic and cruise missiles. Many people do not realize that we currently have no defense whatsoever against any missile launched against the United States. None. Such missiles are capable of carrying nuclear, biological, and chemical payloads to any point in our country. We, in the Congress, will richly deserve the harsh judgment of our citizens if we fail to prepare for this clear eventuality.

It is our grave responsibility to ensure we develop the capability to defend both our deployed forces and our homeland. The committee provided direction and funds for both these requirements in the Missile Defense Act of 1995. This title of the bill initiates a new program for defense against cruise missiles, while funding robust theater missile defenses. It also mandates a national missile defense program which will lead to the limited defense of the United States by the year 2003. I remind my colleagues that the largest single loss of life in the Persian Gulf war was from one, crude, Iraqi Scud missile that was not even targeted for the building it struck. It is entirely reasonable to spend less than 1½ percent of the defense budget to meet this serious security threat.

The bill's ballistic missile defense provisions also address the administration's attempts to limit theater missile defenses by an inaccurate interpretation of the ABM Treaty. That treaty was intended to limit only defenses against strategic ballistic missiles, not theater defenses. Unless this distinction is enforced, we will end up building less-than-optimally capable systems which may not be effective against the highly capable missile threats emerging in the world's most troubled regions.

Fourth, the committee was deeply concerned about maintaining the viability of the Nation's offensive strategic forces. According to the Nuclear Posture Review, the United States will continue to depend on its nuclear forces for deterrence into the foreseeable future. Safe, reliable, and effective nuclear weapons are at the core of deterrence. In this bill the committee directs the Department of Energy to meet its primary responsibility of maintaining the Nation's nuclear capability. This means the Energy Department must focus on a stockpile management program geared to the near-term refabrication and certification requirements outlined in the NPR. If DOE cannot or will not shoulder this responsibility, then another agency must be assigned the task. Unless steps are taken now to maintain a nuclear weapons manufacturing infrastructure and a safe, reliable nuclear weapons stockpile, we face the very real prospect of not being a first-rate nuclear power in 10 to 15 years.

The committee addressed the role of long-range, heavy bombers in projecting power. Although I regret the committee's vote not to fund the B–2 program, I understand the concerns of Members on both sides about the high cost of the program.

The committee is also concerned that the administration's budget request did not include funding for numerous operations which the Armed Forces are currently conducting, even though the administration knew when it submitted its budget request that these operations would continue into fiscal year 1996. We authorized $125 million to pay for these ongoing operations in order to avoid the kind of problems with curtailed training which emerged last year.

I caution the administration that one consequence of paying for these operations on an unprogrammed, ad hoc basis is ultimately to deny the funds necessary for readiness. Last year, the practice of paying for peacekeeping and other contingency operations without budgetary or supplemental funding was directly responsible for lower readiness ratings and curtailed training in some units. Unless the Department of Defense includes the funds for such operations in the budget request, it will be difficult if not impossible for Congress to assess the impact these operations will have on other accounts. The oversight responsibilities of Congress are hindered, if not usurped, when the Department does not budget for known requirements.

While I remain confident that this is a good defense bill under the present circumstances, I remain troubled. The defense budget trend over the past 10 years has been in constant decline, principally in response to budget pressures. The administration's request for procurement this year is at the lowest level since 1950, declining more than 71 percent in real terms since 1985. The defense budget is at its lowest level as a percentage of gross domestic product since 1940, just before a grossly unprepared United States entered World War II. Each successive budget since 1993 has continued to push recapitalization farther into the future. As a result, the Services have been forced to delay the fielding of critical modern systems while maintaining aging equipment at ever-increasing operating and maintenance costs.

The prospects of not having adequate defense funds in the coming years

should alarm us all. Despite the recommended fiscal year 1996 funding increase of $7.1 billion above the administration request, proposed future year budgets do not adequately fund the administration's Bottom-Up Review Force, which is itself barely adequate. These funding levels cannot meet known modernization needs and they do not even cover inflation. Shortfalls of the magnitude projected by the GAO and others will seriously impair the ability of the Department of Defense to field the combat-ready, modern forces essential to our national security. The limited progress reflected in this bill cannot be maintained unless future funding is increased.

As the Senate takes up this defense bill, some Members will no doubt argue that my concerns about steadily declining defense spending and emerging threats are misplaced. They will point out that the cold war is over and provide long lists of other programs that could absorb the money. Such criticisms always surface after a major victory, and just before the emergence of the next major threat. They are always shown in the long run to have been naive and shortsighted. They consistently fail to realize the usefulness of effective military power in shaping future events in ways that are favorable to us. They fail to recognize the instability and uncertainty of the times, and they fail to consider the future.

We cannot predict what challenges and dangers we will face in the future. We do not know with any certainty who will be our next peer competitor. I assure you, however, that a peer competitor will emerge and if such competitor believes there is an advantage because our military has been weakened, he will become bold and our challenge will be more significant. I encourage every Senator to keep this in mind as we debate this bill over the next few days.

I thank the Chair, and yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Madam President, as we begin debate on the National Defense Authorization Act for fiscal year 1996, I first want to congratulate Senator THURMOND and his staff on reporting together the first defense authorization bill that has been reported with Senator THURMOND as committee chairman. Although he has been a stalwart for many years on the committee and has helped prepare the bills in the past, this is his first bill as the official chairman of the committee.

The major themes of this bill reflect Senator THURMOND's longstanding and strong and effective support for our national security. It has been my great privilege and honor to have worked with Senator THURMOND in the Senate and on the Armed Services Committee for all of my 22 years, and for at least maybe slightly more than half of his time here in the U.S. Senate. His career—and his decorated service in World War II and unwavering support for strong national defense, and his devotion to the men and women of the Armed Forces—has served as a model and an inspiration to me, and to, I believe, his fellow members of the Armed Services Committee and the Senate.

The 18 to 3 vote in favor of the bill in the Armed Services Committee reflects the fact that the bill continues many bipartisan efforts initiated by our committee in recent years, such as improvements in military pay and benefits, modernization of weapons systems, and protecting, as Senator THURMOND laid out, military readiness and personnel quality. This bipartisan support also reflects the actions taken by the committee to address concerns raised by Secretary of Defense Bill Perry about a number of the provisions in the House bill. In contrast to the action taken by the House, for example, our bill provides full funding for the Nunn-Lugar Cooperative Threat Reduction Program, the program that is aimed at trying to prevent proliferation of nuclear, chemical, and biological weapons all over the globe. It also avoids micromanaging the Office of Secretary of Defense, as was done in the House bill, and we do not have unworkable restrictions on military operations as the Secretary of Defense specified very clearly he feared was being done in the House bill.

The bill before us provides $264.7 billion in budget authority, the amount specified in the budget resolution. This amount, which is $7 billion above the budget request, will enable us to fund the types of initiatives that have received bipartisan support in the past. This includes personnel programs such as the 2.4-percent pay raise for members of the Armed Forces and modernization programs from fighter aircraft such as the F–22 to unglamorous but essential items such as Army trucks. Most of the programs authorized by the committee reflect the administration's priorities as set forth in the current year budget request or in the future years defense program which covers the next 5 years. Dr. Perry, in his discussions with the committee, urged us to focus any additions to the budget on acquisition programs that are in DOD's future years defense program. The bill before us largely follows this recommendation.

And I believe as various Members may come to the floor and say that we do not now need this program or that program which is funded with the additional money that has been put in this bill that was provided in the budget resolution, I think it is very important for Members to keep in mind that these programs—most of them, not every, but most of them—that have been added are in the 5-year defense plan that Secretary Perry favors. And I think that is important for people to keep that in mind. That was the request that Dr. Perry made of this committee, and I think we have largely honored that request.

Madam President, this bill contains important legislative initiatives such as the authority to use innovative programs to finance military housing and housing for unaccompanied troops. This was a strong request and initiative by Dr. Perry and the Defense Department.

In addition, we establish a defense modernization account, which I sponsored and our committee supported, which for the first time that I have any knowledge about will provide incentives for savings in defense programs for use of those savings to modernize the equipment for our men and women in uniform.

In other words, Madam President, if the Army, Navy, Air Force, and Marine Corps can find savings, we will let them put those savings in a carefully monitored account that will have to be, of course, monitored by the Congress and will have to follow our normal procedures. But those savings will be able to be used for the most critical deficiencies we face in modernization. And modernization in the outyears, the years ahead, is the biggest challenge we face.

I think everyone would acknowledge that we are, even with the increases in this budget, underfunding the outyear modernization. When our equipment starts to wear out, which much of it will toward the end of this century, we are not going to have sufficient funding even with the increases in this bill to cover that.

So what we want to do in this defense modernization account—I know some Members will have some suggestions and concerns which we will certainly listen carefully to—but this account will be controlled by the Congress. It will be subject to the normal reprogramming and authorization and appropriation procedures which we have now.

There is a limit on how much can be accumulated. But for the first time we will be saying to each of the services, ''You will now have an incentive. If you figure out how to save money, it can go into an account. We are not going to grab that money and take it away from you as your punishment for saving it. We are going to let you spend it subject to the congressional oversight as outlined on the critical programs you need in the future.''

I believe this kind of initiative has real potential and promise in terms of giving people throughout the military services a real incentive to try to save money. We all know the horror stories of what we have heard for years, not just in the military but in all areas of Government where, when you get down toward the last couple of months of the fiscal year, there is money that has not been spent, and the people involved in those decisions decide that if the money is not spent, not only will it lapse but also they will have the budget cut the next year.

So there is almost a perverse incentive throughout Government now to take whatever is not spent and spend it so that you do not have your budget cut the next year. We want to reverse that psychology. This is at least a beginning along that line.

My outline of the bill's highlights should not, however, be viewed as representing unqualified support for all the provisions of this bill. The numerous rollcall votes during our committee markup reflect the serious concerns of many Members about inadequate funding of important programs as well as questions about some of the priorities reflected in this bill.

There is much in this bill that I support, and I do support the overall bill. But I do have serious reservations about those aspects of the bill that appear to head back without very much thought given to the period of the cold war.

For example, the proposed new Missile Defense Act of 1995 sets forth a commitment to the deployment of missile defenses without regard, without any regard for the legal requirements of the Anti-Ballistic Missile Treaty which we are a party to and which we signed and which is an international obligation of the United States of America, until changed or until we withdraw from the treaty under the terms of the treaty. That is our obligation. That is a law. That is a treaty. It is binding.

The same provision contains legally binding timetables in our bill for deployment of missile defense systems. For example, section 235 requires a multiple site national defense system to reach the initial operational capacity in 2003. These timetables are though exempt from adequate testing. I hope we can have a system by then. I hope we can have one that really works, and I hope it will be calibrated to meet the threat that we may have in those outyears. But since the applicable missile testing statutes that were in previous laws are repealed in this National Defense Act we have before us, what we have is a timetable for actual deployment stated as a part of the law and repealing the testing that would be required to determine if the systems are ready to deploy or whether they are going to be effective when they are deployed.

I do not think that is a good combination. Finally, there is an arbitrary—and possibly unconstitutional—restriction on the obligation of funds by the executive branch to enforce the terms of the ABM Treaty.

I invite all of our colleagues to look at those aspects where there is a demarcation definition between the theater ballistic missile and the national missile defense that is precluded except under certain conditions in the ABM Treaty. I have no quarrel with those definitions. I think they are sensible definitions, and I think we do have to have a demarcation point because clearly theater missile defenses are not intended to be covered under the ABM Treaty. They never were covered. They should not be covered now.

The problem is once this definition is set forth, the executive branch is barred from doing anything at all regarding the ABM Treaty in terms of its own negotiations, and I think that that goes way too far. In fact, the wording of the proposal we have before us is so broad that any Federal official including Members of Congress would be precluded, as that statute now would read, from doing anything contrary to that definition. I think that goes too far, and I do not think that is what we want. I hope we can work in a cooperative way to iron out some of those difficulties, which I believe can be done, while continuing the strong goal and endorsement of moving forward with defenses without doing so in a way that is counterproductive.

The Department of Energy portions of the bill contain provisions that direct the creation of new capabilities for the remanufacture of nuclear weapons.

Madam President, I have serious questions about whether this is a premature judgment at this time. The Department of Energy ''Stockpile Stewardship'' plan is only now under review by the Department of Defense. I know that Mr. DOMENICI, the Senator from New Mexico, and others have been in discussion with Senator THURMOND and his staff and Senator LOTT and his staff, Senator KEMPTHORNE, on these energy questions, and I hope we can work something out here that makes sense, that moves us in the right direction without making premature judgments that are not ripe for decision.

Madam President, these are important issues for discussion and debate. There are questions about the potential international implications of a number of these provisions. For instance, the Russian leadership and their Parliament have stressed repeatedly, both to this administration and to various Members of the Senate and House, both parties, the importance they attach to continued compliance with the ABM Treaty. They have indicated that should they judge the United States no longer intends to adhere to that treaty, then they would abandon their efforts to ratify the START II Treaty, which is now pending in the Russian Duma.

Further, they warned that they would stop further compliance with other existing treaties including the drawdowns mandated by START I. In my judgment, there is a real danger that the provisions of the Missile Defense Act will be considered by the Russians as what is known as ''anticipatory breach'' of the ABM Treaty.

Madam President, if this bill leads to that outcome, it will not enhance our national security. It will be adverse to our national security. Under START I and START II, the arms control treaties which have been entered into by Republican Presidents and adhered to by Democratic Presidents, the Russians are obliged under the terms of these treaties to remove more than 6,000 ballistic missile warheads from atop their arsenal of ICBM's and submarine-launched ballistic missiles. This includes the very formidable MIRV'd SS–18 ICBM's, the very ones that threaten our land-based Minuteman and MX missiles with first-strike possibilities.

These are not insignificant treaties, Madam President. They basically remove much of the first-strike capability that we spent 10, 15 years being concerned about and spending hundreds of billions of dollars trying to defend against.

They will also have to remove all of their MIRV'd SS–24 missiles and completely refit their ICBM force with single warhead missiles. These are goals that were worked on in a bipartisan fashion for several decades by both Democrats and Republicans with a lot of the leadership coming from Republican Presidents in the White House.

This removal of 6,000 warheads by treaty is a far more cost effective form of missile defense than any ABM system that the SDI Program has ever envisioned. I am not one of those who believes we ought to be so locked into every provision of the ABM Treaty that we do not believe it is a document that has to be improved, that has to be amended. I think it does. I do not think it is completely up to date. I think we need to take another look at it. I think we need to review it. I think there are changes that can be made and should be made in accordance with the provisions of the treaty.

Yet, this bill, if enacted, would create a very high risk of throwing away both the START II reductions which have not yet taken place, and the START I reductions which are taking place now. Because this bill, No. 1, acts as if the ABM Treaty does not exist; it does not even really acknowledge that there are any concerns. No. 2, it ignores the opportunity to negotiate sensible amendments with the Russians. And I think it is premature to believe that that effort cannot succeed. I do not think we have even started real serious efforts, and I think that those efforts at least have a strong possibility of success. And No. 3, this bill does not acknowledge that we can get out of that treaty. We can exit the treaty under its own terms if our national security is threatened.

If we are going to get out from under the ABM Treaty, if we are going to basically decide it no longer is in our national security interests, then we ought to get out of the treaty the way the treaty itself provides, which is our obligation under international law and our obligation under the treaty itself. We can serve 6 months' notice and exit the treaty if the Russians are not willing to make changes which we believe are necessary for our national security. That is the way to get out of the treaty. We should not get out of the treaty

by anticipatory breach with provisions of the law that we have not carefully thought through.

Indeed, Madam President, in this respect the actions proposed in the bill could be self-fulfilling. They could provoke Russia to stop its adherence to the START Treaties which would leave a huge arsenal of Russian missiles in place and we would then have to move from a thin missile defense to protect against accidental launch or to protect some kind of small nation, radical nation, or terrorist group launch, we would then have to start worrying about the SS–18's again.

Now, do we really want to do that? Do we want a self-fulfilling circle? We take action without regard to the ABM Treaty in this bill. The Russians react by not basically going through with START II. Then they decide they are not going to comply with START I. Then they decide they are not going to comply with the conventional forces reduction in Europe causing all sorts of problems there.

Then, of course, we have to increase our defense. We have to go from the kind of system that President Bush wanted, which is an accidental launch type thin system that does not cost hundreds of billions of dollars, is achievable, that we can do. We could go to a much different kind of system. We are back in a spiral of action and reaction between the United States and Russia. I do not think we really want to go back into that atmosphere. That is one of the accomplishments we have had in the last 10 years. I do not think that is what the authors of these provisions in the bill really intend. But I think it has got to be thought about because those are the implications of where this bill will head.

Madam President, this leads me to pose several questions. Are we as a nation better off if the START I and START II treaties are abandoned than if they remain in force? If somebody thinks we ought to abandon them and we are better off without them, why do we not say so? Why do we not say so? We have got to stop legislating as if there are no consequences to what we legislate. Other people in the world react. I think that is the way we have legislated too many times on foreign policy. I see it increasingly taking place. We act as if we can take part of a cake, legislate, forget the consequences, and not even own up to what is likely to happen based on what we ourselves are doing.

The second question. Are we and our NATO allies better off if the Russians decline to be bound by the limits on deployments of conventional forces contained in the Conventional Forces in Europe Treaty? We have already drawn down our forces to 100,000. The allies are reducing significantly, in many cases more than we are. We are drawing down based on the CFE Treaty and based on the Russians' behavior because they have indeed dramatically reduced their forces. Do we really want to reverse that?

Of course, someone can say, well, the Russians cannot afford it now. They are not going to be able to build up. That is probably true. I think for the next 5 to 6 to 7 years, they will not be able to afford a conventional buildup. What they can do is start relying on their early use of nuclear weapons very quickly, like tomorrow morning. If they are going to decide they are going to give their battlefield commanders tactical nuclear weapons again, we are going to go right back to a hair trigger situation. That is what they can do. That is cheap. That is the cheap way. I do not think that is what we want. I do not think that is what the Russian leadership wants at this stage. But are we thinking about what we are doing?

Next question. What will be the effect on Russian cooperation with us in forums such as the U.N. Security Council if arms control agreements are abandoned, even if it is an inadvertent abandonment on our part?

Fourth question. What is the ballistic missile threat to U.S. territory that requires us to abandon compliance with the ABM Treaty and to abandon the pursuit of possible amendments to that treaty even when there is nothing whatsoever in that treaty that prevents us from taking every step we would otherwise take in the next fiscal year? Why are we doing this at this point in time? I think that is the question. If we were at a point where we had to make a decision, then I could understand some of the pressure in this regard. But there is nothing, according to all the testimony, there is nothing whatsoever in the ABM Treaty, even as now interpreted, that prevents us from taking every step we need to take in the next fiscal year. So why are we doing this? I do not have an answer to that.

Finally, what is the nature of the theater missile threat? And that is what I believe everyone would acknowledge is the greatest priority, the greatest threat we have now. It is not a future threat. It is a present threat, theater ballistic missiles. We already face those. As Senator THURMOND outlined in his opening statement, we faced those in the Persian Gulf war.

What is the change that has taken place? That basically would have us, as we are doing in this bill, have the money for developing and deploying no less than four overlapping-coverage missile defense systems to protect the rear area of the theater while leaving our U.S. forward-deployed ground troops totally unprotected from attack by existing enemy short-range missiles.

Madam President, I will have an amendment later in this process that will add back in the only program we have to protect our frontline troops from short-range missiles. Those are the threats we face right now. We have a program called Corps SAM that is aimed at making those systems that can protect frontline troops. That system has been totally zeroed out in this bill; $35 million has been taken out. I assume that was part of the money that went into the beef-up of $300 million for national missile defense. I think that is a reverse priority. We ought the deal with the most imminent threats first. The most imminent threat we face now is the theater ballistic missile threat, particularly the frontline effect on our troops from short-range missiles. So I will have an amendment that I hope we can get some attention to in adding back that program at a later point in this debate.

Madam President, I have a number of other concerns about the bill. First, our ability to monitor and control treaty-mandated strategic weapons reductions could be affected by the failure of the bill to fully fund the Department of Energy's arms control and nonproliferation activities. I am not certain whether that provision is part of the negotiation that is ongoing now with the Senator from New Mexico, Senator DOMENICI, and Senator BINGAMAN who has taken a great lead in this, but I am sure that will be the subject of some debate here on the floor.

The other provisions, I think there are questionable priorities, as mentioned for the missile defense programs. While the bill provides an additional $300 million in funding for the national defense program and $470 million for other missile defense programs which were not requested by the administration, the Corps SAM missile defense system, which is strongly supported by the war-fighting commanders. That program is terminating. We will have a letter from our war-fighting commanders showing that is one of their top priorities. It makes no sense to provide vast increases for long-range speculative programs that will require billions in expenditure before their validity can be assessed while denying funds for specific theater missile defense initiatives designed to protect our frontline troops which we have the possibility of securing in the very short-range distant future—in the very next few years.

Madam President, also, I am concerned that the bill fails to fund certain ongoing Department of Defense programs on the theory that the programs should be funded by other agencies, even though neither the budget resolution nor the committee bill makes any provision for any other agency to assume DOD's responsibilities. These include programs that have received bipartisan support for many years, such as humanitarian assistance, which was initiated by our former colleague, Republican Senator Gordon Humphrey; foreign disaster relief, which was initiated by another former colleague, Republican Senator Jeremiah Denton; and the civil-military cooperative action program, which was developed on a completely bipartisan basis by the Armed Services Committee.

Madam President, there are many good features in this bill, but there are a number of key areas where this bill can be improved during the consideration by the Senate. I look forward to working with Senator THURMOND, the other members of the committee, and the Senate in a cooperative fashion to move this bill along so we can complete our work in a timely fashion, and so that we can come out with a solid bill that will move our national security in the right direction.

Madam President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, the President pro tempore.

Mr. THURMOND. Madam President, I wish to thank the able ranking member for his kind remarks and also thank him for his fine cooperation in getting this bill to the floor.

Madam President, I will now ask that the able Senator from Oklahoma [Mr. INHOFE] be recognized.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I do have an opening statement.

Madam President, before presenting my opening statement, I would like to yield momentarily to Senator KYL for the purpose of proposing an amendment.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 2077

(Purpose: To state the sense of the Senate on protecting the United States from ballistic missile attack)

Mr. KYL. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. INHOFE, proposes an amendment numbered 2077.

Mr. KYL. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

On page 371, below line 21, add the following:

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that ''[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.''.

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes ''. . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . .''.

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that ''[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.''.

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that ''. . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.''.

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that ''[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''.

(11) The end of Cold War has changed the strategic environmental facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that ''[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutural Assured Safety.''.

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballstic missile attack.

Mr. KYL. Madam President, I just wanted to propose this amendment now, since the Senator from Oklahoma, the coauthor of this amendment, is making his opening statement now because perhaps some of the remarks he will make in his opening statement will also reflect on the amendment, which we want to be considered next.

So I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Arizona.

Madam President, I am pleased today to speak on behalf of the Fiscal Year 1996 Defense Department Authorization Act. I urge my colleagues to preserve it in its somewhat inadequate but present form.

Mr. FEINGOLD addressed the Chair.

Mr. INHOFE. Since the 1991——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Would the Senator yield?

Mr. INHOFE. I would be glad to yield after the statement.

Mr. FEINGOLD. I ask unanimous consent that at the conclusion of the Senator's statement, I be permitted to make an inquiry of the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FEINGOLD. Madam President, I made a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Does he yield for that request?

Mr. FEINGOLD. Madam President, the Senator from Oklahoma indicated he had a statement. I merely ask unanimous consent that I be recognized for the purposes of that inquiry at the conclusion of the remarks of the Senator from Oklahoma.

Mr. INHOFE. I would like to ask the Senator to repeat his unanimous-consent request, please.

Mr. FEINGOLD. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized for the purposes of making an inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that request?

Mr. INHOFE. Yes.

Mrs. BOXER addressed the Chair.

I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. I thank you.

Mrs. BOXER. I have a parliamentary inquiry.

Mr. INHOFE. I do not yield.

The PRESIDING OFFICER. I am advised by the Parliamentarian that the Senator from Oklahoma has the floor. If he does not yield, there is no ability to request a parliamentary inquiry.

Does the Senator from Oklahoma yield the floor?

Mr. INHOFE. I do not yield until the conclusion of my opening statement.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. FEINGOLD. Madam President, does the Senator object to my unanimous-consent request? I ask unanimous consent that at the conclusion of his remarks I be recognized for purposes of making a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. If he

yields for a unanimous-consent request, it is his prerogative to do so. Does the Senator from Oklahoma yield the floor?

Mr. INHOFE. Not at this time, Madam President.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from——

Mr. FEINGOLD. The Senator indicated he would not object to my simply taking the floor to make a unanimous-consent request of the type I indicated. That is all I am asking at this time.

Mr. INHOFE. Madam President, let me continue my opening statement from the top again.

I am pleased to speak on behalf of this fiscal 1996 defense authorization bill. Although I believe it is still inadequate, I think it is as good as we could pass at this time.

Since the 1991 Persian Gulf war, the military has been cut, misused, neglected, and otherwise distracted from its ultimate purposes—protecting and preserving America's vital interests. This bill, with its House counterpart, represents a first step towards strengthening America's Armed Forces.

One of the most important messages which voters delivered in 1994 was the need to restore the strength of America's defenses. With this bill, the Senate has clearly had enough of the Clinton administration's weak hand in the national security arena. We have added $7 billion to the administration's request.

It has become fashionable in some circles to assert that now that the cold war is over, there is no longer a threat out there. But history has told us that most wars come with little or no warning. From the attack on Pearl Harbor to the invasion of Korea to the invasion of Kuwait, few could have predicted the size and scope of American military involvement which became necessary in the wake of these unexpected events. The lesson learned the hard way in Pearl Harbor remains true today: We must always be prepared.

President Reagan reminded us many times that we, as Americans, never have the luxury of taking our security for granted. It is up to each generation to take the steps necessary to preserve and pass on the legacy of freedom to the next. With this bill, we are beginning to take up that challenge.

As we look to the future, all we can predict with certainty is that there will be more surprises. What there will be we cannot be sure, but we can make some educated guesses. For instance, the gulf war taught us the growing importance of stealth, of space, and of ballistic missiles. As we look to the future, it is clear that technology will be playing a key role, both in shaping the threats we will be facing and the defenses that we will need.

Madam President, it was not long ago that the former CIA Director Woolsey estimated that there are somewhere between 20 and 25 nations that currently have or are developing weapons of mass destruction, either nuclear, chemical, or biological, and they are also developing the means with which to deliver those.

Today, we are going to have an amendment, the Kyl-Inhofe amendment, which will be addressing that, so I will not elaborate on that at this time but will seek time during the consideration of that amendment.

This is a good bill, but I must express my deep concern with the Senate's failure to support further funding of the B–2 bomber. The House, in its bill, had $553 million. America is reducing her military presence around the world. Budget constraints and the end of the cold war are naturally causing us to pull back our forward deployed forces overseas. But as a world leader, our continuing ability to project power around the world will be critical. Unfortunately, our ability to immediately respond in a crisis is going to be diminished unless we are able to use our technological advantages wisely.

This is why the revolutionary B–2 Stealth bomber is so important for our future arsenal. From bases within our own country, these aircraft can quickly deliver devastating payloads to virtually any target on Earth without refueling. They can penetrate the toughest air defenses with minimal risk to our pilots.

The B–2 multiplies mission cost-effectiveness. Today, the standard bombing run package using escorts, air defense suppression aircraft, refueling tankers, and bombers requires up to 67 aircraft and 132 crew members. The same mission can be completed with only two B–2's and four crew members.

Many Americans have been persuaded that sophisticated weaponry, such as the B–2, are relics of the cold war. They have been told that we can easily discard such systems without diminishing our security in the current world environment. They have been told that there are more important and immediate priorities. It is an easy argument to sell, but I do not buy it, and I plan to make my support for more B–2's clear as the deliberations go on.

For 8 years, Ronald Reagan gave us a policy of ''peace through strength,'' a policy which invested wisely in defense needs with a special emphasis on America's inherent leadership in advanced technology. I believe proven success of that policy should continue to guide our defense posture. This is why, despite my reservations regarding the B–2, I support this bill. It will help save lives and protect our vital interests in the future.

I congratulate Chairman THURMOND and Senator NUNN for the solid effort, united effort they put forth. I urge my colleagues to support it. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I would like to begin by complimenting both the chairman, Senator THURMOND, and Senator NUNN, for their work, and all the members of the Armed Services Committee for presenting a very good bill to the Senate this year. I do not have the honor of serving on the Senate Armed Services Committee. I did serve on the House Armed Services Committee for 8 years. Frankly, I am very pleased with the product that has come out of the committee this year.

I, second, want to associate myself with the remarks the Senator from Oklahoma just made. I believe they help to set the stage for a good debate on what we need to do to provide for the defense of the United States.

Third, Madam President, I want to begin a discussion of the amendment which Senator INHOFE and I have laid down and which I think deals with one of the key parts of the bill that has been presented this year. It is the issue of missile proliferation, and the question of what the United States ought to do about it.

Given the fact that there is some difference of opinion about exactly what the nature of the threat is and when we ought to begin to deal with that threat, it seemed to Senator INHOFE and me that we should add something to the bill in the way of findings and a sense of the Senate which expresses our belief that the American people should be defended from ballistic missile attack.

There are very fine findings currently in the bill. We all agree that those findings are a proper predicate for what follows in the bill. But we also believe that there are some other things that should be added as findings and that the Senate should go on record expressing its sense that Americans should be protected from either accidental, intentional, or limited ballistic missile attack.

Madam President, let me read the portions of the findings of the amendment which we believe help to lay the predicate for further action the Senate will be taking with respect to the protection of American people from ballistic missile attack. We say, first of all, that the Senate finds the proliferation of weapons of mass destruction and ballistic missiles present a threat to the entire world.

This threat was recognized by Secretary of Defense William J. Perry in February of this year in the annual report to the President and the Congress, which states:

> Beyond the five declared nuclear weapon states, at least 20 other nations have acquired, or are attempting to acquire, weapons of mass destruction—nuclear, biological, or chemical weapons, and the means to deliver them. In fact, in most areas where the United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.

We think this is an important finding because of this question that has been posed: Why should we be preparing some of the things that we are preparing now? Why should we be testing and

developing capable theater missile defenses and beginning to plan for the day when we would develop and eventually deploy a national missile defense system? It is because of the concern that has been expressed in this year's report to the President and Congress by the Secretary of Defense, among others.

Also, recently, in May of this year, at the summit in Moscow, President Clinton and President Yeltsin commented on this threat in a joint statement which recognizes:

. . . The threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat.

At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons. We further find that at least 24 countries have chemical weapons programs in various stages of research and development. Approximately 10 countries are believed to have biological weapons programs in various stages of development. And, finally, at least 10 countries are reportedly interested in the development of nuclear weapons.

Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce or threaten the United States Saddam Hussein recognized this when he stated on May 8, 1990:

Our missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.

Madam President, we further find in the preliminary findings to the sense-of-the-Senate resolution that international regimes like the nonproliferation treaty, biological weapons convention and the missile technology control regime, while effective, cannot by themselves halt the spread of weapons and technology.

On January 10, 1995, Director of the CIA, James Woolsey, said, with regard to Russia:

We are particularly concerned with the safety of nuclear, chemical and biological weapons, as well as highly enriched uranium or plutonium, although I want to stress this is a global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered 3 kilograms of 87.8 percent-enriched uranium in the Czech Republic—the larger seizure of near-weapons-grade material to date outside the former Soviet Union.

That is former CIA Director James Woolsey.

We further find in this resolution that the possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad, and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense, John Deutch, now Director of the CIA said:

If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.

(Mr. THOMPSON assumed the chair.)

Mr. KYL. Mr. President, these are not hypotheticals for other countries, other places in the world. This is the United States and our territory. The former Deputy Secretary of Defense says that they would potentially be at risk.

We further find, in finding 11, that the end of the cold war has changed the strategic environment facing and between the United States and Russia. That the Clinton administration believes the environment to have changed was made clear by Secretary of Defense William Perry on September 20, 1994, when he stated:

We now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, Mutual Assured Safety.

The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

That is the final finding in this sense-of-the-Senate resolution. As a result of all of these findings, these factors, of these statements made by the key representatives of this administration, it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Let me focus a moment on that simple one-sentence statement of what the sense of the Senate would be. We should be protected from accidental launch of ballistic missiles. I cannot think of anyone who would disagree with that sentiment. It does not take a star wars or a strategic defense initiative to protect against such an attack. We have the capability to develop, and ultimately deploy, a system which would provide that protection. Inherent within this bill is the beginnings of the development and deployment of such a system.

It is the sense of the Senate that all Americans should be protected from intentional ballistic missile attack. Obviously, if there is an intentional attack, we want to be protected from that. We mentioned the Taepo Dong 2 missile under development by the North Koreans. Should they decide to launch an attack against Alaska, for example, who among us would argue that we should not be prepared to meet that threat? Indeed, the mere threat that such an attack could be launched inhibits the conduct of our foreign policy because of the potential of blackmail by a country like North Korea.

To digress a moment to further elaborate on this point, one of the reasons that we have such a difficult time dealing with North Korea today is that North Korea does pose an offensive threat to millions of South Koreans and thousands of American troops against which we have no real defense, because of the proximity of Seoul, Korea to the long-range artillery of North Korea, and because of the deployment of North Korean forces. It is very clear that if there were a North Korean attack or bombardment from their artillery, literally millions of South Koreans and thousands of Americans would be killed before the United States had an opportunity to respond. We simply do not have a defense against that kind of an attack, unless everybody from Seoul, Korea could move back about 30 miles. That is obviously not going to happen.

Because of the nature of this threat, we are in a position to be blackmailed by North Korea. We cannot go in and deal with North Korea as we would like to because they do have a means of inflicting great harm and damage on us and on the people of South Korea. We literally have no way to stop it. The only way to respond to that is by some kind of massive military action that would hopefully roll them back. But the damage would already be done.

That is the same thing with respect to missiles. A missile can be either used for blackmail in the conduct of one country's foreign policy, to push its weight around, or to actually launch against another country in a time of war, in order to either create chaos and inflict damage on civilian populations, or to be launched against military targets. And in order to prohibit that from inhibiting the conduct of our foreign policy, we have to have a way of defending against it. If you do have a way of defending against it, you can essentially say you can build the missiles if you want, deploy them if you want, but you cannot be effective in using them, so we are not going to be bullied.

If you do not have an effective missile defense—and as I quoted, we do not—then we are susceptible to that negative influence of bullying by a country like North Korea. That is why it is important for us to have the means of defending ourselves and our allies, whether troops are deployed abroad, or whether it is the defense of the American homeland—in this case, Alaska—by a threat from the North Koreans.

Finally, it would be the sense of the Senate that all Americans should be protected from limited ballistic missile attack.

The reason we state it that way, Mr. President, is because we are concerned here about a limited attack. We do not believe that there is currently existing a threat of massive, strategic attack of intercontinental ballistic missiles by a country such as Russia, and possibly China, which are the only countries today that could pose that kind of threat to the United States. We do not believe that circumstances warrant the development of a system that would provide a protection against such an attack.

That is why there is no longer an effort to develop a strategic defense, such as was contemplated during the Reagan administration when the cold war was a very real threat to the United States, and when the Soviet Union then was quite belligerent with the United States, and when such a threat actually existed. That is what not we are trying to do.

Now, that is why all we are saying here is that it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

That is the sense-of-the-Senate resolution. Those are the findings. Let me finish my presentation with a couple of other quotations that I think would not necessarily be properly included within the findings, but which I think help to make the case that this is not some hypothetical, this is not something that only paranoid people are concerned about, it is something that at the highest councils in our Government, our intelligence, and the Defense Department, there is concern.

The first reason is because it is not necessarily the development of an indigenous capability by a country that is of concern here. We are concerned about North Korea developing the missiles that could eventually reach the United States. As a matter of fact, the missile that could reach the United States is not even shown on this chart here which illustrates some of the other missiles that are in development, or already developed, and their capabilities.

The CSS–2, for example, is a Chinese missile that has been sold to the Saudi Arabians. It has a range of about 3,000 kilometers. That obviously poses a threat to countries in the Middle East, as well as some European countries.

It is not just the indigenous threat, but the possibility of a sale of one of these missiles to another country. I mention this missile, because this missile was sold by the Chinese to the Saudi Arabians. Saudi Arabians are obviously allies of the United States, and we do not fear that missile would be launched against us by this regime. We also did not fear during the regime of the Shah of Iran that Iran would ultimately be unfriendly to the United States. Of course, that is the situation that exists today.

A country that acquires a weapon like this today, if there should be some instability or other circumstance that changes its government, obviously, it could effectively, and perhaps not in the long-distance future, pose a threat to the United States.

We are first concerned about the indigenous threat, but second, we are concerned about a purchase. That is where the time element comes in. We can give an estimate of how long it takes a country like North Korea to develop a No Dong. It could be another 5 years to develop that. But they could sell a country with great capability in a matter of days or weeks, and the deployment could be a threat to us in a very short period of time.

A third aspect, in addition to the indigenous development and the sale of missiles to be used for military purposes, is, of course, the sale of satellite launch capable missiles. This has been done throughout the world, as well. There is absolutely nothing to prevent the interchange of a satellite to be launched into space for weather prediction, for example, and a warhead of mass destruction, a chemical or biological warhead, or even a nuclear warhead in such a missile.

These missiles are proliferating around the world. Even though they have a peaceful purpose, they can very quickly be used for military purposes, and therefore, for us to base predictions on the fact that an adversary of ours will take a long time to indigenously develop a weapon, again does not adequately and accurately state the intelligence threat to the United States.

We have to be prepared to accept the fact that nations will buy either weapons or buy space launch capable missiles for use as weapons, and that can be done in a very short period of time. We only have to look at previous examples to know it has been done.

As a matter of fact, Iraqi Scuds were purchased from another country and then modified by the Iraqis.

It is not just the indigenous development but the purchase of the weapons and the purchase of satellite delivery missiles that also create part of the problem here.

Mr. President, let me ask unanimous consent that other material be printed in the RECORD at this point, and allow me to reach a conclusion of my statement in support of this amendment for a sense-of-the-Senate statement.

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

THREAT AMENDMENT

Proliferation is a real concern:

(A) At their summit in Moscow in May of 1995, President Clinton and President Yeltsin commented on the threat posed by proliferation when they released a Joint Statement recognizing ''. . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat. . . .''

(1) In a March 1995 report, The Weapons Proliferation Threat, the Central Intelligence Agency's Nonproliferation Center observed that at least 20 countries-nearly half of them in the Middle East and South Asia-already have or may be developing weapons of mass destruction and ballistic missile delivery systems. Five countries—North Korea, Iran, Iraq, Libya, and Syria—pose the greatest threat because of the aggressive nature of their regimes and status of their weapons of mass destruction programs. All five already have or are developing ballistic missiles that could threaten U.S. interests.

(2) The missile proliferation threat, even to the U.S. homeland with long-range missiles, is real and growing. Third World nations are advancing their missile programs through indigenous development, the purchase of missile components, and the purchase of space launch vehicles for reportedly peaceful purposes.

(3) While space launch vehicles can be used for peaceful purposes, such as launching communications satellites, they also give would-be proliferants an inherent missile capability. Every four years another country develops space launch capability.

(4) The Clinton Administration is overestimating how long it could take for Third World countries to develop nuclear missiles that could hit the American homeland. The Clinton Administration claims that missile attack threats from potentially dangerous Third World nations to the U.S. homeland will not arise for at least ten years. No one can possibly know that—much less depend on such a guess.

(5) This estimate is based on the assumption that the states acquiring missiles will develop them indigenously. While it is questionable whether it will take ten years for Third World countries to develop missiles on their own, it is clear that proliferants could purchase long-range missiles and nuclear warheads at any time, with little or no advance warning.

(6) Indeed, Saudi Arabia purchased the 2,000-mile range CSS–2 missile from China several years ago. Others, such as Iran and Syria, have purchased shorter range ballistic missiles from North Korea. There is evidence, including from Russian General Victor Samoilov, who was charged with maintaining control over nuclear weapons, that nuclear warheads have disappeared from former Soviet sites.

(7) There are also reports that nuclear weapons have been sold abroad covertly, particularly to Iran.

(8) The key to estimating how long the United States has to respond to a missile threat is not, as is currently the practice, to determine how long it takes a rogue state to produce ICBMs once it has decided to do so. Rather, U.S. planning should be based on how long a rogue state needs to field missiles once the intelligence community has convincing evidence that either their development or purchase is under way.

(9) The evidence, as reported by the Heritage foundation, thus far is troubling indeed. For example:

''(a) Iraq tested a booster with potential intercontinental range in 1990, only months after the U.S. intelligence community discovered what it was doing. After the Gulf War, it was discovered that Iraq had been pursuing an extensive, undetected, and covert program to develop nuclear warheads for its ballistic missiles. By authoritative accounts the Iraqis were within 18 months of having the bomb.

''(b) U.S. intelligence in early 1994 discovered that the North Koreans were developing a long range missile dubbed the Taepo Dong 2. Then Deputy Secretary of Defense John Deutch testified on August 11, 1994, that the Taepo Dong 2 may be able to strike U.S. territory by the end of this decade. If so, this capability will have arisen only five years after its discovery.''

(10) Once the basics of missile technology are mastered, adding more range to the missile is not a great technical challenge. It can be accomplished by adding more thrust and rocket stages. Further, it can be accomplished under the guise of developing space launchers. Every booster capable of placing satellites in orbit can deliver a warhead of the same weight to intercontinental range. And missile sales can create a new missile threat very quickly.

(III) Others will argue that if the United States were threatened by a nuclear weapon, it would be in the form of a suitcase bomb, or errant aircraft, or fashioned like the Oklahoma City bombing.

(A) Each scenario represents a possible method of attack. But, why is that an argument against BMD? We make great strides to cope with these and other kinds of threats. We have anti-aircraft weapons to shoot down hostile aircraft. We suspend commercial flights from potentially dangerous countries. The immigration and customs services monitor people and goods coming to the United States. Law enforcement agencies seek to identify terrorist groups before they act. Our tools may be woefully inadequate,

but we make considerable efforts. Not so in defending the country against ballistic missile attack.

(IV) Moreover, the ballistic missile is the weapon of choice in the Third World. Ballistic missiles signify technological advancement, and are thus a source of prestige in the developing world. Missiles have become symbols of power, acquiring a mystique unrelated to their capabilities. Regional powers that have acquired these weapons can threaten the security of global powers and extend influence throughout the region.

(A) Jasit Singh, Director of the Indian Institute for Defense Studies and Analysis, has pointed out that ''the element which is tending to rapidly enhance the strategic value of ballistic missiles . . . is there is yet no credible defense against them.''

(V) Others may argue that the arms control regimes will protect us from threat from ballistic missiles. Not so.

(A) The Non-Proliferation Threaty (NPT), provides a useful barrier to discourage the transfer of technology concerning weapons of mass destruction. It is not, however, leak proof, and should not be relied upon as a primary element of American and allied security. The NPT, for example, failed to prevent Iraq or North Korea from developing their nuclear weapons programs.

(B) The Missile Technology Control regime (MTCR), founded by Ronald Reagan in 1987, again, has admirable goals, but can only slow the transfer of missile technology until more effective measures can be developed. The MTCR is a weak agreement that has no monitoring agency or enforcement mechanism, does not incorporate all the world's missile producers (most notably China), and cannot forbid technologies that have civil uses.

(C) Former CIA Director James Woolsey said on January 10, 1995, that, with regard to Russia, ''. . . we are particularly concerned with the safety of nuclear, chemical, and biological materials, as well as highly enriched uranium or plutonium, although I want to stress that this is a global problem.

(D) We simply cannot rely on arms control to do the job.

(VI) The Kyl/Inhofe amendment expresses the Sense of the Senate that Americans should be defended—whether in foreign lands or here at home.

We can argue about how to do it: but we should not begin this debate without at least agreeing on the basic premise that Americans should be protected. Surely we can all agree with that.

There is nothing threatening about defenses. Missile defense destroys only offensive missiles.

Mr. KYL. These missiles are, unfortunately, becoming the weapon of choice of bullies in the world. Because they are relatively inexpensive, they can be used to great effect for blackmail purposes. The Iraqis demonstrated how even an errant launch, as the chairman of the committee noted in his eloquent opening statement, can cause great damage.

Mr. President, 20 percent of all United States casualties in the Iraqi war were from one Scud missile attack, which killed 28 Americans with one missile, because we did not have the capability of defending against that.

A question has been asked here, why now? Why are we so concerned about this now? Well, I did not realize until this morning, when radio reports carried the story, that it was 5 years ago today that Kuwait was invaded by Iraq. I think it is an anniversary worth reflecting on for a moment.

One could easily ask what has changed, knowing that this kind of threat can materialize almost overnight; knowing that we need to be prepared to deal with it; knowing that 28 Americans at one time died from a Scud missile attack—20 percent of all of our casualties came from that—knowing of the destruction that the Scuds directed on the State of Israel; and knowing of our great concern about that, because we could not locate the missile.

The only way we had to deal with it was to try to shoot it down, and finally, knowing after the fact that our Patriot missiles, designed to shoot down aircraft, not missiles, though pressed into action for that purpose, were really only effective to interdict about 30 percent of the Scuds that came their way.

Knowing all of these things, one would imagine that 5 years later, we would have made great strides to protect ourselves against the threats that are posed. The fact of the matter is that virtually nothing has changed. Other than a slightly upgraded investigation of the Patriot missile, we do not have a missile defense. This is 5 years later, a period of time in which we should have been able to develop and deploy an effective missile defense against a weapon like the Scud. We have not done so.

Just taking the theater context and forgetting for a moment the potential threat to the United States, it is clear that we have not adequately pursued a defense against this weapon of choice by the troublemaker nations of the world.

We have not developed and deployed a new sensor. We have not developed and deployed a new missile. We have made some strides in the research, but part of the reason we have not done this is because there has been no clear national mandate, no clear national instruction, to get about the business of doing this. There are all kinds of reasons why.

The fact of the matter is, we need to get on with the business of getting this done. That is why I compliment Senator NUNN and Senator THURMOND for much of what they have included in the bill this year.

We have some small differences we will perhaps need to work on. One thing on which we can all agree at this beginning point of the debate is that there is a threat to be concerned about, and that we do need, as we begin this debate, to at least express the sense of this body that Americans need to be protected against an accidental or a limited ballistic missile attack.

Mr. President, if we cannot agree on that, I suspect the American people would rightly question whether we are the body in which to repose confidence about their future security. I am confident that we can agree to this. Based upon that, we can make some sensible decisions about both the policy embodied in this year's defense bill and the expenditures inherent in the authorization bill.

I look forward to working with the chairman, Senator NUNN, and other members of the committee, and other Members of this body, in working through this bill based on an understanding there is a threat to the United States from ballistic missile attack, and to our forces abroad, and our allies, and it is against this threat we should be protected.

I hope when the time comes, Mr. President, my colleagues here will see fit to support the Kyl-Inhofe amendment, which expresses the sense of the Senate.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2077

Mr. NUNN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 2078 to amendment No. 2077.

Mr. NUNN. 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:

On page 5, beginning with ''attack,'' strike out all down through the end of the amendment and insert in lieu thereof the following: ''attack. It is the further sense of the Senate that front-line troops of the United States armed forces should be protected from missile attacks.

''(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

''(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

''(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the U.S. portion of the Corps SAM/MEADS program.

''(3) The Secretary shall provide a report on the study required under paragraph (3) to the congressional defense committees not later than March 1, 1996.

''(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

''(d) Section 234(c)(1) of this Act shall have no force or effect.''

Mr. NUNN. Mr. President, very briefly, this adds back $35 million to what is the Corps SAM program. I know other people want to speak on the Kyl first-degree amendment. That is a good amendment. I support it.

This amendment does not in any way strike or in any way change the first-degree amendment, but is directly relevant because this gives strong emphasis to the Corps SAM program, which is

at the heart of our forward theater missile defense.

I will explain this in more detail later. I know there are others who would like to speak, including the Senator from South Carolina.

Mr. FEINGOLD. Mr. President, I just have a little concern about the procedural step we started off with on the bill. At one point the manager of the bill on the majority side was properly recognized, as manager of the bill, for purposes of speaking. But during the process it appeared that the Senator sought to have another Senator recognized for purposes of offering an amendment. There was no unanimous consent requested for that purpose. I am sure this was inadvertent, but it becomes very, very difficult to have what we would like to call here a ''jump ball'' on recognition if one Senator can sort of call on another Senator, in effect.

I again say I do not think that was the intent, but I am concerned about the way we got started on this.

Mr. President, I therefore ask unanimous consent that upon the disposition of the Kyl amendment that I be recognized.

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

Mr. FEINGOLD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not think I can add a lot to what the very eloquent Senator from Arizona, Senator KYL, said about this sense-of-the-Senate amendment.

I do support the amendment and offer this with Senator KYL. One of the reasons I came to the Senate in the first place, and one of the reasons I sought to serve on the Senate Armed Services Committee, is a very deep concern over what has been happening to our Nation's ability to defend itself.

I have watched the cold war leave us and many people, when I was serving in the other body, would stand up and say, ''There is no longer a necessity to have a very strong defense system. The cold war is over and the threat is not out there.'' I honestly believe, in looking at this, through my service on the Intelligence Committee as well as on the Senate Armed Services Committee and formerly on the House Armed Services Committee, that there is a threat to our country out there that is even more severe, more serious today than there was during the cold war, because in the cold war we could identify who the enemy was. As Jim Woolsey said, there are 20 to 25 countries, not two or three, 20 to 25, that are working on or have weapons of mass destruction. That is not something that might happen in the future. That is something that is imminent and that is taking place today.

It is interesting that the administration downplays another conclusion by the intelligence analysts; namely, that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles far more quickly. We have watched this. We have watched the discussions take place. I think we can come to some conclusions, and those conclusions are that there is a multiple threat out there.

The Senator from Georgia mentioned briefly the ABM Treaty. I think it is worth at least discussing in context with our need for a national missile defense system. I think at the time that the ABM Treaty went into effect, perhaps there was justification for that. There were two superpowers in the world—this was 1972—and the feeling was at that time, if neither of the superpowers were in a position to defend themselves from a missile attack, then there would not be any threat out there for the rest of the world. Maybe there was justification for that.

I had a conversation with the architect of the ABM Treaty just the other day, Dr. Kissinger. He said, and I will quote him now, he said:

> There is something nuts about making a virtue out of our vulnerability.

That is exactly what we are saying when we say, by policy and by treaty, that we can defend our troops who might be stationed overseas, that we can pursue a theater missile defense system, but we cannot defend our Nation against a missile attack. There is something nuts about that. So we are going to have to address this.

In the meantime, what can we do to put a national missile defense into effect in the next 5 years? We can do exactly what we are doing with this bill. I would like to move even quicker than we can move right now, but we feel what we are doing in this bill that we are looking at today is all we can do to prepare ourselves for what can happen in the next 5 years. So, when we are able to change this national policy, we will be in a position to not lose any time and do it in the next 5 years. I think the issue here is: Is it 10 years when the threat could be facing us or is it 5 years? I think it is incontrovertible it is closer to 5 years.

Even if we were certain there is no new threat that would materialize for 10 years, there are two compelling reasons to develop and deploy a national missile defense system. First, it will take more than 5 years to develop and deploy the limited system, even when the Missile Defense Act of 1995 is passed. By then, we will most certainly be facing new ballistic missile threats to the United States.

Second, deploying the national missile defense system would deter countries from seeking their own ICBM capabilities. A vulnerable United States invites proliferation, blackmail, and aggression.

We are going to hear, during the course of this debate, people who really are not concerned about the threats that face the United States of America talking about the missile defense system as star wars. They have always downgraded it by using that term. Star wars should not even be used. We are talking about an investment that we have in this country, through the THAAD system, through the Aegis system that we have—22 ships that are currently equipped—we have a $38 billion investment. That investment can be protected merely by putting approximately $5 billion over 5 years in, and being able to deploy a national missile defense system.

I implore my Senate colleagues in the strongest possible terms to wake up and see the world as it is and not the way arms control advocates in the Clinton administration would like it to be. The threat is clear. It is present. It is dangerous. That is why I strongly support this amendment.

Mr. President, I urge swift adoption of the Kyl-Inhofe amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the Senator from Arizona for a fine amendment. This provision makes it absolutely clear that the world is becoming increasingly dangerous with regard to missile proliferation and the spread of weapons of mass destruction. It also makes clear that the United States cannot wait around for a bunch of rogue states and possibly terrorists to acquire ballistic missiles capable of attacking American cities before we respond with a serious national missile defense system. Lest we want to invite another Oklahoma City bombing multiplied many times over, we must begin to take action to defend our country against this ever increasing threat.

In my view, the Kyl amendment simply states the obvious: that the United States should be defended against accidental, unauthorized, and limited ballistic missile attacks, whatever their source. We have attempted to establish a path toward this end in the bill now pending before the Senate, so I am pleased to support this amendment.

It has been argued that there is no threat to justify deployment of a national missile defense system to defend the United States. This view is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

As Senator KYL's amendment so clearly establishes, the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by means other than indigenous development. Basically any country that can deliver a payload into orbit can deliver the same payload at intercontinental distances. Space launch technology is fundamentally ballistic missile technology, and it is becoming more and more available on the open

market. Russia has all but put the SS–25 ICBM on sale for purposes of space launch. China has repeatedly demonstrated a willingness to market missile technology, even technology limited by the missile technology control regime.

In his last appearance before Congress as Director of Central Intelligence, James Woolsey stated clearly that countries working on shorter range ballistic missiles could easily transition to developing longer range systems. Saddam Hussein demonstrated that even countries without a high technology base could get into the missile modification and nuclear weapons business.

North Korea has also demonstrated to the world that an ICBM capability can be developed with relatively little notice. The Taepo-Dong II missile, which could become operational within 5 years, is an ICBM. Each new development on this missile seems to catch the intelligence community by surprise. It certainly undermines the argument of those who downplay the threat and the intelligence community's own 10-year estimate.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national missile defense system. Deploying an NMD system would serve to deter countries that would otherwise seek to acquire an ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

For this reason, I strongly and enthusiastically support Senator KYL's amendment. It is a reasonable statement for the Senate to make. Only those who believe that the American people should not be protected against the one military threat that holds at risk their homes and country should oppose this amendment. I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I would like to make a couple of comments about the Kyl-Inhofe amendment, and then also about an amendment that I intend to offer during the consideration of this legislation. I intend to offer an amendment that eliminates the $300 million that was added to national missile defense in the Armed Services Committee's deliberations.

There is, as I understand it, $371 billion for the national missile defense research and development in the budget that was submitted by the President and requested by the Pentagon. In other words, the Pentagon said, Here is what we think is necessary for that program. The Armed Services Committee added $300 million above that for national missile defense.

I listened to my friends from Arizona and Oklahoma, for whom I have great respect. We just disagree on this question. I intend to offer an amendment to strip the $300 million out of the bill because I do not think the national missile defense system described in this bill ought to be built or deployed, and I do not believe that the taxpayers should be asked to provide $300 million that the Pentagon says it does not need.

The Kyl-Inhofe amendment has four pages of findings. And on page 5, it says, ''It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.''

It is hard to find fault with the language unless one asks the question: What does one mean by this? Is someone who suggests this saying that we should spend over $40 billion on a ballistic missile defense system, or star wars? I know that we were admonished not to use that term because that does not apply, we are told. This is in my judgment a star wars national missile defense proposal. It is that simple.

The Congressional Budget Office in 1993 said the cost of building a national missile defense system at Grand Forks, ND and five other sites would be $34 billion. A March 1995 Congressional Budget Office review pegs the cost of that same site plus five others at $48 billion.

If with this simple sense of the Senate on page 5 the Senate is saying, Yes, let us develop a program that costs the American taxpayers $48 billion, I think people here in the Senate ought to think long and hard about this.

Sure everyone wants to be protected. Today, in the old Soviet Union, they are crushing and busting up missiles under a program that we are helping pay for. Missiles are being destroyed today as I speak in the old Soviet Union.

What is the threat? Well, the Soviet Union has now disappeared. But we are not told that the threat is that some terrorist Third World country, perhaps Iraq, or Iran, maybe some would suggest Qadhafi, could get ahold of an ICBM and some weapons grade plutonium, build a nuclear bomb, put it on the tip of a intercontinental missile and shoot it toward the West. Maybe that is the threat.

In my judgment, if the wrong people get ahold of enough weapons grade plutonium to build a nuclear bomb, it is far more likely that they will threaten this country by putting it in the trunk of a rusty Yugo parked on a dock of the New York City harbor. That is far more likely that the case in which they would acquire or be able to build an intercontinental ballistic missile with which to threaten the West.

Frankly, this bill is interesting to me. People are saying that we do not have enough money, that we are up to our neck in debt, and that we must reduce the Federal deficit—and I agree with that. Then this bill says the Pentagon does not know what it is talking about on ballistic missile defense—$371 million, humbug. We want to add $300 million. And more than that, we have not learned our lesson about advanced deployment and emergency deployment. We also want to not only add $300 million, we want to say to the folks who are building this star wars project that we want accelerated development for a limited deployment in 1999. And full deployment will follow in 2003. That is the scheme in this legislation.

I thought maybe we learned something about those enhanced research schedules and accelerated deployment schedules with the B–1 bomber, and some other weapons programs, but maybe not.

In any event, I think the question is not should we protect America. The question is why should we decide to spend $300 million more on national missile defense than the Defense Department says it needs? Why should we decide that we are going to dump in extra money beyond what the Secretary of Defense says he needs or wants?

We have direct testimony from the Secretary of Defense saying I do not want this. This is not money that I am asking for. I do not need this. You are proposing, he says, to defend against a threat that does not exist. And you are proposing giving the Pentagon money it does not want.

I just find it unusual that the same people who always tell us that the big spenders are on this side of the aisle are saying the Pentagon does not know what it is talking about; they want to provide the Pentagon $300 million more for this boondoggle, dollars they do not want. But that is not what I guess is so important today. The fact is that this extra $300 million is just lighting the fuse on a $40 to $50 billion spending program that once underway will not be controlled, and all of us know that.

I recognize that part of this deals with my State. My State was the site of the only antiballistic missile system in the free world. It was built in northeast North Dakota 25 years ago. I said at the time I did not think it should be built. It did not matter much what I said then; it was built. And after billions of dollars were spent and after the system was operational, within 30 days it was mothballed.

Now, some might say, well, it was useful to spend all of that because we were creating bargaining chips with which to negotiate with the Soviets on an ABM Treaty. I do not know the veracity of that. But I do know that we were the site of the only antiballistic missile system built in the free world, the only one that has ever been built by the West. And it was mothballed

within 30 days after being declared operational.

Now we have a constituency to build a new ballistic missile defense system. This starts from President Reagan's announcement in the 1980's of a shield, sort of a national astrodome—I guess it was a national astrodome he was talking about, putting an astrodome over this country of ours so that no one could attack it. If an incoming intercontinental ballistic missile took aim on our country and took flight toward our country, we would have a system of defense, both ground based and space based, with which we would knock out those incoming missiles and protect our country forever.

The result was that an enormous amount of money has been spent all around this country on research, engaging academic institutions, engaging companies all over, virtually every State in the Union, and a constituency has developed for this idea. It does not matter that times have changed. It does not matter there is no longer a Soviet Union. It does not matter there is no Warsaw Pact, the Berlin Wall is gone, Eastern Germany does not exist. It does not matter the world is changed. The folks who want to build a star wars, ABM, national missile defense program have not had their appetites satisfied. So they want to continue with this program, but they are not satisfied by the Defense Department doing research in this area. They will only be satisfied if they require deployment—on an interim basis so that by 1999, less than 4 years from now, somehow, some way, someone will deploy the first contingent in any number of sites around the country of the national missile defense system.

Again, I certainly respect the views of those who have great ardor and support for this program. I respectfully disagree however. We have so many needs that we must prioritize them. Do we care about education? If we do, is not the need to build star schools more important than to build star wars? Do we care about hunger and nutrition? If we do, is it not more important to make sure that we fund those programs so that people in this country are not hungry instead of taking $300 million that the Pentagon does not want and building a system the Pentagon says should not be built at this point? It is a matter of priorities, and we must begin choosing.

I think those who push not only this but several other things in this legislation that go well beyond the funding request by the Pentagon are saying we do not have to make choices. We are not interested in prioritizing. Or at least if they are not saying that, they are making choices and prioritizing in kind of a burlesque way, saying, well, it is not important for a poor kid in school to have an entitlement to a hot lunch because we cannot afford it, and then changing suits, having a good sleep and coming back the next day saying it is important, however, to give the Secretary of Defense $300 million he does not need for a program he does not want to deploy at this point and for a program that he says is not going to be built to meet an existing threat.

I am just saying to you that I think those priorities are wrong. If I read Senator KYL's sense-of-the-Senate: ''It is the sense of the Senate that all Americans should be protected from an accidental, intentional or limited ballistic missile attack,'' I would say, oh, sure, it is a sense of the Senate all Americans ought to be protected. I understand that. That makes sense to me. If I change this and say it is the sense of the Senate that we begin embarking on a program that will eventually cost $40 billion to deploy in multiple sites around the country a ballistic missile defense system with a ground-based and a space-based component, have I changed the question? I think I have, because if I am asking the Senators in this room whether that is the way we ought to spend $40 billion in the coming years, they have to evaluate whether $40 billion spent for this versus $40 billion allocated for other competing needs in this country is the right choice.

So, Mr. President, as I indicated when I began, I intend to offer an amendment to strip the $300 million in additional funding that has been put in the legislation before us for the national missile defense system. There will still remain $371 million, a substantial amount of money. But if my amendment is accepted, there will not remain $300 million which the Secretary of Defense says he does not want, does not need, and did not ask for. We will, I am sure, have a rather substantial debate about this when I offer my amendment. I shall not pursue it further at the moment. But I could not help but comment on this amendment, which is a sense of the Senate with language seemingly so innocent but consequences so substantial. The consequences of this are to say, yes, we believe that it is appropriate to embark on a $40 billion program with enhanced deployment to build a shield over the United States to protect us against incoming intercontinental ballistic missiles.

Frankly, I think that is a misplaced priority. And I think we should have learned something in recent years that we must make very tough choices, all of us, very tough choices about what we spend money on. I think two questions ought to be asked on all of these proposals. Do we need it? And can we afford it? And with those two questions on the national missile defense system, nicknamed star wars—which is appropriate, because this talks about the potential of a space-based system—when we ask those two questions: Do we need it? And can we afford it? The first answer is answered by the folks that run the Pentagon. They have said, no, we do not need it. And they have not asked for it. The second answer ought to be answered by everybody who is in the U.S. Senate who is grappling with questions about can we feed our children through nutritional programs? Can we adequately educate our kids? And can we do all the things that are necessary? Can we adequately fund Medicare and Medicaid for the elderly and the poor?

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. The answer to my question is no. We cannot afford something we do not need when priorities require us to make a better judgment than this.

I would be happy to yield.

Mr. THURMOND addressed the Chair.

Mr. INHOFE. I am sure you heard several times——

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator has yielded for a question.

Mr. INHOFE. We have quotes by Jim Woolsey and John Deutch and other experts in this field. And in terms of the quote that was attributed to Jim Woolsey, there are between 20 and 25 countries that have developed or are developing weapons of mass destruction and the ability to deploy those.

Do you not believe that statement by Jim Woolsey?

Mr. DORGAN. Well, I would say to the Senator from Oklahoma that the statements that are made by—let me give you a statement by the head of the DIA. ''We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade,'' so on, so forth.

But I would say this, that the Secretary of Defense, having evaluated all of these conditions, including the potential of other developments of ICBM's, has concluded that this is not in our interest. I mean, what the Secretary of Defense has said to you looking at all those things, ''Don't do this. I don't want the money. I don't want the program as you constructed it. It doesn't make sense for this country's national security.''

I would be happy to yield further.

Mr. INHOFE. If the Senator will allow me to read a statement—two statements. One is by James Woolsey concerning what is out there today. ''We can confirm that the North Koreans are developing two additional missiles with ranges greater than 1,000 kilometers that it flew last year. These new missiles could put at risk all of Northeast Asia, Southeast Asia, and the Pacific area. And if we export, the Middle East could threaten Europe as well.'' Then further John Deutch says, ''If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''

So it is a two-part question. First of all, do you believe this? And, second, and most significantly, Mr. President, what if the Senator is wrong?

Mr. DORGAN. Well, will someday some countries that we now consider terrorist countries or renegade countries have the capability of developing

or buying intercontinental missiles? Maybe. Maybe.

But I would say this. I ask if it is not the case, the single, strongest, best case that could ever have been made for a ballistic missile defense program, putting a shield over our country, will not be a case 5 years from now or 10 years from now or today. It would have been a case that you could have made 10 or 15 years previously when we had the proliferation of Soviet Union missiles, all of which were aimed at the United States, all of which the President said, at that point, required an umbrella around this country for protection.

But what did protect our country? No, it was not an umbrella. It was not a new ballistic missile program or a star wars program. What did protect our country? Well, it was a triad, of ground-based intercontinental ballistic missiles with Mark–12A warheads that persuaded the Soviets—and I assume will now persuade any other country foolish enough to think about this sort of thing—that they will exist about a day or a two or three, beyond when they launch that kind of an attack.

Mr. INHOFE. Will the Senator yield further?

Mr. DORGAN. The point I make is this: We developed the triad, ground missiles, sea-based missiles and air-launched nuclear capability, which has for decades persuaded countries far better armed than the potential terrorists you suggest from not even thinking about attacking this country. And I am just saying this: When we start taking the potential of the North Koreans developing a missile and deciding the result is America ought to consign itself to a $40 billion new program, at the time we say to the American elderly that we have got to cut $270 billion in Medicare because we do not have the money, or at the time we say to American kids that we are sorry about student aid, we do not have quite enough money, and quite enough money for nutrition programs, I am saying the priorities are out of whack.

Am I saying defense does not matter? No. I am saying that the Secretary of Defense, the folks that know this program, the folks that have spent a long, long while concerned about and evaluating the need for a ballistic missile defense system are saying it is wrong. It is wrong what is being proposed. The extra money should not be spent. This program should not be deployed. And it is not in this country's national interest.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. They are the ones saying that, not me.

Mr. INHOFE. Is the Senator aware or do you deny that the Taepo Dong 2 is being developed today?

Mr. DORGAN. Let me say this again. Is the Senator aware that Yugoslavia produced Yugos and they are shipped to the United States and some terrorist could put a nuclear device in it and ship it to New York City and terrorize New York and this country? Would that require a sophisticated ICBM for delivery? Of course not. Would it accomplish the same result? Of course it would.

My point is, if you start taking a look at threats to this country, do not just look at the potential for developing an intercontinental ballistic missile. In fact, the Secretary of Defense and others are saying there is no realistic prospect within the next decade of that happening, No. 1. And No. 2, given all of the evaluations he and the folks in the intelligence community have made, he thinks what the Senator is proposing is not in this country's defense interests.

So that is the way I would answer the question of the Senator. I understand the case both Senators have made. I think they made it very well. It is just I do not agree with them. I think this is a case where you say, if you have unlimited funds that you can take from the taxpayer, you say, ''Just keep giving us your money, because we have got plenty of opportunity and we have lots of needs.'' If you have unlimited funds, then build everything. That is fine. The problem is we do not have unlimited funds. We are forced—literally forced—to start choosing among wrenching, awful, agonizing priorities. I think when the Senator proposes this, what he is saying is, we do not intend to choose, at least not in defense; we intend to build it all.

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

Mr. DORGAN. Yes.

Mr. KYL. I know the Senator from Georgia is able to speak on his amendment. I can respond to each of the points that the Senator from North Dakota made in detail. But rather than doing that, I want to pose one quick question, because, frankly, it may not be necessary for us to do that.

Is the Senator prepared to tell us whether he is going to vote against or for my amendment? If the Senator is going to vote for the amendment, I will not bother to respond to some of the points.

Mr. DORGAN. I have not read the entire amendment. I read the sense of the Senate. It is hard to disagree with the sense of the Senate if you understand that the sense of the Senate says that ''It is the sense of the Senate that all Americans should be protected from accidental, intentional, limited ballistic attack.'' Yes, they ought to be protected.

I ask you this question: Are you saying with this that it is your sense that we should spend $300 million extra next year and go to enhanced deployment of a ballistic missile defense system; that it is your intention with this amendment to put the Senate on record to go for early deployment and $300 million extra and the tens of billions of dollars that will be required in the years ahead to fully deploy this system; is that your intention?

(Mr. CAMPBELL assumed the chair.)

Mr. KYL. In response to the Senator's question, it is as you have noted. You are going to propose an amendment to strike $300 million that is already in the bill. My amendment does not add any money to the bill. My amendment simply expresses the sense of the Senate that all Americans deserve to be protected from missile attack. So when the Senator makes the argument about the $300 million, he is really making the argument in support of his amendment that is going to be offered later to the bill. That is why I said I could easily respond to some of the things you said, but I do not want to take the time if the Senator is going to end up supporting my amendment. I think we can move on——

Mr. DORGAN. Let me just say this. The committee brought us $671 million, as I understand it, in ballistic missile defense, $300 million of which the Pentagon said it does not want, does not need and did not ask for.

My feeling is this country protects itself against nuclear threat, accidental, intentional, or ballistic missile attack by having intercontinental ballistic missiles in the ground, by having *Trident* submarines in the sea, and by having our bombers with nuclear capability in the air. In my judgment, the current triad, as I have indicated to you, has done that for 20 or 30 years.

I have not read the rest of your findings. As soon as I read the findings, I will determine whether it comports with what I think we ought to go on record with in the Senate.

Again, I ask the Senator from Arizona whether his intention with this is to provide support and comfort for and to assist in the accelerated deployment of a national missile defense system?

Mr. KYL. And I say to the Senator, absolutely, bingo.

Mr. DORGAN. If that is the Senator's intention, I will not want to be supportive of that, because I do not think that happens to make sense for this country.

Mr. KYL. The Senator, obviously, has the right to vote for or against my amendment. I was curious. There is a lot that can be said. Perhaps the Senator could be thinking—I would like to hear from some of the other Senators—perhaps the Senator could be thinking how he will substantiate the claim he made repeatedly now that the Secretary of Defense does not want this, did not ask for it, and so on. If the Senator can find those statements, I would be curious because, of course, General O'Neill testified to the Armed Services Committee that he could spend $450 million and he does not do that without getting the concurrence of the administration.

The administration's initial budget request did not ask for the money, I agree, but in last year's budget, the Clinton administration, in the 5-year defense plan, called for more than what is being requested——

Mr. DORGAN. Mr. President, reclaiming my time, I say it is good news

for the Senator from Arizona. In a body where there are so few answers and so much debate, he is about 50 paces from the answer. I will give him the telephone number. He can call the Secretary of Defense and ask the Secretary of Defense in the next 4 minutes, ''Do you want this $300 million, did you ask for it, and do you think that it is necessary for this country's security?''

His answer will be, ''No, I didn't ask for it; no, I don't want it; and I think it is a mistake.''

So the Senator is very close to an answer, physically and also with respect to time. Maybe by the next time we have this spirited discussion, when I offer the amendment to strike the money, maybe the Senator will have spoken to the Secretary of Defense and will have that answer.

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

Mr. DORGAN. I will be a happy to yield.

Mr. COATS. The Senator from North Dakota, in answer to the Senator from Arizona as to what he would prefer, in response to what the Senator from Arizona has announced in terms of deterrence, he would prefer the deterrent that was used successfully for a long, long time, namely, we use the term ''mutually assured destruction.'' He said that our deterrence from submarines under the sea, missiles in the ground, and bombers in the air would be his proposed solution to a ballistic missile attack on the United States.

My question to the Senator is, do you believe that mutually assured destruction is the preferred solution to, say, an accidental launch?

Mr. DORGAN. Well——

Mr. COATS. And do you believe that would be any kind of a deterrent or appropriate response to an accidental launch of a missile?

Mr. DORGAN. The Senator understands, I would judge successful the strategy that has been employed with the nuclear triad in order to avoid nuclear war over some 25 or 30 years. Would the Senator agree with that?

Mr. COATS. I do, but the world has changed significantly since then. We are trying to deter something entirely different.

Mr. DORGAN. If I may respond to that—I did not respond to the Senator's question about North Korea. I would like to add for the record something I will not read, a rather lengthy paragraph, about the capabilities of North Korea written by two Nobel laureates, two veterans of the Manhattan project, a total of seven eminent physicists, who are completely at odds with the Senator's representations about the capabilities of the North Koreans at this point.

I guess the Senator from Indiana is standing up saying we need this system because it is the only way we can provide for an impregnable defense against the renegades, against terrorist countries; is that what the Senator is saying?

Mr. COATS. I am saying the world has changed significantly since we employed the doctrine of mutually assured destruction, and the deterrent effect the Senator alluded to that would satisfy the concerns of the Senator from Arizona simply may not be applicable in today's world.

Mr. DORGAN. It is interesting, what has changed it is quite remarkable—it is almost breathtaking in its scope—is that the Soviet Union does not exist any longer, and today we are cutting the tails off bombers, they are crushing their missiles, and we are taking warheads apart. What has changed dramatically is that we have stepped back from the brink, we have largely seen the cold war dissolve, we have a circumstance in this world today for which all of us should rejoice.

The arms race is largely over, and the Senator raises the question, are there still not some other threats? Yes, there are. But you know what has not changed is the appetite for those who are parents of weapons programs, because those who have parentage of new weapons programs just cannot give up. It does not matter what the world is like, it does not matter what the need is; they have a weapons program, and they are going to build it.

Mr. COATS. That may or may not——

Mr. DORGAN. Will the Senator at least acknowledge that the genesis of this kind of program came from Ronald Reagan, I believe, in 1982 or 1983, in which he described the holocaust from a devastating full-bore Soviet Union ICBM attack on the United States? That is the genesis of the description of the umbrella with which to protect our country.

Mr. COATS. That is true——

Mr. DORGAN. Things have changed. The Senator makes a correct point. Things have changed. What has changed is that that threat has changed dramatically because it has lessened, a much lesser threat than existed before. In fact, we have Yeltsin over here, we are working with Yeltsin on all these things, we have Russians and Americans cavorting in space in a spacelab. Adversaries? No, hardly. We are working together. We are doing a lot of things together, including reducing the risk of an accidental nuclear attack.

What has changed? Has the change occurred among those who said we need an umbrella for $40, $50 billion to protect America against a full-scale nuclear attack from the Soviet Union? No, the Soviet Union is gone, but it has not deterred by one step those who want to spend money on this program. They simply find another threat—North Korea, and the Nobel laureates and others tell us about North Korea.

It is at odds, and I will put it in the RECORD because I do not want to read the whole thing.

Mr. President, I ask unanimous consent that this portion of the physicists' letter be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DORGAN. Mr. President, I would say that if you do not want to use North Korea, then somebody else will come waltzing over here and say, ''Well, maybe it's not Korea, maybe its Qadhafi.'' And the next person comes over and says, ''Maybe it's not Qadhafi, maybe it's Iran.''

Do all of those prospects concern me? Sure; sure. Is the likelihood of nuclear attack or the nuclear threat from those kind of renegade countries the likelihood of an ICBM pointed at Gary, IN? Of course not. The likelihood is a terrorist act that——

Mr. THURMOND. Will the Senator yield a minute to get somebody on the floor?

Mr. DORGAN. I will be happy to yield, without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Michael Matthes and Peter Simoncini, military fellows in Senator WARNER's office, be granted floor privileges for the duration of Senate debate on S. 1026, the Defense Authorization Act.

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

Mr. DORGAN. Mr. President, I will be brief. I say that the likelihood of the nuclear threat coming from a renegade country is not them getting hold of some sophisticated targeted intercontinental ballistic missile; it is that they would get hold of some weapons grade plutonium and the know-how, which pretty readily exists, to turn that into a nuclear device, and then in some ingenious way to hold some country hostage with that device. It is unlikely that it is going to be on the tip of an ICBM in flight. It is much more likely that it is going to be different circumstances, in which the $40 billion and the best star wars program ever conceived by man or woman will be irrelevant.

I will make one other point to the Senator. On page 52 of the bill brought to us, on the bottom of the page, you are talking about deploying a system—deploy as soon as possible a highly effective system, and so on. Then it says, ''That will be augmented over time to provide a layered defense against larger, more sophisticated ballistic missile threats.''

When you stand and say we are trying to respond to North Korea—which I think gives them far more credit than they deserve—your bill would do much more than that. The legislation suggests that if you want to fund a program that will provide a layered defense against larger ballistic missile defense threats over time. That goes back to the Reagan star wars concept in the eighties.

My point is that nothing has changed with those that propose the program. They pull the wagon through here no matter what the climate is, whether

the wind blows, or whether it rains, it is the same wagon. They just change the debate a bit. In my judgment, the taxpayers ought not to fund something that the Secretary of Defense says he does not want, the country does not need, and he says putting in this bill—I have not even talked about the things we will talk about later, about abrogating the ABM Treaty and other things; I have not even discussed that. But I think you ought to listen to the Secretary of Defense on this issue. You ought to listen to the taxpayers. I think they understand.

Mr. COATS. If the Senator will yield, I am going to get off the floor. I just came over to ask a simple question. I got everything but the answer to my question. I did not mean to prompt the opportunity for the Senator from North Dakota to repeat what he already said earlier. I simply asked the question as to how the Senator proposed that we would deter an accidental launch of a ballistic missile toward the United States. I got everything but the answer to that particular question.

The Senator from Arizona is more than capable of answering—and I believe he probably has already done it—the reasons why this program is significantly different from what Reagan or anybody else proposed in the early eighties. It is not the so-called umbrella defense star wars system that has been debated on the floor here for a decade and a half. It is much, much different from that. The threat is different from that. I do not disagree with the Senator that the threat we face includes options other than——

Mr. DORGAN. Mr. President, if the Senator would like to ask a question, I will be happy to answer a question. If not, I would like to regain the floor.

Mr. COATS. How does the Senator propose to deal with an accidental ballistic missile launch in the United States? The Senator suggested that mutually assured destruction was the deterrent to that and the way to respond. I do not agree with the Senator. I wonder what his solution was to that question.

Mr. DORGAN. Mr. President, I appreciate the query. The Senator from Indiana is now suggesting that the principal reason for spending $40 billion is to protect against an accident. It occurred to me that the Koreans would not likely be involved in an accident, according to the Senator from Arizona. He is proposing that the Koreans might pose a threat. I assume when we hear discussions about other countries—Libya, Iran, or others —we are talking about a threat rather than an accident.

The question of an accidental nuclear launch, I suppose, is a question others could ask of us and we could ask of many in the world. We have, it seems to me, very carefully, over many, many years, decades, in fact, worked to prevent that sort of circumstance from occurring on any side, with respect to the nuclear powers. I again say that I urge all of us to evaluate. When we start talking about the need now, when the Soviet Union is gone, to build a star wars program to react to North Korea and spend $40 billion we do not have, I urge everyone to understand that at the same time we are going to consign ourselves to spend $40 billion, we are going to say we cannot really afford Medicare and Medicaid, and that the old folks should pay more and get less, and we will cut $270 billion out of Medicare.

We supposedly cannot afford all the other things we are talking about because we have to tighten our belts. It occurs to me that those that push this, especially in the year 1995, when the world has changed, but changed in a way that would augur for less incentive to need this kind of a program, those who push this are making an illogical argument. It seems illogical to me to be saying we have to tighten our belts here at home and have to worry about priorities, we have to make tough choices, and then pull a project like this to the floor and say, by the way, this is true for everything else, but we have $300 million here that that does not apply because this $300 million we will substitute our judgment for the judgment of the Secretary of Defense, and others, and say that we must now embark on an accelerated deployment of a national missile defense program, including star wars.

I am just telling you that we will probably have a long discussion on the question of that $300 million. If I see the glint in the eye of the Senator from Arizona from across the room, I suspect he will have a spirited defense of spending that money. I will be here, as soon as it works into the schedule, to see where we all stand on spending money we do not have on something we do not need.

Mr. President, I ask unanimous consent that portions of a July 7, 1995 letter from seven eminent physicists, including two Nobel Prize winners and two veterans of the Manhattan project, who discuss accidental launch by Russia or China and the likelihood of a threat from a third country, particularly North Korea, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

(I) Accidental launch of Russian or Chinese nuclear missile:

According to US intelligence officials, an accidental or unauthorized launch from Russia or China is extremely unlikely. Moreover, it is in the interests of Russia and China to ensure that such launches do not occur. Indeed, Defense Intelligence Agency Director Gen. James Clapper testified in 1994 that ''Russian strategic missile systems are currently considered to have very good control mechanisms'' to prevent such launches, and the United States is currently discussing sharing similar systems with China. National missile defenses are the wrong solution to this problem in any event since cooperative measures could be implemented more quickly and cheaply, and would be more effective than NMD. These include installing destruct-after-launch mechanisms on all missiles to abort an unauthorized launch and separating nuclear warheads from delivery systems.

* * * * *

(3) Deliberate missile attack by other country in the future:

Ballistic missiles are the least likely method a developing country would use to deliver an attack. Long-range missiles are more expensive and technically difficult to build and deploy than other means of delivery, and are less accurate. Since launches are readily detected by satellites, the United States would pinpoint the origin of a missile attack and could retaliate quickly with devastating force. Such retaliation would have to be considered as certain by any leader, and will always be a powerful deterrent to missile attacks.

Currently, no country hostile to the United States possesses ballistic missiles that can reach US territory. Even if such threats begin to emerge in the future, the United States will have considerable warning since missile development requires flight testing that can be monitored by satellite. Although some 20 countries in the developing world possess some type of short-range missile or space-launch vehicle, only countries friendly to the United States—Israel, India, and Saudi Arabia—have deployable systems with a range greater than 600 kilometers.

North Korea, perhaps the most discussed threat, has conducted one partial-range test of the 1000 kilometer range Nodong missile, but does not have an operational version after six to seven years of development. North Korea is reported to be working on new missiles with ranges up to 3,500 kilometers, but such missiles would require new technologies, such as staging and more powerful engines. Judging from the long development time of past North Korean missiles, deployment of such an intermediate-range missile is many years off at least, and progress can be monitored closely by satellite. In any event, none of these missiles would have the range to strike the US homeland.

CONCLUSION

Rather than devoting resources to national missile defenses, the United States should instead focus on programs to combat existing, more pressing threats. For example, a higher priority should be placed on bringing military and civil weapon-usable fissile material in the former Soviet republics under better control and accelerating safe, verified dismantlement of Russian nuclear warheads and delivery vehicles.

In sum, proposals to deploy NMD are misguided and irresponsible. National missile defenses do not address the existing and most likely future threats to the U.S. homeland and are diverting valuable resources. Instead, NMD will destroy much of one of the United States' primary tools for maintaining and increasing national security: arms control. We urge you to weigh carefully the negligible benefits and substantial costs of deploying NMD. Thank you for your attention to our views and please call on us if we can be of assistance as you deliberate on this matter.

Sincerely,

HANS BETHE,
Professor of Physics Emeritus, Cornell University.
RICHARD GARWIN,
Adjunct Professor of Physics, Columbia University and IBM Fellow Emeritus, IBM Research Division.
KURT GOTTFRIED,
Professor of Physics, Cornell University.

FRANK VON HIPPEL, Professor of Public and International Affairs, Princeton University.
HENRY W. KENDALL, Chairman, Union of Concerned Scientists and Stratton Professor of Physics, Massachusetts Institute of Technology.
WOLFGANG K.H. PANOFSKY, Professor and Director Emeritus, Stanford Linear Accelerator Center, Stanford University.

Mr. NUNN. Mr. President, I have enjoyed the dialog on this subject. I think this is a good way to begin the defense debate. I inform all of my colleagues that the biggest challenges we have in this bill, in managing the bill—the chairman, Senator THURMOND and myself—is the whole theory of ballistic missile defense, theater missile defense, and the ABM Treaty. We are off on the subject that I think is going to be the toughest subject. It will take the most time for debate. I consider this a good dialog with which to begin the debate and get the views out on both sides of this issue.

I am sure there will be other views as we go along. I would like to explain, in just a few minutes, the amendment I have offered, which is now the pending second-degree amendment to the Kyl first-degree amendment.

This amendment is intended to restore funds for the program known as the Corps SAM program, which is also a cooperative program called MEADS. They are one and the same program, but the MEADS program is the name given for SAM that is designated as a cooperative program and supported by the Governments of Germany, France, and Italy, where they will be paying approximately 50 percent of the cost of the program, which is what we have been encouraging for the last several years in terms of allied participation.

Corps SAM is a highly mobile theater missile defense system which is designed to defend our most vulnerable military forces, that is, our Marine and Army troops amassed at the very edge of the battle area. It is the only system under development that can meet this requirement. In addition to defending our forward troops from attack by short-range ballistic missiles, the Corps SAM/MEADS system will also replace the aging and outmoded and, in many cases, HAWK batteries that are now the Marines only defense against ballistic and cruise missiles, as well as enemy aircraft.

Notwithstanding the importance of the requirement to defend these forward deployed troops, the committee bill before us, unless it is changed, will cancel the Corps SAM/MEADS program that was done during the committee markup. That is the provision of the bill now. The bill does not just zero funding in the report; it directs the Secretary of Defense, in permanent bill language, to terminate this international program.

Mr. President, in my view, this is a shortsighted action and defies rational explanation. The Senate Armed Services Committee majority argued in their report accompanying our bill that 80 percent of the total ballistic missile defense funding goes to theater missile defense systems. And the majority of the report complains about both the number of the theater missile defense systems under development and their cost.

This bill has shifted more funds to the national missile defense, which is the overall, rather than the theater defense. But what the majority report does not set forth, Mr. President, is the following set of important facts:

First, the bill as it now exists, enshrines as the core theater missile defense program four programs to the exclusion of all the other programs.

Second, the bill does not recognize that these four core theater missile defense programs provide overlapping coverage of the rear area in the theater but often no coverage for our front line troops.

That is graphically shown on this chart, Mr. President. This is the forward battle area. These are various forms of attack coming from the enemy on a theoretical battlefield.

This unprotected zone, this area right here in red, is the area where our forward troops are, usually Marine forces or Army forces. The white zone is the theater zone that is the support area, not on the forward area.

The only system that is being designed now to protect these forces in the forward battle area is the Corps SAM system, which has been canceled in this bill and which I am seeking to add back in this amendment.

The programs that are left in the bill are all designed to protect in this zone. We have the Patriot intercept zone in white. The Patriot system is designed to protect in that area. We have the Navy upper tier—very difficult to read here—but it is the outlined pink area in the outline here.

That is the upper tier engagement. We have the THAAD intercept zone, the light green zone here. Then we have the Navy lower tier, which is a possible program, which is below here.

These are overlapping programs. We want some overlap. We did not know which programs will end up being the best programs. I am not complaining about the overlap. What I am complaining about is leaving this area completely—not only unprotected except for HAWK batteries, which are limited in their effectiveness—but we do not have any program, even with all this money that is being complained about that is being added, to protect the troops on the forward battle area.

There is a reference in the majority report to making the PAC–3 mobile. There is no money to do that. We do not know whether that can be done. In my amendment, what I provide is $4.6 million to test that view. Can we make the PAC–3 program apply to this area?

Right now the incoming missiles for this zone are only not protected now, if we have this bill without being changed, as it now exists, we will have no program being designed for that. We will cut out the only program that our international allies—at least three of them—have signed up for: Germany, France, and Italy.

That is what our Congress has asked, for our allies to get involved in this. They finally get involved, it is the very beginning of the program, and what did we do? We cancel the program. I do not understand it. Perhaps someone can explain it.

The third point I make is that the bill now makes the theater missile defense funding problem that is being complained about—that is, the majority report complains we are spending 80 percent of our money on overall defenses in the theater, but in this bill we add $215 million to the theater programs in this area while we cut out $30 million from the Corps SAM/MEADS program, which I seek to add back.

If there is a problem—and I am happen to be one that believes theater missile defense should be the priority because that is where the immediate threat is and where we have a chance to get programs in the field in the next few years that can be effective—if there is a problem with 80 percent of the overall funding going to theater, what is done in this bill as it now stands, those programs are being added to what the program that goes to the heart of the forward battle area is cut out.

The fourth point is that the bill argues that instead of pursuing Corps SAM, the ballistic missile defense office should begin development of a system based on making the Patriot PAC–3 technologies highly mobile to meet the Corps SAM requirement.

I do not have a quarrel with that. Perhaps PAC–3 would be better than Corps SAM. We do not have money in the bill to test that. Right now it cannot protect in this area. It is not being worked on. I do not mind seeking an answer to that question, but no one knows the answer now.

Why should we cancel the only program that is designed to protect this, and try the PAC–3, give them no money to try PAC–3, and in the meantime cancel the only program we have designed in that direction. I do not understand any logic in that.

The fifth point, the bill right now, unless it is changed, rejects the cooperation with our allies on the MEADS program. That is the program that three of our allies have signed up for, saying they are willing to put some of their money into it. For the first time we have some of our allies willing to put money into these programs. They will pay 50 percent of the MEADS program.

Now, that is puzzling to me, because every Congress—and I do not know of any objection we have ever had from this on either side of the aisle—has requested that the administration, the Bush administration and the Clinton administration, and even the Reagan administration in the early 1980's, push hard for greater involvement of our allies in missile defenses.

The allies finally, after a lot of urging, have voluntarily—we did not tell them which program to get involved in; they voluntarily chose this program. What do we do? The first thing we do after years of urging, we say, OK, you have signed up for this program, we will cancel it. We want you to now look at other programs, I assume. I do not think that makes any sense.

Mr. President, the bill's decision to terminate the Corps SAM/MEADS program leaves our forward-deployed Marine and Army troops virtually unprotected for the foreseeable future from attacks by short-range ballistic missiles.

I want no one to misunderstand. We are not talking about what the dialog was a little while ago, when we have a threat in 10 years against the Holy Land, the United States, or whether we have a threat in 12 years or 8 years, or a present threat. This is a present threat. It is today's threat. It is one in which the next time we have a conflict, we may well have a chemical weapon dropped on our forward battle troops by a delivery system, that the Corps SAM—which has been canceled under this bill—is designed to protect against.

I emphasize the point about today's threat. This is a Defense Daily report dated July 6, and it is reporting on the Roving Sands exercise, which the caption says ''Roving Sands Exercise Reinforced Need for Corps SAM, the Army Says.''

From the report, ''In a June paper, officials of the Army's Air Defense Artillery Center say that recently completed Roving Sands air defense exercise 'reinforced the Army's need to field the Corps SAM [surface-to-air missile]'''—that is what SAM stands for, surface-to-air missile—''to fill a void that exists as a result of emerging threats' from tactical ballistic missiles, unmanned aerial vehicles, and cruise missiles.''

''During the Army's live Theater Missile Defense Advance Warfighting Experiment, which was conducted as a part of Roving Sands, SS–21 short-range missiles employed by enemy red forces presented a particular problem for the friendly blue forces.''

Mr. President, getting away from the quote, this is an exercise. We have enemy forces, we have friendly forces. They test the various enemy systems against our present capability. SS–21 has been produced by the Soviet Union for years and have been sold to numerous countries around the world. These are widely distributed missile systems that exist in many countries.

''The largest problem for the blue forces,'' that is, the friendly forces, ''came from the red Alpha Battery 1st Battalion, 914 SSM Brigade, which 'successfully fired all missiles, many with chemical warheads, against some 20 Corps and Division targets.' The battery was not detected during a single mission, and they were not engaged by fixed wing aircraft, rotary aircraft,'' or the Army Tactical Missile System.

In other words, they had 100 percent success rate in the shots that were postulated with existing technology against forward battle troops. Any one of those in a real battlefield would have contained chemical weapons.

Continuing the quotation from this report:

For the exercise, four Scud brigades—of which two were simulated and two combined live and simulated equipment—and one SS–21 brigade formed the theater ballistic missile threat.

Surrogates for cruise missiles formed during Roving Sands ''also attacked Corps targets at will'' despite the deployment of blue forces of an advanced technology sensor to detect them.

This inability to deal with the major elements of the emerging threat during Roving Sands highlights a deficiency in corps missile defense capabilities, air defense officials conclude in the paper. The Army must field the Corps SAM system to ensure protection of friendly forces and allow the corps commander to accomplish his mission.

Mr. President, there is much more that can be said about those testings, but I think those paragraphs pretty much capture the essence of what we are faced with.

I am not going to get into a detailed comparison of the programs which are funded versus this program which is not funded. Suffice it to say, though, in my opinion we are pouring money into programs that are going to take a long time to develop, that are speculative in terms of whether they will work or not. I think some of them are worth some money. Some of them are worth putting money in, to see whether they will work or not. I do not disagree with that. But we are pouring in large sums of money, above the requests in those areas, and we are canceling the very program that our allies are working on with us, finally, that is designed to protect the frontline troops against today's threat. That does not make sense.

Finally, the termination of the Corps SAM program in this bill is bound to have a chilling effect on further cooperation with our NATO allies on all defense programs, not just missile defenses. The actions in this bill are a complete reversal of the previous policy of cooperation. The Congress has been urging cooperation by the allies. Frankly, we want them to put some of their money into these programs, too. We do not want to be the only ones who ever put any money up. We want them to put some money up, because we are going to be fighting, in most conflicts, certainly in the European theater, side by side with our allies.

Quoting from the National Defense Authorization Act for fiscal year 1994, and I give this as the exact quote from that bill—I know of no Senator or Congressman who opposed this provision in any way:

Congress encourages Allies of the United States, and particularly those Allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States.

We have urged them to get involved. They have finally gotten involved and we are canceling the program. We are talking about $35 million in this amendment and we are talking about, not an add-on to this bill, this amendment would shift the money from the big pot of money, over $3 billion that is provided in the overall missile defense area, and we leave it up to the Secretary of Defense, in this amendment, to determine how to shift those funds. But there is in my opinion sufficient funds for this purpose.

Let me briefly summarize. My amendment restores the $30.4 million requested by the ballistic missile defense office for the Corps SAM/MEADS program. We add another $4.6 million for the ballistic missile defense office to study the view of the majority that the PAC–3 system can also be made applicable to this. We say, ''OK, good idea. Take a look-see. But do not cancel this program while you are doing it because we do not know the answer.'' Thus, my amendment adds back a total of $35 million. Since the grand total of $770 million the majority has already added to the request for ballistic missile defense in my opinion is adequate, my amendment thus offsets the $35 million increase by an undistributed reduction of $35 million to the total BMD funding of $3.4 billion.

We have $3.4 billion in this bill. Of that $3.4 billion, we would shift $35 million to restructure, repay, and reinsert this program.

Mr. President, I should close by quoting from a number of letters of support for the restoration of the Corps SAM funding which I received both from the Pentagon and from our commanders in the field.

The first letter is a letter from Secretary of Defense Bill Perry. I will just quote selectively from that. It is a 2½ page letter addressed to Senator THURMOND.

DEAR MR. CHAIRMAN: As you continue your consideration of the Fiscal Year 1996 National Defense Authorization Bill, I strongly urge you and your colleagues to reconsider the termination of the Medium Extended Air Defense System (MEADS) program. The MEADS is a high priority advanced capability tactical ballistic missile defense system that merits your full support.

Continuing to quote:

The MEADS [program] represents an appropriate form of allied cooperation in the development of a missile defense system for which the United States and our allies share a valid military requirement.

Continuing to quote:

The outcome of the internationally structured MEADS program will be viewed on both sides of the Atlantic as one of the most important tests of future trans-Atlantic defense cooperation. At a time when both sides of the Atlantic are experiencing declining defense budgets and smaller procurements, we should welcome collaborative ventures where there are compatible requirements. Failure to follow through with this collaborative effort could significantly impact prospects for future defense cooperation within the alliance, jeopardize U.S. efforts to forge an alliance policy on theater missile defense, and may hamper the ability of U.S. defense industry to solicit joint programs with the allies in other areas.

The Senate report language specifies the United States would be best served to work with the allies on theater missile defense systems that would provide wide areas of coverage, such as the Navy wide area or Army THAAD systems. While future cooperative efforts in those programs may have merit, I firmly believe that MEADS uniquely offers the best opportunity for allied cooperation at this time. In a future conflict, as in Operation Desert Storm, the United States and our allies will likely be operating together in a theater of operations as a coalition force. In this manner, our maneuver forces will be vulnerable to attack by tactical ballistic missiles, cruise missiles and other air-breathing threat. The MEADS would allow the United States, French, German and Italian forces operating the system to provide protection for all coalition partners.

Mr. President, next I will read from a letter from Gen. George Joulwan who heads up our European command. Quoting from General Joulwan:

The recent Senate Armed Services Committee mark-up concerning the MEADS/Corps SAM program directly impacts USEUCOM and NATO's ability to fight and win on the future battlefield. USEUCOM and NATO have a critical need for MEADS.

Missile defense is one of my very top priorities. While the ''Core'' US Theater Missile Defense (TMD) systems (PAC–III, Navy lower-tier and THAAD) play a central role in defending US interests and forces, they do not provide the mobility and force protection required to defend against emerging air and cruise missile threats. These limitations provide our potential enemies a window of opportunity to attack perceived vulnerabilities in protection of our forces and/or national interests. Core TMD programs alone simply do not provide sufficient operational capability to meet our security requirements.

The MEADS/Corps SAM program will enable the US to protect its regional interests against a wide spectrum of threats. Excepting long range strategic missiles currently deployed by only a few countries, there is no direct missile threat to the continental United States today. Conversely, this theater faces a range of systems that could directly threaten US interests and US/Allied forces. Many nations in and around the European Theater (especially in our Southern Region) are developing and employing short range Theater Ballistic Missiles (TBM), cruise missiles and Unmanned Aerial Vehicles (UAV) to exploit perceived US and Allied vulnerabilities.

In the European Theater, interoperability is absolutely vital. Further, NATO is the enabler for coalition operations elsewhere. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on strictly US assets to defend US and Allied forces and interests.

Mr. President, next I would like to read a letter from General Luck, commander in chief, U.S. Army in Korea.

This situation, especially on the Korean peninsula, requires that we develop and field TMD systems that are highly flexible, extremely mobile, capable of 360 degree coverage and able to counter the full threat spectrum. Though there is no system that can currently do this job for us, I strongly believe the US Army has clearly articulated the need for such a system through the Corps SAM program.

I understand that recent action by the HNSC and the SASC have essentially terminated the Corps SAM program. I would think that the demise of that program should not be mistakenly linked to the vital Corps SAM requirement. The capability provided by Corps SAM represents one of our more important needs in protecting the force on the peninsula today and in the future.

Mr. President, he goes on to say:

While we do have Patriot PAC–2 assets in theater, we remain at risk given the growing and rapidly improving nature of the threat. The termination of Corps SAM continues and increases that risk. I would strongly recommend that Congress reconsider the Corps SAM requirement and restore appropriate funding to protect our forces.

Mr. President, I also would like to read a letter from Gen. Dennis Reimer, head of the U.S. Army:

The predominant threats to Army and Marine Corps maneuver forces are very short/short range tactical ballistic missiles (VS/SRTBMs), cruise missiles (CMs) and unmanned aerial vehicles (UAVs). Defense against these threats well forward of our forces is clearly one of the greatest concerns facing our Commanders-in-Chief (CINCs). The Corps SAM Operational Requirements Document (ORD) specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing/proposed system configurations (PAC–3, THAAD, Navy Upper/Lower tier) fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.

This is a compelling requirement. Army and Marine Corps forces are currently at risk, and will remain at risk with no defense against VS/SRTBMs and only limited capability against CM attacks.

Mr. President, finally a letter from Robin Beard. Many of you know Robin Beard. He was a Congressman from Tennessee, a Republican Congressman, and now is the Assistant Secretary General, NATO. He writes the following letter. This letter is addressed to Senator TED STEVENS:

DEAR SENATOR STEVENS:

I am writing to express extreme concern with the Senate Armed Services Committee's decision to terminate the Medium Extended Air Defense System (MEADS) program and to urge you and your colleagues to support the President's budget request of $30.4 million for MEADS in the FY 1996 Defense Appropriations Bill.

While others have spoken to the U.S. military requirements for MEADS/Corps SAM, I would like to offer a broader NATO perspective on the matter. Canceling MEADS would send a horrible message to the Allies. It would confirm their worst fears regarding the lack of U.S. interest in cooperative armaments projects and would seriously jeopardize on-going efforts to develop a cooperative approach for meeting the challenges posed by the proliferation of weapons of mass destruction and their delivery systems.

Mr. President, continuing to quote from Robin Beard who is now the Assistant Secretary General, NATO:

In addition to the political track, NATO Military Authorities have prepared a draft Military Operational Requirement for Theater Missile Defense that calls for the protection of NATO territory, forces and populations against ballistic missiles. And efforts are also underway under the auspices of the Conference of National Armaments Director (CNAD)—where NATO's material development is focused—to define future opportunities and mentors of collaboration in the area of TMD.

All of these efforts will lead, in the next couple of years, to the development of an Alliance policy framework on TMD cooperation endorsed by the North Atlantic Council. The termination of MEADS, the first significant TMD collaborative efforts, would be a serious setback for U.S. leadership in this area.

Mr. President, I also have a letter from General Shalikashvili, Chairman of the Joint Chiefs of Staff. But I think I have probably given enough so that my colleagues have gotten the drift of the priorities for this program.

I hope that the Senate will consider this carefully. I hope that this amendment could possibly be accepted. But, if it is not accepted, I urge my colleagues to vote for it.

I think this is a very important program. A lot is at stake here. The lives of the battlefield troops at the front line are at stake, and the future of cooperative efforts in our alliance in terms of theater missile defense I think also will be very significantly affected by how we handle this matter.

Mr. President, I ask unanimous consent that all of the complete letters that I have read excerpts from be printed in the RECORD.

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

JULY 24, 1995.

Hon. SAM NUNN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: As you well know, our combined forces in Korea face a significant threat from DPRK tactical ballistic missiles, cruise missiles and unmanned aerial vehicles. The growing quantity and capability of this particular threat and the restricted nature of Korean terrain amplify the risk to our forces. This situation, especially on the Korean peninsula, requires that we develop and field TMD systems that are highly flexible, extremely mobile, capable of 360 degree coverage and able to counter the full threat spectrum. Though there is no system that can currently do this job for us, I strongly believe the US Army has clearly articulated the need for such a system through the Corps SAM program.

I understand that recent action by the HNSC and the SASC have essentially terminated the Corps SAM program. I would think that the demise of that program should not be mistakenly linked to the vital Corps SAM requirement. The capability provided by Corps SAM represents one of our more important needs in protecting the force on the peninsula today and in the future. In fact, TMD as a whole is a high priority in our theater and has the support of USCINCPAC as

one of the top ten priorities within our FY96 integrated priority list.

While we do have Patriot PAC–2 assets in theater, we remain at risk given the growing and rapidly improving nature of the threat. The termination of Corps SAM continues and increases that risk. I would strongly recommend that Congress reconsider the Corps SAM requirement and restore appropriate funding to protect our forces.

Sincerely,

GARY E. LUCK,
General, U.S. Army,
Commander in Chief.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, July 14, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Armed Services Committee (SASC) voted to terminate the Corps Surface-to-Air Missile (Corps SAM) program, after the House National Security Committee (HNSC) voted a $10 million decrement. However, the critical warfighting requirement that Corps SAM intends to fill remains completely valid.

The predominant threats to Army and Marine Corps maneuver forces are very short/short range tactical ballistic missiles (VS/SRTBMs), cruise missiles (CMs) and unmanned aerial vehicles (UAVs). Defense against these threats well forward of our forces is clearly one of the greatest concerns facing our Commanders-in-Chief (CINCs). The Corps SAM Operational Requirements Document (ORD) specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing/proposed system configurations (PAC–3, THAAD, Navy Upper/Lower tier) fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.

This is a compelling requirement. Army and Marine Corps forces are currently at risk, and will remain at risk with no defense against AS/SRTBMs and only limited capability against CM attacks. We strongly feel that development actions must continue, and welcome the opportunity to work with the Committee to demonstrate how we can leverage current capabilities in order to meet this critical need in a rapid, cost-effective manner.

Sincerely,

DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, July 28, 1995.

Memorandum for Under Secretary of Defense (Acquisition and Technology).

Subject: Army Position for Corps Surface-to-Air Missile (Corps SAM)/Medium Extended Air Defense System (MEADS).

1. The Army fully supports the current proposed Corps SAM/MEADS program. We need to proceed as rapidly as possible with the Corps SAM program under any circumstances. The Army and the Marine Corps have a compelling need for the only system that can provide air and missile defense for maneuver forces as well as serve as an effective lower tier Theater Missile Defense (TMD) system under the Theater High Altitude Area Defense (THAAD) umbrella.

2. We have reviewed the current status of the Corps SAM/MEADS program with respect to the ongoing debate in Congress and the mid and long-term funding of DoD's TMD programs. We believe that the potential development cost savings and the prospects of allied interoperability and operational burden sharing in TMD fully justify pursuing the Project Definition—Validation phase of MEADS. The initial phase will define the program in terms of costs and other benefits to the participating nations and allow for an informed decision by all the countries involved regarding continuation of a cooperative program. The Army has the mechanisms in place to adequately address Congressional concerns with respect to leveraging current TMD and cruise missile defense programs while protecting our interests with respect to technology transfer. The industry proposals currently being evaluated reflect a high degree of leveraging of other programs and will serve as a sound foundation for entering into the MEADS program. We will provide full support to insure that MEADS is begun expeditiously and in a manner that protects the best interests of the United States. If efforts at a cooperative program are unsuccessful, the Request For Proposal (RFP) allows for a transition back to a U.S. only program.

3. I appreciate your continued support of this critical program for our warfighters.

DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

NORTH ATLANTIC TREATY ORGANIZATION,
July 25, 1995.

Hon. TED STEVENS,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I am writing to express extreme concern with the Senate Armed Services Committee's decision to terminate the Medium Extended Air Defense System (MEADS) program, and to urge you and your colleagues to support the President's budget request of $30.4 million for MEADS in the FY 1996 Defense Appropriations Bill.

While others have spoken to the U.S. military requirement for MEADS/Corps SAM, I would like to offer a broader NATO perspective on the matter. Cancelling MEADS would send a horrible message to the Allies. It would confirm their worst fears regarding the lack of U.S. interest in cooperative armaments projects and would seriously jeopardize on-going efforts to develop a cooperative approach for meeting the challenges posed by the proliferation of weapons of mass destruction and their delivery systems.

NATO is now closer than ever to formulating an Alliance approach to theater missile defense. At the January 1994 NATO Summit, Ministers recognized the dangers posed by proliferation and directed that work begin on developing a policy framework to reduce the proliferation threat and protect against it. Supporting this effort is NATO's Senior Defense Group on Proliferation, which recently concluded that preventing the proliferation of WMD and their missile delivery systems remains NATO's top counter proliferation priority. Additionally, the June 1994 Alliance Policy Framework on Proliferation and Weapons of Mass Destruction recognizes the growing proliferation risks, especially with regard to states on NATO's periphery, and called on the Alliance to address the military capabilities needed to discourage WMD proliferation and use, and if necessary, to protect NATO territory, populations and forces.

In addition to the political track, NATO Military Authorities have prepared a draft Military Operational Requirement for Theater Missile Defense that calls for the protection of NATO territory, forces and populations against ballistic missiles. And efforts are also underway under the auspices of the Conference of National Armaments Directors (CNAD)—where NATO's materiel development is focused—to define future opportunities and methods of collaboration in the area of TMD.

All of these efforts will lead, in the next couple of years, to the development of an Alliance policy framework on TMD cooperation endorsed by the North Atlantic Council. The termination of MEADS, the first significant TMD collaborative efforts, would be a serious setback for U.S. leadership in this area. The need to respond to the growing proliferation threat, coupled with the high cost of new defensive systems, means that we can't go it alone. We need Allied participation and MEADS is a good place to start because it responds to French, German and Italian requirements to develop a new defensive capable of addressing the threat posed by aircraft, ballistic missiles, and cruise missiles. And, as it has been noted by U.S. military authorities, it fulfills the requirement for a highly mobile TMD/cruise missile defense system capable of protecting Army and Marine Corps maneuver forces.

The implications of canceling MEADS go well beyond NATO TMD cooperation. As the centerpiece of the U.S. ''renaissance'' in trans-Atlantic cooperation. MEADS is an experiment that is being closely watched on both sides of the Atlantic. Failure of the U.S. to follow through will stifle prospects for future cooperation—such as with JSTARS—and play into the hand of those advocating a strong European defense industry at the expense of trans-Atlantic cooperation. U.S. industry will then find it increasingly difficult to solicit European cooperation across a broad spectrum of projects. It may well spell the difference between trans-Atlantic cooperation and competition.

In closing, I would again urge you and your colleagues to consider the broader geopolitical implications of this cooperative program and support the President's budget request. MEADS will pay dividends in the future both in terms of its contribution to trans-Atlantic armaments collaboration and as a military capability in support of out-of-area operations—a central tenet of the Alliance's new Strategic Concept.

Yours sincerely,

ROBIN BEARD,
Assistant Secretary General, NATO.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
Washington, DC, July 12, 1995.

Hon. SAM NUNN,
U.S. Senate, Committee of the Armed Forces, Washington, DC.

DEAR SENATOR NUNN: Thank you for your letter of 11 July regarding your concerns about theater missile defense (TMD) priorities.

The President's Budget submit represents a balanced approach to satisfying our theater missile defense requirements. In that document, CORPS SAM/MEADS research and development was supported as a part of the integrated TMD architecture. It will fill a critical need for mobile, self-defensive capability for maneuver forces, both Army and Marine Corps. We support funding of this program at $30.4 million for FY 1996. In response to your questions, I support funding Corps SAM/MEADS at this level since none of the programs in the letter offer an alternative better than the President's Budget.

Current development efforts, new efforts in sophisticated strike operations against mobile launchers, and the Ballistic Missile Defense Organization-led TMD Cost and Operational Effectiveness Analysis will enable the Department to make critical TMD acquisition decisions in the FY 1998 budget process consistent with funding constraints and

the CINCs' warfighting requirements. For now, I believe the DoD Budget submit appropriately represents our TBMD warfighting priorities.

I discussed the above position with the Joint Chiefs and our CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: As you continue your consideration of the Fiscal Year 1996 National Defense Authorization Bill, I strongly urge you and your colleagues to reconsider the termination of the Medium Extended Air Defense System (MEADS) program. The MEADS is a high priority advanced capability tactical ballistic missile defense system that merits your full support.

The Department's approach to the MEADS program has its direct legacy in past Congressional direction that the United States seek cooperation with our allies on the development of tactical and theater missile defenses. I would cite the provision from the Fiscal Year 1994 Defense Authorization Conference Report that expressed the following sense of the Congress:

''Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.''

The MEADS represents an appropriate form of allied cooperation in the development of a missile defense system for which the United States and our allies share a valid military requirement. As you are aware, MEADS will fulfill an existing U.S. operational requirement for a rapidly deployable, highly mobile, robust air defense system designed to protect maneuver forces and expeditionary forces of the U.S. Army and Marine Corps. Both Services are in strong agreement on the need for protection against short- to medium-range ballistic missiles and the full spectrum of air-breathing threats-aircraft, cruise missiles and unmanned aerial vehicles. This is also a military requirement shared by our European allies. In short, this is a valid requirement.

To satisfy this requirement and reduce costs, the committee recommends a restructured program that would merge ongoing efforts in PAC–3 and Theater High Altitude Area Defense (THAAD) to produce a mobile, hybrid system. The acquisition strategy for the current MEADS program does, in fact, leverage off existing ballistic and cruise missile defense programs as the committee suggests. During the MEADS program definition phase, we have planned to evaluate all viable options including hybrid solutions. Each approach will be assessed and its advantages in terms of costs and commonality will be compared to other system concepts. At least one of our partners, Germany, which already has PATRIOT, would most likely respond eagerly to any PAC–3 option which would provide part of a cost and operationally effective MEADS architecture. Additionally, any potential cost saving derived from unilateral development are more than offset by the political, operational and diplomatic benefits of international collaboration.

The outcome of the internationally structured MEADS program will be viewed on both sides of the Atlantic as one of the most important tests of future trans-Atlantic defense cooperation. At a time when both sides of the Atlantic are experiencing declining defense budgets and smaller procurements, we should welcome collaborative ventures where there are compatible requirements. Failure to follow through with this collaborative effort could significantly impact prospects for future defense cooperation within the alliance, jeopardize U.S. efforts to forge an alliance policy on theater missile defense, and may hamper the ability of U.S. defense industry to solicit joint programs with the allies in other areas.

The Senate report language specifies that the United States would be best served to work with the allies on theater missile defense systems that would provide wide areas of coverage, such as Navy wide area or Army THAAD systems. While future cooperative efforts in those programs may have merit, I firmly believe that MEADS uniquely offers the best opportunity for allied cooperation at this time. In a future conflict, as in Operation Desert Storm, the United States and our allies will likely be operating together in a theater of operations as a coalition force. In this manner, our maneuver forces will be vulnerable to attack by tactical ballistic missiles, cruise missiles and other air-breathing threats. The MEADS would allow United States, French, German and Italian forces operating the system to provide protection for all coalition partners. At the same time, THAAD and Navy Wide Area Defenses could provide a defensive overlay. Hence, MEADS supports coalition efforts, joint operations and interoperability of tactical ballistic missile defenses. These could be critical features in a future conflict.

I urge you to support the full budget request for MEADS, our centerpiece of Theater Missile Defense cooperation with our European allies.

Sincerely,

WILLIAM J. PERRY.

COMMANDER IN CHIEF,
U.S. EUROPEAN COMMAND,
July 20, 1995.

Hon. SAM NUNN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The recent Senate Armed Services Committee mark-up concerning the MEADS/Corps SAM program directly impacts USEUCOM and NATO's ability to fight and win on the future battlefield, USEUCOM and NATO have a critical need for MEADS.

Missile defense is one of my very top priorities. While the ''Core'' US Theater Missile Defense (TMD) systems (PAC-III, Navy lower-tier and THAAD) play a central role in defending US interests and forces, they do not provide the mobility and force protection required to defend against emerging air and cruise missile threats. These limitations provide our potential enemies a window of opportunity to attack perceived vulnerabilities in protection of our forces and/or national interests. Core TMD programs alone simply do not provide sufficient operational capability to meet our security requirements.

The MEADS/Corps SAM program will enable the US to protect its regional interests against a wide spectrum of threats. Excepting long range strategic missiles currently deployed by only a few countries, there is no direct missile threat to the continental United States today. Conversely this theater faces a range of systems that could directly threaten US interests and US/Allied forces. Many nations in and around the European Theater (especially in our Southern Region) are developing and employing short range Theater Ballistic Missiles (TBM), cruise missiles and Unmanned Aerial Vehicles (UAV) to exploit perceived US and Allied vulnerabilities.

In the European Theater, interoperability is absolutely vital. Further, NATO is the enabler for coalition operations elsewhere. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on strictly US assets to defend US and Allied Forces and interests.

MEADS has potentially significant economic and political benefits, as well. New TMD systems are so expensive that unilateral development and fielding often makes them unaffordable. Yet, with the Germans, French and Italians picking up 50% of the MEADS program costs, it appears that we can protect our forces and interests while realizing potentially large savings.

Politically, MEADS is a visible and important illustration of the US commitment to missile defense, to NATO, and to Europe. MEADS is a model for future transatlantic cooperation efforts. Terminating MEADS now would have serious ramifications in other ongoing cooperative ventures and raise yet another round of poignant questions about US intentions regarding leadership in NATO. Consequently, to protect US forces and our national interests, we must maintain the leadership and momentum for MEADS. Congressional support is critical. With it, MEADS can protect US interests and US/Allied forces from adversaries equipped with short range TBMs, cruise missiles and UAVs. Without MEADS, we will place future US and Allied forces at a serious risk. I urge continued development of MEADS.

Sincerely,

GEORGE A. JOULWAN,
General, U.S. Army.

Mr. NUNN. Mr. President, I yield the floor.

Mr. LOTT. Mr. President, I rise in support of this very important Department of Defense authorization bill. I think outstanding work has been done on this bill, and I commend the very distinguished chairman of the full committee, the Senator from South Carolina, Senator THURMOND, who really provided true leadership on this bill. He allowed the subcommittees to do their work. We had a lot of very good hearings. All of the Members were engaged and involved. And I think we have produced a good bill. Obviously, there are some points we disagree on. But I think we can work out some of those disagreements, and we will have votes on others and move forward.

I want to thank the distinguished Senator from Georgia, who has always done good work on the important defense of our country, and I look forward to working with him on a number of issues that are still outstanding that I think we can resolve.

I want to make the point at the beginning that we have already had a lot of negotiations and addressed a number of concerns in the Department of Defense authorization bill. I believe we are going to be able to make a number of changes in the Department of Energy portion of the DOD authorization bill that will address concerns of Senators on both sides of the aisle, and from States as divergent at South

Carolina, Idaho, New Mexico, and Tennessee.

We have tried to list all of the various concerns. We have resolved all of these issues except maybe one or two where we just need to have a good debate and have a vote and see how it turns out.

So I am pleased with the bill that we have produced. I think we should not lose sight of the fact that we need to move it on through in a reasonable time, get it into conference where we will continue to work out differences, and produce a bill that I feel confident that hopefully the President will be able to sign.

Also I would like to urge my colleagues to try to limit the number of amendments. Let us get right down to the basic issues and vote so we can finish up the authorization bill in the next 3 days and move on to the appropriations bill.

From an authorization standpoint, I think we need to remember that we are right on top of the appropriations process now. If we dally along very much, we will wind up on a side track, and the appropriators move forward. So let us work together and resolve these issues the best way we can.

But I would like to address the issue that has been discussed a lot here today—a couple of the issues that will be debated later on, and we will have amendments on it. That is the Missile Defense Act of 1995. Since there have been a number of assertions that I think are not true—I think they are false—concerning the content and the intent of this legislation, I would like to explain actually what it does and does not do in my opinion,

The Missile Defense Act of 1995 would replace the Missile Defense Act of 1991 which was a bipartisan effort that was developed in 1991 with more up-to-date legislation intended to respond more completely to the challenges and opportunities of the post-cold-war era—times have changed—and establish a more focused course for theater and national missile defenses.

The new legislation also addresses the growing cruise missile threat that we have around the world, for the first time establishing an integrated approach to ballistic and cruise missile defense.

Programmatically, the Missile Defense Act of 1995 has three pieces: One that focuses our efforts in the area of theater missile defense; one that establishes a clear policy to develop and deploy a limited national missile defense system; and, one that establishes the cruise missile defense initiative.

With regard to TMD, the legislation establishes a top priority corps program consisting of the Patriot PAC–3 system, the theater high altitude area defense system, or THAAD, the Navy lower tier system, and the Navy upper tier system. To allow us to maintain this high priority program and to make room for programs to defend American territory, the legislation also proposes to terminate two unfocused and relatively low priority programs—although its value or priority has already been discussed, and we will talk more about it in a moment—that is, the airborne boost-phase interceptor, and the Corps SAM system.

Each year, several of our colleagues say that, well, you never cancel any defense programs even when they have had problems or when their future is not clear, or regardless of what the cost is. Well here is a case where we are trying to terminate one that has been unfocused and has some problems.

We want to work with Senator NUNN on the Corps SAM issue and I think maybe we can find a way to work through this. But keep in mind, this is not some $30 million program or $35 million program. This is a program that leads us to over $10 billion now. If it is an international program that involves some of our allies in Europe, presumably they would take up some half of the costs of that Corps SAM program. But this is potentially a big dollar program.

So what I would like to see us do is let us look at the problems it has had, let us ask some questions about why it has moved on into the international arena without us I think directly acting on that, and see if we can understand where we want to go before we get started toward a program that could cost a lot.

I am impressed, we are all impressed, when the frontline commanders say we need this. We listen to that. But here is a case where we said we just do not feel we can afford this one in view of the way it has been developed and some of the problems it has had.

With regard to the national defense, I am amazed at what I hear on this. Listen to what I said: ''National defense.'' The Missile Defense Act would establish a policy to deploy a multiple-site ground-based system by the year 2003. This is not star wars but a modest and responsible answer to a growing threat.

After considering all the alternatives, the Armed Services Committee felt that the United States should move directly to a multiple-site system, since a single-site system would just not be capable of defending all Americans. We are thinking about a system that is going to allow some Americans to be defended and not others? Somebody want to defend that?

We felt it was inappropriate morally and strategically to select a subset of the American population for defensive coverage while leaving some undefended. You better check and see if you would be undefended or not. We are talking about national defense of our country and by one that could have more than one site so that everybody could be covered. This decision seems even more correct given that the most unpredictable and dangerous new ballistic missile threats will be capable of reaching States like Alaska and Hawaii before the continent itself becomes vulnerable. I am referring to the North Korean intercontinental ballistic missile program which the intelligence community believes could become operational within the next 5 years.

This is not some far-off potential threat. This is very close. An NMD system consisting of the only site in the middle of the United States simply cannot defend Alaska and Hawaii and would not do a very good job of protecting the coastal regions where most Americans live, including this Senator. I live on the Gulf of Mexico. I look at the areas covered. We probably would not be covered. I am uncomfortable with that.

In the area of cruise missile defense, the legislation would require the Secretary of Defense to focus U.S. activities and coordinate the various efforts within the Department of Defense. It would require the Secretary to integrate U.S. programs for ballistic missile defense with cruise missile defense to ensure that we leverage our efforts and do not waste resources through unnecessary duplication. It also requires the Secretary to study the current organization for managing cruise missile defense and recommend changes that would strengthen and coordinate these efforts.

There have been a number of other statements I just do not agree with raised against this legislation, most of them having to do with the ABM Treaty. Let me set the record straight. Nothing in this bill advocates or would require violation of the ABM Treaty. Every policy and goal established in this bill can be achieved through means contained in the ABM Treaty itself. The argument this bill would force us to violate the ABM Treaty is like arguing that one must drive off a cliff just because there is a bend in the road where the cliff is.

This bill recommends that we gradually and responsibly turn the wheel. Can we improve on it? Let us work at it. Maybe we can. I think we have got some scare tactics here with regard to what we are trying to do, and that is not what we want to do.

Let me also say that it is not this bill first and foremost that forces us to reconsider the ABM Treaty. Such a reexamination is warranted, indeed required, as a result of the end of the cold war and the growing multifaceted ballistic missile threat characterizations of this new era. The ABM Treaty with its underlying philosophy of mutually assured destruction, MAD, practically defined the cold war confrontation. Why would anybody argue that we should now reexamine that agreement? Times are different.

Let us be clear about what this bill in fact calls for. It recommends that the Senate undertake a comprehensive review of the continuing value and validity of the ABM Treaty. It suggests that the Senate consider creating a select committee to undertake a 1-year assessment. Let us not run up to the point where in the year 2002 or 2003 we

may actually want to move toward deployment.

Let us think about it. Let us have a group, and if this is not the way to set it up, set it up somewhere else. Get the various committees that would have jurisdiction involved. Let us start thinking about and talking about what we want to do with the ABM Treaty. So what we are recommending is a careful examination of all issues before making a specific recommendation to the President on how to modify our current ABM Treaty obligations.

By establishing a policy to deploy a multiple-site NMD, national missile defense system, this bill does assume that eventually we will need to amend or otherwise modify the ABM Treaty, but let me repeat that the means to achieve this are contained in the ABM Treaty itself. The treaty in no way limits the establishment of policies. It limits the deployment of ABM systems.

In the case of ground-based systems, the treaty in no way limits deployment or development or testing. Therefore, we can proceed simultaneously to develop the system called for in this bill while we figure out the best approach dealing in the future with the treaty.

We should remember that the ABM Treaty was meant to be a living document that can be changed as circumstances change. Anyone who argues that the strategic and political circumstances have not changed since 1972 is living on another planet.

Article XIII of the treaty envisioned possible changes in the strategic situation which have a bearing on the provisions of this treaty. So I wish to just emphasize again as I move forward that there are various treaty compliant ways to modify our current obligations under the treaty and we would like to work toward.

For those who are upset by the fact that this bill would establish a policy to deploy a multiple-site NMD system, I would point out that the ABM Treaty signed and ratified in 1972 did permit development and deployment of multiple sites. I would also remind my colleagues who seem to fear the prospect of amending the treaty that in 1974 the Senate approved a major amendment to the treaty. So we are not suggesting something happened that has not already happened before and we would not suggest doing it for quite some time.

Let me also briefly address another provision in the Missile Defense Act of 1995 which relates to the ABM Treaty. Section 238, which is based on legislation introduced earlier this year by Senator WARNER, would establish a clear demarcation line between TMD systems which are not covered by the treaty and the ABM systems which are explicitly limited. This provision is also consistent with the letter and the spirit of the treaty, and I know we will talk more about that later on.

Now, with regard to this specific amendment that is pending, I wish to commend Senator KYL for his amendment. How could anybody disagree with it? It says the purpose of this amendment is to state the sense of the Senate on protecting the United States from ballistic missile attack. That seemed like a very worthwhile proposal to me. The Senator from Arizona has clearly demonstrated that there is a real and growing threat to the security of the United States posed by ballistic missiles of all ranges. I fully conquer with his sense-of-the-Senate language that all Americans should be defended against this potential limited ballistic missile attack.

This week we will have a lot of debate on this subject and others related to it. One argument that will surface over and over is that there is no threat to justify the deployment decision of the national missile defense program. The Kyl amendment clearly establishes that this is an erroneous assumption. The United States currently faces ballistic missile threats from Russia and China, if only the threat of accidental or unauthorized attack.

Just as important, the missile technologies that these two countries possess have ended up or are likely to end up in the hands of countries that would like nothing more than to blackmail, if not attack, the United States. North Korea has also demonstrated that any country that has a basic technology infrastructure can develop long-range ballistic missiles without providing significant warning.

Saddam Hussein, I heard earlier today some Senators kind of seeming to brush off Saddam Hussein or what he might do. But he proved to the world that modifying existing missiles is not, you know, something we should take lightly. It can happen. High technology is not needed if the intent is to terrorize, if not directly act.

Since we will debate this issue at length, I will limit my remarks at this point. But I do think that the Kyl amendment is a good amendment to sort of lay out the parameters of this debate. I hope it will pass. I understand there has been a second-degree amendment by the Senator from Georgia that would put back in the Corps SAM funding at the $35 million level, as I understand it, which is $5 million more than what the administration asked for. Now, I understand that extra $5 million is so we can have a study of the potential problems and where we are headed.

My only suggestion would be here that maybe we are kind of getting the cart before the horse. Let us take a look at it and see where the problems are. Let us see how it is developing internationally.

Again, I sympathize with what the Senator from Georgia says on the front-line need for this. But I just have to ask if there is not a better way we can do it. Have we looked at the problems it has? And have we evaluated the fact that this could wind up costing $10 billion? I think we will talk about that some more. But again, my disposition on that is let us try to find a way to work it out, if we can. Let us go ahead and agree to the Kyl basic language and then get to some of the specifics. I think that, generally speaking, Senators on both sides of the aisle in the committee are comfortable with the dollar amounts, but we are still—and I know there will be some amendments to change the dollar amounts, but the big question is the policy we are establishing here. We could work on the language. That will allow us to move forward with the agreed-to policy.

Mr. President, I rise in strong support of the Kyl amendment. The Senator from Arizona has clearly demonstrated that there is a real and growing threat to the security of the United States posed by ballistic missiles of all ranges. I fully concur with his Sense of the Senate language which states that all Americans should be defended against limited ballistic attack, whatever its origin and whatever its cause.

This week we will have extensive debate on this subject and a variety of related matters. One argument that will surface over and over is that there is no threat to justify a deployment decision on national missile defense. The Kyle amendment clearly establishes that this is an erroneous assumption. The United States currently faces ballistic missile threats from Russia and China, if only the threat of accidental or unauthorized attack. Just as important, the missile technologies that these two countries possess have ended up or are likely to end up in the hands of countries who would like nothing more than to blackmail, if not attack, the United States.

North Korea has also demonstrated that any country that has a basic technology infrastructure can develop long-range ballistic missiles without providing significant warning. Saddam Hussein proved to the world that modifying existing missiles is not a serious challenge. High technology is not needed if the intent is to terrorize.

Since we will debate this issue at length, I will limit my remarks at this point. Later in the debate I will present a detailed rational for the missile defense provisions in the Defense authorization bill and respond to the many red herring arguments that have been made in opposition. Let me close by saying that the Kyl amendment is warranted and long overdue. I strongly urge my colleagues to support it.

This is not star wars but a modest and responsible answer to a growing threat. After considering all alternatives, the Armed Services Committee felt that the United States should move directly to a multiple-site system, since a single site system would just not be capable of defending all Americans. We felt that it would be inappropriate morally and strategically, to select a subset of the American population for defensive coverage while leaving some undefended.

This decision seems even more correct given that the most unpredictable and dangerous new ballistic missile

threats will be capable of reaching States like Alaska and Hawaii before the continent itself becomes vulnerable. I am referring to the North Korean intercontinental ballistic missile program, the so-called Taepo-Dong, which the intelligence community believes could become operational within the next 5 years. An NMD system consisting of only one site in the middle of the United States simply cannot defend Alaska and Hawaii, and would not do a very good job of protecting the coastal regions where most Americans live.

In the area of cruise missile defense, the legislation would require the Secretary of Defense to focus U.S. activities and to coordinate the various efforts within the Department of Defense. It would require the Secretary to integrate U.S. programs for ballistic missile defense with cruise missile defense to ensure that we leverage our efforts and do not waste resources through unnecessary duplication. It also requires the Secretary to study the current organization for managing cruise missile defense and recommend any changes that would strengthen and coordinate these efforts.

There have been a number of other false arguments raised against this legislation, most having to do with the ABM Treaty. Let me set the record straight: nothing in this bill advocates or would require a violation of the ABM Treaty. Every policy and goal established in this bill can be achieved through means contained in the ABM Treaty itself. The argument that this bill will force us to violate the ABM Treaty is like arguing that one must drive off a cliff just because there is a bend in the road. This bill recommends that we gradually, and responsibly, turn the wheel.

Let me also say that it is not this bill, first and foremost, that forces us to reconsider the ABM Treaty. Such a reexamination is warranted, indeed required, as a result of the end of the cold war, and the growing multifaceted ballistic missile threat characterizes this new era. The ABM Treaty, with its underlying philosophy of mutual assured destruction, practically defined the cold war confrontation. Why would anybody argue that we should not reexamine such an agreement.

Let us be clear about what this bill in fact calls for. It recommends that the Senate undertake a comprehensive review of the continuing value and validity of the ABM Treaty. It suggests that the Senate consider creating a select committee to undertake a 1-year assessment. What we are recommending is a careful examination of all issues before making a specific recommendation to the President on how to modify our current ABM Treaty obligations.

By establishing a policy to deploy a multiple-site NMD system, this bill does assume that eventually we will need to amend or otherwise modify the ABM Treaty. But let me repeat, the means to achieve this are contained in the ABM Treaty itself. The treaty in no way limits the establishment of policies, it limits the deployment of ABM systems. In the case of ground-based systems, the treaty in no way limits development or testing. Therefore, we can proceed simultaneously to develop the system called for in this bill while we figure out the best approach to dealing with the treaty.

We should remember that the ABM Treaty was meant to be a living document that could be changed as circumstances changed. Anyone who argues that the strategic and political circumstances have not changed since 1972 is living on another planet. Article XIII of the treaty envisioned ''possible changes in the strategic situation which have a bearing on the provisions of this treaty.'' Article XVI specifies procedures for amending the treaty. Article XV specifies procedures for withdrawal from the treaty. As we debate the Missile Defense Act of 1995, therefore, we must bear in mind that there are various treaty-compliant ways to modify our current obligations under the treaty, including withdrawal if we are unable to achieve satisfactory amendments. Talk of violation or abrogation at this time is nothing more than hyperbole.

For those who are upset by the fact that this bill would establish a policy to deploy a multiple-site NMD system, I would point out that the ABM Treaty, as signed and ratified in 1972, did permit deployment of multiple sites. I would also remind my colleagues who seem to fear the prospect of amending the treaty that in 1974, the Senate approved a major amendment of the treaty.

Let me also briefly address another provision in the Missile Defense Act of 1995, which relates to the ABM Treaty. Section 238, which is based on legislation introduced earlier this year by Senator WARNER, would establish a clear demarcation line between TMD systems, which are not covered by the treaty, and ABM systems which are explicitly limited. This provision is also consistent with the letter and spirit of the treaty. It simply codifies what the administration itself has identified as the appropriate standard. This provision is required to ensure that the ABM Treaty is not inappropriately expanded or applied in ways and in areas outside the scope of the treaty. In essence, it would prevent the ABM Treaty from being transformed, without Senate concurrence, into a TMD treaty.

Mr. President, before yielding let me briefly address one particularly flawed argument that is commonly used against this bill and missile defense programs in general. It has been asserted that this bill would undermine START II and perhaps even damage broader United States-Russian relations. There is no substantive basis to this argument. It is a red herring that has been used by some Russians and repeated by more than a few Americans including the Chairman of the Joint Chiefs of Staff.

Fundamentally, this argument is rooted in the cold war. It assumes an adversarial and bipolar relationship between the United States and Russia. Rather than repeat stale arguments, the Russians and the Clinton administration, including the Chairman of the Joint Chiefs of Staff, should be seeking to change the basis of our strategic relationship to one based on mutual security rather than mutual assured destruction. I would agree with Defense Secretary Perry's recent statement that ''the bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war.''

If we look closely at the argument that this bill undermines START II, we see no substantive content. The type of defense envisioned in the Missile Defense Act of 1995 should in no way undermine Russian confidence in strategic deterrence. We must remember that President Yeltsin himself proposed a Global Defense System and that, in the early 1990's, the United States and Russia had tentatively agreed to amendments to the ABM Treaty to allow deployment of five or six ground-based sites. According to testimony the Armed Services Committee received earlier this year from Mr. Sidney Graybeal, who was a senior United States ABM Treaty negotiator, the Russians were not opposed to permitting five or six sites in the original ABM Treaty. How is it, then, that today such deployments will upset stability and arms control? It simply will not.

Of course, we should seek to cooperate with Russia and take into account legitimate security concerns. But this is what START II is all about. That agreement is manifestly in both countries' interest and should not be held hostage to any other issue. Unfortunately, the Russians have linked it to a variety of issues including expansion of NATO. We must reject this linkage, lest we encourage the Russians to believe that they possess a veto over a wide range of United States national security policies.

Admittedly, START II is in trouble in the Russian Duma, but this has nothing substantively to do with the United States missile defense program. Stated simply, Russian hard-liners are intent on undoing START II so they can retain some or all of their multiple-warhead ICBM force. The United States should strongly oppose this effort to undo START II. But legitimizing the false argument about ABM Treaty linkage only obfuscates the issue. The United States should not participate in a clouding of the issue by repeating Russian arguments about ABM Treaty linkage. This is simply a distraction from the central problem.

As we proceed to debate the various aspects of the Missile Defense Act of 1995 and consider implications for START II, we should bear in mind that

today the United States has no defense against ballistic missiles. Russia, on the other hand, has an operational ABM system deployed around Moscow, which has been modernized and upgraded over the years. We should not feel threatened by the existence of this system. Indeed, we should encourage the Russians to invest in this system instead of their destabilizing strategic offensive forces. Likewise, the United States should develop and deploy a national missile defense system. Such a system would provide greater security for all Americans than an outdated theory of deterrence that does not even apply other countries. The Missile Defense Act of 1995 clears the way for a world that is safer and more stable for the United States and Russia.

I will be glad to yield to the Senator from Georgia if he would like to respond.

Mr. NUNN. Yes. First, I appreciate all his good work on this bill. He has done a yeoman's job in helping the chairman and all of us on this legislation. I do not think the Senator from Mississippi was here when I mentioned we have a total of four systems that are in the bill. Of all of those, as the Senator noted, this one could cost a good bit of money before it is over. The allies hope to pay about half of it. But this is the only system that is designed to protect the front-line troops. The rest of these systems are in the theater support area.

We have the Navy upper tier program, which is in this envelope. We have the THAAD intercept program, which is in this green envelope. We have the PAC–3 right in this envelope, and then a possibility of maybe a Navy lower tier in this envelope.

So my point is, this system should not be canceled unless we can find one of these systems that could also cover this. Now, I believe the majority report indicated that perhaps the PAC–3 system could. I am perfectly willing to have that study. That is what the extra $5 million is for, is to see if that idea really will be proven to be workable. I would also be willing to have this study take place and hold back some of this money. I think that has been suggested by the staff of the Senator from Mississippi. We could work on some fencing amendment so we make sure we are getting the best program. I certainly share that, but I do not think we should cancel this program when it is the only one, until we get some affirmative answer, which we do not have now, on something that could take its place.

Mr. LOTT. Mr. President, if I may respond to the Senator's comments there, I do think there is a possibility that we could do that PAC–3 modification. But we do not know yet that it could provide that additional coverage. We should look into that to see if it can be done. Perhaps we can work out a way not to completely cancel the Corps SAM while we take a look at that. But again, my argument is before we start down this trail that could lead to $10 billion, I think we need to look and see if there are other options.

I would like some clarification of how we got into this international agreement. What is that international agreement? What extent of commitments do we have from our allies about being willing to pay up to $5 billion of the cost of this program? There are just a number of questions in that area that I think we need to get clarified.

But we will work with the Senator from Georgia as the day progresses, and hopefully we can work something out.

Mr. NUNN. I say to my friend from Mississippi, each of these other programs is going to involve billions and billions of dollars, also. We know we will not be able to afford them all. We know that.

Mr. LOTT. Which one do we not want to afford?

Mr. NUNN. Well, right now we have four programs that cover the same area, and they are fully beefed up and funded, while the only program that covers the forward battlefield is being canceled. So we have tremendous redundancy here. I do not mind some redundancy, because we do not know which of these programs is going to work and be the most cost-effective program.

But we do not have any redundancy here and no coverage here. The problem is the majority suggestion about PAC–3 possibly covering this area. We need to get some funding into a study for that, if that is going to be done. Perhaps we can work on something while we are continuing the debate.

Mr. President, I yield the floor at this time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before we went to a vote on any of the amendments, I just wanted to ask the Senator from Georgia a few questions about his understanding primarily of the Kyl amendment. I certainly support his perfecting amendment as I understand it, and believe it is well considered. But I have some concerns about the Kyl amendment, which it is an amendment to. And I wanted to just clarify the thinking of the ranking manager on this bill as to what his thoughts were on the import of the Kyl amendment.

It seems harmless enough in some respects. When you read it, it says it is a sense of the Senate that all Americans should be protected from accidental, intentional, limited ballistic attack. I agree with that. But I add to that that we also ought to protect all Americans from cruise missile attack, terrorism, and from a variety of other potential hazards.

I guess my concern is that, as the Senator from Georgia knows very well, and all of us on the Armed Services Committee know, there is considerable controversy about the provisions in the bill that we are now beginning to debate regarding ballistic missile defense.

We have a letter from Secretary Perry to Senator NUNN, and I am sure to the chairman of the committee as well, dated the 28th of July, where Secretary Perry makes a variety of points or a series of points about this. He says he wants to register strong opposition to the missile defense provisions of the Senate Armed Services Committee defense authorization bill. In his view, they would institute congressional micromanagement of the administration's missile defense program and put us on a pathway to abrogating the ABM treaty.

I am concerned that I do not want to support the Kyl amendment if it puts us on a pathway to abrogating the ABM Treaty. I would be interested in the Senator from Georgia giving me his perspective on that as to whether I could vote for the Kyl amendment with confidence that it was not an endorsement of the various ballistic missile provisions in this bill, many of which I intend to join with Senator EXON and others to strike here when the opportunity arises.

Mr. EXON. Will the Senator yield for an additional question before the——

Mr. BINGAMAN. I will be glad to yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I would say to my friend from the State of Georgia, I have the same concern about this, basically, as posed in the question by the Senator from New Mexico. I am for and wish to make a short statement in support of the Nunn underlying amendment.

But if I understand the procedures, the Kyl amendment is a sense-of-the-Senate resolution that I would strongly oppose because of its implications, even though it is only a sense-of-the-Senate amendment.

What would be the situation if the Nunn amendment in the second degree to the Kyl amendment passes, and then the Kyl amendment itself falls? Obviously, it would take the amendment that I support, offered by the Senator from Georgia, along with it, would it not?

Mr. BINGAMAN. Mr. President, I guess we have six or eight questions posed to the Senator from Georgia.

Mr. NUNN. I am sorry. I must ask the Senator from Nebraska, and I apologize, if he will repeat that question. He has gotten to be such a good—almost like a lawyer since he has been here. I am sure he can reframe that question.

Mr. EXON. I resent that statement.

Mr. NUNN. I knew the Senator would resent that statement. I said ''almost,'' not quite. Does the Senator mind repeating that, if he would?

Mr. EXON. I was simply saying to the Senator from Georgia, I was asking the same basic question just a little differently than the Senator from New Mexico. I am strongly in support of the

amendment by the Senator from Georgia, and would like to make a statement in support of that amendment.

As I understand the procedure, though, it is attached as a second-degree amendment to a sense-of-the-Senate amendment offered by the Senator from Arizona. I am questioning what the situation would be if we vote on the second-degree amendment, which I support, then vote on the Kyl amendment, which is a sense of the Senate. If the Kyl amendment fails, that would take along with it the amendment that I support offered by the Senator from Georgia. I am wondering if I properly understand the procedure.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. BINGAMAN. I yield for a response from the Senator from Georgia, because I have two or three other questions I want to ask.

Mr. NUNN. Mr. President, I will say first to my friend from New Mexico, his question was, does the amendment breach the ABM Treaty. We are talking about the Kyl amendment now.

As I outlined in my opening statement, I feel that the provisions of the underlying bill create what I would call a very high risk that it would be perceived as an anticipatory breach of the ABM Treaty. That is the underlying bill. I do not think there is anything in the Kyl amendment, and the Senator from Arizona is not on the floor now, but I do not read anything in the Kyl amendment that would either breach the ABM Treaty or suggest breaching the ABM Treaty.

The operative paragraph in the Kyl amendment is the one at the end that says:

> It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Like the Senator from New Mexico, if I were drafting this, I would certainly add cruise missile in there, perhaps some other threats. I see nothing wrong with the way it is worded in terms of in any way creating the impression that the ABM Treaty would be breached by this amendment.

I also note the paragraph just before the sense-of-the-Senate operative paragraph, paragraph 12, page 5 of this amendment says, explicitly:

> The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

So it seems to me there is nothing in this amendment that would in any way breach the ABM Treaty or that would in any way violate the conditions that the Secretary of Defense, Secretary Perry, has laid down in his letter.

I made a lengthy statement about what my fears were about the course this bill takes, and we will have amendments dealing with that on the ABM Treaty. So I do have very similar concerns as the Senator from New Mexico on the underlying bill, but I do not have such concerns on this amendment.

I will also say, if you look at the findings in paragraphs 1 through 12, I think the findings I generally agree with. Everyone will have to read them to see if they agree with them. But the findings I personally agree with.

I say to my friend from Nebraska, he is correct. If my amendment, the second-degree amendment, were adopted and became part of this Kyl amendment, then if the Kyl amendment were defeated, it would take down the second-degree amendment. In that case, what I would do is propose it again, and I hope that will not happen. I really believe careful reading of the Kyl amendment will not have many people taking exception to it. Everyone will have to judge some of the findings.

Mr. BINGAMAN. Mr. President, can I pose one additional question to the Senator from Georgia? Senator EXON, Senator GLENN, Senator LEVIN, and myself intend to offer an amendment at some stage to strike various of the provisions that are contained in this bill at the present time, particularly the ones under subtitle C on missile defense. I think that striking those is totally consistent with the letter we have received from Secretary Perry.

As the Senator from Georgia sees this Kyl amendment, it would not be inconsistent for a person to support the Kyl amendment and still vote to strike those provisions relative to missile defense when that amendment comes up?

Mr. NUNN. I say to my friend from New Mexico, I do not see any inconsistency there. As long as the Senator from New Mexico really agrees with the bottom paragraph, that it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, this Kyl amendment does not say how that should be done. It does not refer to the ABM Treaty. It does not set up any kind of anticipatory breach of the ABM Treaty. It does not say anything should be done in terms of deployment or testing that would violate the ABM Treaty. It simply states that we would like to protect Americans. So I do not see any inconsistency.

Mr. BINGAMAN. Mr. President, let me clarify one more time. My own position is that I do support the existing law with regard to the ABM Treaty, which I gather was adopted by us in 1991. And as the Senator from Georgia reads the Kyl amendment, the adoption of that amendment would be consistent with existing law and with the 1991 language which we put on the books; is that correct?

Mr. NUNN. As I read it—I will not pretend to the Senator from New Mexico that I have made a detailed sentence-by-sentence analysis of this amendment—I read it hastily, I read it again, my staff has read it. I see nothing in here that would contravene—in fact, the basic premise of this amendment is also the basic premise on which the 1991 Missile Defense Act passed, which I coauthored.

I see nothing inconsistent in that. Most of the findings in the Kyl amendment reference various statements Secretary Perry has made or that various military witnesses have made or simply statements that, for instance, the head of CIA has made and the statements that have been adopted, some in conference between the President of the United States and the President of Russia. I do not see that it contradicts.

Mr. BINGAMAN. Mr. President, I appreciate those responses, and I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the Nunn amendment, that I just referenced, to make $35 million available to continue the funding on the Corps SAM Program, also known as the MEADS or Medium Extended Air Defense System.

This program will provide a rapidly deployable, highly mobile 360-degree coverage defense system to protect our maneuver forces against short- to medium-range ballistic missiles.

Corps SAM will also defend against a full spectrum of air breathing threats against our troops, including advanced cruise missiles. The committee decision to terminate this joint NATO program is a mistake. Corps SAM will provide missile defense for our troops that other systems, such as the Patriot or the THAAD will not. Corps SAM will have the mobility necessary to advance with U.S. and allied ground forces in the field of battle. Sometimes Patriot's protective umbrella cannot provide this, and certainly not against short-range missiles that would otherwise underfly the THAAD Missile Defense System, as important as that system might be.

Corps SAM is what the Congress has been pushing for for many years, a cooperative trans-Atlantic defense program. Pulling out the program now will harm ongoing, as well as future, cooperative ventures with our allies. More important, it will deny—I emphasize, Mr. President—it will deny our forces in the field of battle an important layer of defense against missile attack that does not otherwise exist.

Therefore, I urge my colleagues to support this modest addition. At a time when we are unwisely throwing billions of dollars, in my opinion, on unnecessary full-blown national missile defense systems, I believe we can afford this small investment in the protection of our troops overseas in battle conditions.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I wonder if we are perhaps ready to go with a modification and perhaps a couple of votes on the pending amendments?

Mr. NUNN. Mr. President, I have asked the staff to check with the leadership. I recommend that we go ahead

with the modification and have a rollcall vote on the second-degree and on the first-degree amendment.

I have talked to the Senators from Mississippi and South Carolina about modifying the pending second-degree amendment which is related to Corps SAM.

I will soon send a modification of the amendment to the desk. It basically says that we will defer $10 million of the $35 million until such time as we have the report referred to in subsection (c)(2). That is the report, as I explained in my remarks, to determine whether the PAC–3 system could basically also cover that unprotected forward area that the Corps SAM system is designed to. This is acceptable to me.

Mr. NUNN. Assuming the Senator from Mississippi and the Senator from South Carolina concurs, I will send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2078), as modified, is as follows:

On page 5, beginning with ''attack,'' strike out all down through the end of the amendment and insert in lieu thereof the following: ''attack. It is the further Sense of the Senate that front-line troops of the United States armed forces should be protected from missile attacks.

''(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS—

''(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

''(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the US portion of the Corps SAM/MEADS program.

''(3) The Secretary shall provide a report on the study required under paragraph (2) to the congressional defense committees not later than March 1, 1996.

''(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

''(d) Section 234(c)(1) of this Act shall have no force or effect.

''(e) Of the amounts referred to in section (c)(1), $10 million may not be obligated until the report referred to in subsection (c)(2) is submitted to the Congressional defense committees.''

Mr. LOTT. Mr. President, if I could comment briefly, our staffs—Senator THURMOND's, mine, and Senator NUNN's—have discussed this, and I think this is acceptable, from my viewpoint. If the chairman is comfortable with that, it makes the amendment acceptable.

Mr. THURMOND. Mr. President, I ask unanimous consent that after we take the vote on Senator NUNN's amendment that we take the vote on Senator KYL's amendment, back to back, to save time.

Mr. NUNN. Reserving the right to object, I will ask the leadership to respond. I propose that we vote on both of those. I would like to accommodate the Senator.

I have received word, so I will not object.

I ask for the yeas and nays on the second degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. On behalf of the Senator from Arizona [Mr. KYL], I ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2078, AS MODIFIED

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2078, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Ohio [Mr. DEWINE] is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—98

Abraham	Ford	Mack
Akaka	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Coats	Inouye	Roth
Cochran	Jeffords	Santorum
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simon
Craig	Kennedy	Simpson
D'Amato	Kerrey	Smith
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dole	Kyl	Stevens
Domenici	Lautenberg	Thomas
Dorgan	Leahy	Thompson
Exon	Levin	Thurmond
Faircloth	Lieberman	Warner
Feingold	Lott	Wellstone
Feinstein	Lugar	

NAYS—1

Brown

NOT VOTING—1

DeWine

So the amendment (No. 2078), as modified, was agreed to.

VOTE ON AMENDMENT NO. 2077, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the Kyl amendment, No. 2077, as amended.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Ohio [Mr. DEWINE] is necessarily absent.

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

The result was announced, yeas 94, nays 5, as follows:

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—94

Abraham	Glenn	McConnell
Akaka	Gorton	Mikulski
Ashcroft	Graham	Moseley-Braun
Baucus	Gramm	Moynihan
Bennett	Grams	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Harkin	Nunn
Boxer	Hatch	Packwood
Bradley	Hatfield	Pell
Brown	Heflin	Pressler
Bryan	Helms	Pryor
Bumpers	Hollings	Reid
Burns	Hutchison	Robb
Campbell	Inhofe	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Santorum
Cochran	Kassebaum	Sarbanes
Cohen	Kempthorne	Shelby
Conrad	Kennedy	Simon
Coverdell	Kerrey	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Snowe
Daschle	Kyl	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thomas
Domenici	Levin	Thompson
Exon	Lieberman	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	Wellstone
Feinstein	Mack	
Frist	McCain	

NAYS—5

Breaux	Dorgan	Johnston
Byrd	Ford	

NOT VOTING—1

DeWine

So, the amendment (No. 2077), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair reminds the majority leader that under the previous order the Senator from Wisconsin is to be recognized.

Mr. FEINGOLD. Mr. President, I yield to the majority leader for purposes of making remarks without losing my right to the floor.

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

Mr. DOLE. I think we have worked out an agreement that might not require the introduction of an amendment and second-degreeing it, and that is in the process of being typed, so if we could just have a brief quorum call, I think it would be a matter of 2 minutes.

Mr. FEINGOLD. Mr. President, will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. FEINGOLD. I would like to offer the amendment at some point, but if

there is an agreement, I can hold off and offer this particular amendment later in the process.

Mr. DOLE. This would not prejudice the Senator's right to offer the amendment as far as I am concerned immediately after disposition of the other two amendments.

Mr. FEINGOLD. I would clarify, upon the disposition of the unanimous-consent agreement, I ask unanimous consent that I be recognized for the purposes of offering an amendment.

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

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

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

Mr. DOLE. Mr. President, in reference to the pending bill, let me encourage my colleagues—I know we have lost a little time here, but we started on the bill at 9 o'clock. We have had two rather, I guess, important votes, but one was a sense of the Senate; one was concerning $35 million. So this is a big, big piece of legislation. We are going to shut her down on Friday night. I hope that we can accept some of these amendments, and others who feel—we are not going to shut down the Senate Friday night; we are going to shut down this bill on Friday night.

I hope we can get time agreements on amendments. It seems to me that most have been argued every year for the past 10, 15 years. If we can get time agreements, I think it is the hope of the managers, Senators THURMOND and NUNN, that they can complete action by Friday evening, and then we can go to either Treasury Department appropriations bill or Interior. And then, Saturday, we will start on the welfare reform package. Later next week, we will take up the DOD appropriations bill, along with the legislative appropriations conference report, I guess, and maybe—depending on Bosnia—maybe a veto override.

In any event, I urge my colleagues that if we can cooperate with the managers, they are prepared to work late late this evening and late late tomorrow night and late late Friday night and would really appreciate your cooperation.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that Senator BOXER be recognized to offer an amendment regarding ethics and that no second-degree amendments be in order to the Boxer amendment, and immediately following that, her amendment be temporarily laid aside and Senator MCCONNELL be recognized to offer an amendment regarding ethics, and that no amendments be in order to the McConnell amendment, and that the time on both amendments be limited to a total of 4 hours, to be equally divided between Senators MCCONNELL and BOXER.

I further ask unanimous consent that following the conclusion or yielding back of time on both amendments, the Senate proceed to vote on or in relation to the Boxer amendment to be followed immediately by a vote on or in relation to the McConnell amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. Perhaps I did not hear it, but is this the unanimous-consent request on the two amendments? May I ask who will control time?

Mr. DOLE. You will control time on that side and Senator MCCONNELL will on this side.

Mrs. BOXER. Two hours per side. We will debate those simultaneously?

Mr. DOLE. Yes, that is what the agreement says.

Mr. DASCHLE. Mr. President, I have had the opportunity to consult with a number of our colleagues, and we find that this unanimous-consent agreement is agreeable, and we would like to proceed.

Mrs. BOXER. Reserving the right to object. I want to ask one more question of both leaders. Is a motion to table in order here?

Mr. DOLE. Just what the agreement says, ''on or in relation to.''

Mrs. BOXER. I do not have a copy of the agreement.

Mr. DASCHLE. ''On or in relation to'' would include a motion to table on each amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I thank the Democratic leader and the other people involved. I hope this will not take 4 hours. This is another half day off of the August recess, which we hope will start sometime in August.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. BOXER. Parliamentary inquiry. Does the Parliamentarian have a copy of the Boxer amendment?

The PRESIDING OFFICER. There is not a copy here at the desk.

AMENDMENT NO. 2079

(Purpose: To require hearings in the investigation stage of ethics cases.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2079.

SEC. . ETHICS HEARINGS.

The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee (1) has found, after a review of allegations of wrongdoing by a Senator, that there is substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and (2) has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the Committee.''

The PRESIDING OFFICER. Under the previous order, the amendment is temporarily set aside, and the Senator from Kentucky is recognized.

AMENDMENT NO. 2080

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2080.

At the appropriate place in the bill, insert:

(A) The Senate finds that:

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(B) Therefore, it is the Sense of the Senate that the Select Committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate on the Boxer and McConnell amendments, 2 hours under the control of the Senator from Kentucky and 2 hours under the control of the Senator from California.

Who yields time?

Mrs. BOXER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, there is a big difference between these two

amendments. The reason we took a little time on our side looking over the amendment of the Senator from Kentucky is because, at first blush, you think all this sounds good, but when you get to the end of it, you learn quickly that it is essentially a ''feel good'' amendment, a ''cover yourself'' amendment. It is the ''no public hearing'' amendment. It is a sense-of-the-Senate amendment which has no force of law, no requirement.

On the other hand, the Boxer amendment, which I believe will have strong support here today, will require that if the Ethics Committee wants to close the door on a case that has reached the investigative phase where there is credible, substantial evidence of wrongdoing against the Senator, they need a majority vote to close those doors.

I think that is very reasonable. I think the fact that we have a deadlock in this case is very serious. It is the first time in history this has happened. This matter deserves our attention.

I also think it is important to note that the amendment of the Senator from Kentucky deals with one specific case, the case pending before it, whereas the Boxer amendment talks to the issue in generic terms. In other words, what we are saying is that in every case that we visit this stage, there should be public hearings, unless the committee votes by majority vote to slam those doors shut.

Today, the Senate can break the deadlock. It is up to each and every Senator to decide that issue. I think the message that has been sent on a deadlock vote by the Republicans on the Ethics Committee is a message that does not sit well with the American people.

Let me read from just a few individuals today. Sometimes I think if we would listen to the voices of America, we can learn a lot. The question in the USA Today poll of average people: Should the Packwood ethics hearings be forced open?

I will read a couple of these responses. A young man aged 19, a student in Florida:

> They definitely should be open. He is an elected official and a public servant. People should know what is going on. Government already has a bad name for being secretive.

A woman, a 32-year-old from Oregon:

> Keep them open to take the mystery out of what is going on. Women have a particular interest and may not be well represented behind closed doors.

John Larson, 55, a financial planner in Bloomington, MN, says:

> They should be open so the public would have more information about what is going on in Government. Ethics should be on a high level for everybody. Whatever happened to honesty? If we are not honest at the top, what do we expect our young people to do?

I think the people of America understand this. I just hope and pray that Senators do.

As we debate this today, I think we are going to hear very reasoned voices on this side of the aisle. So much for comments that if this was a secret ballot, 98 Senators would vote against open hearings. That notion will be dispelled here today when we see the kind of eloquence we will see on the floor on this matter.

Now, I have to make a point. When the Ethics Committee voted 3–3 and deadlocked, they made a big point of saying, the chairman did, of how he was going to release all the materials in the case. As a matter of fact, a couple of the members from the Ethics Committee have said to the press, ''I feel really good. We are disclosing everything.'' Making people believe that there was something unique about this, that the papers were being released.

Mr. President, if we look over here—I can barely see over this—here we have the pile of materials that have been released in every other ethics case that has reached this stage. They are always released. They have never been withheld. Papers are always released. This is every case in history—these are the papers that have been released.

Of course, that is a precedent. So is public hearings. Every one of these cases also had public hearings. In this case, the doors have been slammed shut. I just hope that is a temporary glitch that we can straighten out here today.

There are a number of points, I know, that my Democratic colleagues on the Ethics Committee will make more eloquently than I, because they understand the precedence of the committee better than I, because it is their job to serve on the committee, to study the committee, and to act in the best traditions of the committee.

I have to say, as one U.S. Senator who is going to vote on how to dispose of this matter in a fair and just fashion to all concerned, I do not want to base my vote on a stack of papers. I know that the Senator in the case had a chance to go before the committee and look them in the eye and explain any discrepancies, in fact, if any; and when you read the papers, clearly there are. I do not know for a fact, but if you read the papers, there are discrepancies, in fact.

Yet, those on the other side have no chance to walk into that room, look in the eyes of the Senators, and tell their story. It reminds me of a trial where one side is heard and then they just say, OK, the jury should go in now, sequester itself and vote a penalty.

Excuse me, a juror might say, I never heard from the victims. I never heard from the victims. Yeah, I read what they said. But the defendant has said No, in certain cases, that is not what happened. I need to find out for myself. That would be a mistrial, and it would be unprecedented. That is what we are dealing with here.

I cannot believe that some Senators, from what I hear, are going to vote against public hearings and cast a vote without all the facts. I think this is something extremely important.

Now, I want to point out in my amendment I have bent over backwards to be fair to the Ethics Committee. As a matter of fact, it is a very respectful amendment. It says that the committee, by majority vote, can vote to close the hearings, and it underscores the fact that rule 26 will allow the committee to protect witnesses if they decide that must be done.

We are in no way in this amendment being disrespectful of the Ethics Committee. We are being respectful of the Ethics Committee.

For some to say Go away and never comment, would be a dereliction of constitutional responsibility of each and every Senator, if you read article V, section 1, that says, ''We are responsible in this Congress to police ourselves.''

Here we have an unprecedented circumstance where, for the first time in history, a case that has reached the investigative stage will not have public hearings. And then we must ask ourselves the next question: Why? Why? That is the question.

The question is not about Senator BOXER or any other Senator, or about what the record is in the House in holding hearings. The question is, why would the Republicans on the Ethics Committee vote not to proceed to public hearings when every single time in history—and it goes back to the day the Ethics Committee was formed—there have been public hearings.

I want to say, there were some who said, ''Wrong, Senator BOXER, there were not any on this or that case.'' I will ask to have printed in the RECORD the dates of every public hearing, of every single case. You cannot argue with the facts. This would be the first time.

When you answer that question—why—the only thing I can think of are a few responses. One is, protect this particular Senator from something we never protected any other Senator from. The second is, it is embarrassing. Well, that is no answer, Mr. President. The Senators should have thought of that before.

Is the message that if you do something and it is embarrassing, there will not be public hearings? That is a swell message to send. That is the message that is being sent unless we break the deadlock here today.

I was going to quote from Senator BRYAN, in his letter that he sent when five Senators were concerned about this matter, but he is here and rather than quote him, I know he will have much to say on the subject.

But I want to personally thank the courage, the courage of the Ethics Committee members who were fighting hard in a very difficult situation for what is justice and what is right. What the Republicans have done by voting against public hearings is a miscarriage of justice any way you slice it. The best face you can put on it is a miscarriage of justice to allow the Senator to come before the committee and not allow the victims—and not allow factual differences to be explored by

the committee. That is wrong. And if Senators want to hide behind a feel-good amendment, a sense of the Senate that does nothing on this matter, so be it. So be it. But let there be no mistake, that is what we are facing: An amendment that says there shall be public hearings unless a majority vote says no by the committee; and a feel-good amendment that is a sense of the Senate that does nothing.

Mr. President, it has been a very long road for me to get to this point, and it has been a harsh road, and it has taken many turns, some of them quite personal. But I am so honored that I am a Member of the U.S. Senate and that, because the people of my State sent me here and believe that I have a right to be here, that is all it took for me to hold my ground. You cannot be intimidated when you know you are doing what you think is right. So this has been, in many ways, a very important debate, just getting to this point.

In concluding my remarks, before I yield 30 minutes to the vice chairman of the Ethics Committee, Senator BRYAN, let me summarize. There are four main reasons to support public hearings in this case.

First of all, honor Senate precedent. Do not make an exception in one case. That is a very perilous path, because the message that it could send is: The more embarrassing the transgression, the more protected you will be. And if it is sexual misconduct, you can count on it being behind closed doors. And that is wrong, not only to the women of this country, but to their husbands, to their sons, to their fathers, to their uncles. We are all in this together.

Second, public hearings will clarify the issues that are in dispute.

Third, it is a question of fairness. The Senator got his chance to appear before the committee. The accusers did not.

Finally, we should fully air our problems. This is not a private club. This is the people's Senate, and we ought to act that way and open up the doors. We can handle it. My God, the Republicans voted for hearings and hearings and hearings and hearings on Whitewater, on Foster, on Waco. I voted with them. Open up the doors. Do not let problems fester. But do not suddenly close them when it comes to sexual misconduct. That is wrong, and a terrible signal for us to send.

Mr. President, I yield 30 minutes to the distinguished and eloquent vice chairman of the committee, Senator BRYAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I firmly support the amendment offered by the distinguished Senator from California. For more than six decades, the U.S. Senate has held public hearings on all major ethics cases. The committee counsel again confirmed this fact to each member of the committee earlier this week at our Monday meeting. So there can be no misunderstanding, what Senator BOXER seeks to accomplish with the amendment she is offering this afternoon is to continue that unbroken precedent of public hearings.

I embrace this position after considerable reflection. I can assure my colleagues that no one is more anxious than I to have this matter concluded without further delay. My service as chairman of the Ethics Committee for 2 years, and more recently my service as vice chairman over the past 7 months, has not been a pleasant experience.

Yet, I am firmly convinced that public hearings are essential if the integrity of the Senate and of the ethics process are to be sustained. There are many reasons to hold public hearings. There is no credible reason to make an exception in this one case.

On May 17, the Ethics Committee released the charges it was bringing against Senator PACKWOOD. The Ethics Committee found substantial credible evidence providing substantial cause for the committee to conclude that Senator PACKWOOD may have engaged in a pattern of sexual misconduct between 1969 and 1990, and may have engaged in improper conduct and/or violated Federal law by intentionally altering evidentiary materials needed by the committee; and may have inappropriately linked personal financial gain to his official position by soliciting offers of financial assistance from persons who had legislative interests.

Following its rules, the committee then offered Senator PACKWOOD an opportunity to appear before the committee to make a statement and to answer committee questions. That occurred over a 3-day period, from June 27 to June 29.

In addition, Senator PACKWOOD was also offered his right to a hearing, which would involve cross-examination and appearances by those who had brought the charges against him. He declined this opportunity.

When the Senate returned from the Fourth of July recess, it was the point in the process for the committee to make a decision on what else needed to be done in the final investigation and final stage, including the all-important question as to whether or not public hearings should be held; in other words, to complete the evidence phase.

On July 31, the Ethics Committee voted on the question of holding public hearings. The committee was split, deadlocked at 3–3.

So here we are today with a deadlock in the committee. In my view, it is entirely appropriate that the question now come before the full Senate for its determination.

I want to address the question of delay which has been raised. There is, in my view, no delay or improper interference with the committee process for the Senate to debate and vote on an amendment as to whether public hearings should be held.

In fact, this is the proper time for the Senate to make that decision. Otherwise, the committee will move ahead on making the decision on sanctions without holding customary and traditional and, in my opinion, needed hearings.

As for the delay in completing this case, I am confident the committee can hold public hearings, bring this case to the Senate, and the Senate can resolve it without undue delay. I have suggested we put a time limit on the hearings, say, no more than 3 weeks. During those 3 weeks, we can call witnesses the committee needs to hear, we can hear from them in person, we can examine their demeanor, we can test their believability. We can attempt to resolve discrepancies in previous testimony and to give to the alleged victims—the point made by the distinguished Senator from California—the same opportunity that rightfully we extended to our colleague from Oregon, who faces these accusations; in effect, to give the victims their opportunity to be heard.

I would like to put the process in some perspective, if I may. We deadlocked on the decision for public hearings. The committee, after that deadlock, did vote to release all relevant evidentiary materials to the public.

Some have suggested this is an unprecedented action. I assure my colleagues, this is consistent with the practice followed in the past; namely, that all evidentiary material is released.

I asked that this material be released as soon as possible, as opposed to waiting until after these proceedings are concluded, and the committee agreed. The committee counsel has told us it would take about a week to compile and print the documents.

I fully support the release of all evidentiary materials, as did each and every member of the Ethics Committee.

However, the release of all evidentiary materials is not and cannot be a substitute for public hearings. I can tell you unequivocally that there is a world of difference between reading a transcript and holding a hearing.

Release of the evidentiary material has been standard operating procedure in all previous major ethics cases, the same cases where public hearings were held. Release of all evidentiary material is the precedent. The release of all evidentiary material was done in the seven major ethics cases that the Senate has dealt with in this century. Indeed, if the Ethics Committee had not voted to do what it did yesterday, it would have broken yet another precedent in this one case.

What was done by the decision of the Ethics Committee earlier this week to release the evidentiary materials is a minimum public disclosure standard. I do not believe that the U.S. Senate wants to be judged by a standard of minimum public disclosure. I believe the appropriate standard is public disclosure and is consistent with the history and the practice of the Ethics

Committee. That requires public hearings.

I would like to briefly run through some of the reasons why I think public hearings are important—indeed, necessary—in this case. And I would suggest to my colleagues that this will be one of the most important ethics votes that will be cast in this session of Congress, or perhaps in their congressional careers.

First, the precedent of the ethics process has been to hold public hearings in every major ethics case in this century. As you know, those of you who have served on the Ethics Committee were often guided by precedent just as courts are in legal matters. Indeed, few decisions are made by the committee without first inquiring of the staff to state the precedent or case history. The precedent on the question of holding public hearings is clear. The committee has always held public hearings.

Since 1929, seven Senators—Senators Bingham, McCarthy, Dodd, Talmadge, Williams, Durenberger, and Cranston—have been the subject of disciplinary proceedings on the floor of the U.S. Senate. All first faced public hearings. The pending case against Senator PACKWOOD has now moved into the final investigative phase. Since the three-tiered ethics process was adopted in 1977 setting up the investigative phase, public hearings have been held in all four cases—Talmadge, Williams, Durenberger, and Cranston—matters which reached this very serious stage.

Let me briefly review the major cases.

In 1929, the Hiram Bingham hearings were held between October 15 and October 23 on charges of employing on his committee staff an employee of a trade association which had a direct interest in legislation then before the committee.

In 1954, the celebrated Joe McCarthy hearings began August 31 and ended on September 13 on charges of obstructing the constitutional process.

In 1966, the Dodd hearings of March 13 to 17 on charges of converting political contributions to personal use.

In 1978, the Talmadge hearings, 27 days of hearings between April 30 and July 12 on charges of submitting false expense vouchers and misuse of campaign funds.

In 1981, the Senator Harrison Williams hearings were held, July 14, 15 and 28, on the question of misuse of his official position to get Government contracts for a business venture in return for a financial interest.

In 1989, Durenberger, June 12 and 13, hearings on charges of accepting excess honoraria and illegal reimbursement of personal living expenses.

In 1991, in the Keating matter, in which only the Cranston case entered the investigative phase, had 26 days of hearings beginning on October 23, 1990, on conduct which linked campaign fundraising and official activities.

There were no other ethics cases which entered the investigative phase or which came before the Senate for a proceeding. In short, there has been no exception in holding public hearings in any major ethics case in this century.

I suggest that is the standard by which the Senate ought to act today in supporting the Boxer amendment which seeks to continue that unbroken precedent.

Second, I ask myself: Is there some reason, some compelling or persuasive reason, as to why we ought not to hold a hearing in the Packwood case in light of the fact that there has been a clear and undeniable precedent?

I have given that considerable thought. And I must say I can find no justifiable reason for not holding a hearing in this case. I have heard no credible reason offered from any of my Senate colleagues.

I would ask you to ask yourself: Why would we make an exception in this one case? I do not think by and large you will be pleased with the only answer that I believe exists, and that is, the Senate does not want to hold public hearings in this case because it deals with sexual misconduct. In my view, that is not a persuasive reason to depart from our honored tradition of the past.

Third, I think this case presents an even more compelling reason for holding public hearings because of the alleged victims. This, to the best of my ability to review the record of the ethics process in the Senate, is the first case in the history of the Senate in which there are alleged victims that have come forward and filed sworn charges against a U.S. Senator for actions that have been directed against them individually and personally.

This is a case of first impression on two aspects—because they are alleged victims and because of the finding of substantial evidence of sexual misconduct. From a public credibility standpoint, there should be no doubt about the need to hold public hearings on a matter of this magnitude.

What message will the Senate be sending to those who have come forward in this case or anyone who dares to come forward in the future? If there are victims, we do not want to hear from you, so we will close the door? Mr. President, that is the standard that we invite if we decline to hold public hearings in this case.

Fourth, this is not just a question of the future of one Senator. This decision speaks to the fundamental question of whether the Senate as an institution is capable of disciplining its Members and itself in a manner which merits public confidence. This is far more important than any one of us individually.

In the most recent serious ethics case before the Senate, the so-called Keating case, all six Ethics Committee members voted to hold public hearings—Senators HEFLIN, PRYOR, Sanford, Rudman, HELMS, and LOTT.

In the opening statements of the first day of those hearings, no Senator was more eloquent nor more persuasive nor more to the point than our colleague Senator LOTT, who said it best in focusing on the need for hearings for the sake of public credibility of the institution, when he said:

> It may be necessary to hold these public hearings if for no other reason than to remove the cloud that has come over the Senate and to clarify the basis for decisions on whether violations of laws or rules have occurred. These proceedings will mean that the public will have a full opportunity to hear and view for itself the evidence in each case.

I wish I were so eloquent. That is, in my view, a compelling and riveting reason for the public hearing process in this case and all cases which reach this stage in the ethics process.

This debate is not based upon ideological division. Four Christian profamily groups have called for hearings. Gary Bauer of the Family Research Council told the Hill, a newspaper publication, on June 7, and I quote:

> We are an organization that talks about values . . . I've urged my Republican friends that the party ought to err on the side of being aggressive in removing any cloud over it. These charges are serious enough to warrant full hearing and investigation.

Eight women's law or advocacy groups have called for public hearings. Nine of the women who have made charges to the Ethics Committee have publicly called for hearings.

Let me comment here on an objection which some have made to holding public hearings. I am afraid I think it is more of an excuse rather than a reason. It is argued by some that we should not hold public hearings because we need to protect the women who have filed charges. I point out again that 9 of the 17 women have called for hearings. I am not aware that any of the others have expressed opposition.

I am not unmindful of the need to protect victims.

In order to protect women who come forward with complaints of sexual misconduct I asked the committee to adopt the principles of the Federal rape shield law. As the author in 1975 of Nevada's State rape shield law, I feel strongly about these principles. Rape shield laws are designed to protect victims of sexual misconduct from unfair cross examination when there are attempts to inquire into the most personal and intimate relationships totally unrelated to the current allegation.

There is no issue which should be before the committee or the Senate, nor should any other issue be referred to by any Senator or anyone involved in this case, except the issue of the specific allegation made by a woman against Senator PACKWOOD.

The issue of public hearings, some have tried to claim, is strictly an issue within the beltway. To the contrary, editorials from newspapers throughout the country, every geographical region, have called for public hearings.

USA Today, July 14:

> Open the PACKWOOD hearings; this isn't a personal matter

read their headline. And the editorial went on to say,

No doubt public testimony about such acts may prove embarrassing. But the Senate can be shamed only if it tried to deal with the allegations behind closed doors.

Cincinnati Enquirer, July 1:

So why the soft glove treatment and protection for Senator Packwood? Perhaps the mostly male, starched-shirt proper Senate is embarrassed or scared at being criticized and scrutinized over this matter.

The way Packwood's alleged exploits are being treated by the Senate, there's room for suspicion—suspicion that could be quelled if the hearings were open.

Charlotte Observer, May 26:

As committee members move to the next phase of the Packwood case, the public is watching how they treat their own.

San Francisco Chronicle, May 19:

The system has worked and the process should now move to the final, necessary stage . . . the public forum for which Packwood has so often pleaded.

Atlanta Constitution; June 10:

Word has it around the Capitol that the Senate Ethics Committee is under considerable pressure to spare the upper Chamber, and perhaps Packwood himself, the embarrassment of a public inquiry. . . . Some Packwood allies are hopeful of arranging a settlement, presumably including some sort of penalty, so as to avoid a messy hearing and clamor for Packwood's ouster. . . . He's entitled to the best defense he can muster, but that must be a public defense if he is to minimize suspicions of favoritism.

A fifth reason for public hearings is that the hearings will build upon the evidence already before the committee, and give committee members an opportunity to listen to and see the reactions of witnesses firsthand, not just read a report, and also ask questions to follow up on earlier interviews by our committee counsel.

As a former prosecutor, I know a little about evidence. I know that sometimes when a witness faces a jury in person, he or she provides additional information or gives additional insight from what can be gathered from reading a written report.

I know that if there are conflicting explanations, I want to question all parties in person about those conflicts.

I am familiar with the depositions of the women who have made charges of sexual misconduct. However, in the interest of fairness and judicial prudence, they should be given the right to come before the committee, just as Senator PACKWOOD was given that right.

It is equal justice that we seek here. We are rightly concerned about being fair to our colleague who is being charged by others. We need to be fair to those who have come forward at considerable personal risk themselves and who have made very specific allegations and seek the opportunity for a public hearing.

Some reports today are stating the committee hearings will be in private. Let me correct that impression. The committee voted to hold no hearings, public or private, not to hear in person from anyone involved in this case except Senator PACKWOOD.

So those are the reasons, Mr. President, I feel very strongly that public hearings should be held. First, it has been the precedent of this institution in major ethics violations for this century.

Second, I know of no justifiable reason for not holding public hearings. The only answer that has been suggested is that somehow the Senate ought to avoid embarrassment because this issue deals with sexual misconduct. I believe that is unacceptable rationale.

Third, this is a case of first impression in which we have victims coming before the Senate Ethics Committee and hopefully to be heard by the entire Senate and the American people who have made sworn charges against a U.S. Senator for actions directed against them. And this is also the first time the Senate will judge a Senator who has been charged by the Ethics Committee with sexual misconduct.

The PRESIDING OFFICER (Mr. GRAMS). The Chair reminds the Senator that he has spoken now for 30 minutes and the Senator from California could yield more time.

Mr. BRYAN. May I have 3 more minutes?

Mrs. BOXER. I yield 3 more minutes.

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

Mr. BRYAN. Fourth, the credibility of the institution to deal with this issue is very much irreparably damaged without public hearings.

Fifth, as I have indicated, I think each of us needs an opportunity to evaluate credibility.

I will conclude by noting: What kind of message does the Senate want to send to the citizens we serve? This is really our opportunity to send a message to the American people that fits the message they sent to each of us last November. The public expects their Government to be open and to hold Members accountable to a proper standard of behavior. The message the Senate risks sending today, however, is that in disciplinary matters involving Members, we have chosen to retreat and to close the door tighter than it has ever been before.

Mr. JOHNSTON. Mr. President, will the Senator yield for a question?

Mr. BRYAN. I will be happy to yield for a question. I only have a couple more minutes, so if I am abrupt with the Senator, I do not mean to be rude.

Mr. JOHNSTON. Mr. President, I am concerned about whether there is any issue of material fact—I do not know what the Senator can tell me about that. I know there is some privilege. But can the Senator tell me whether there is an issue of material fact which by having a hearing the Senate would be further instructed as to the different sides of that material fact?

Mr. BRYAN. Let me just respond as I have tried to do in my statement that I believe the Ethics Committee, the Senate, and the American people would be further enlightened if we heard the testimony of the witnesses. I cannot get into the specifics of the evidence, but I must say that this is not in my view a circumstance in which nothing is to be gained by holding public hearings because I believe there are points at issue that, indeed, would be clarified.

Mr. JOHNSTON. Just one further question. Has Senator PACKWOOD publicly pleaded guilty in effect to the charges? Does the Senator know whether that is so?

Mr. BRYAN. I do not believe—I think the answer to that is no.

Mr. JOHNSTON. I thank the Senator.

Mr. BRYAN. In terms of public statements, those would be for each Senator to interpret.

I yield the floor. I thank the Senator.

Mrs. BOXER. Mr. President, may I ask the manager of the amendment for the majority if he is interested in taking any time to discuss this matter?

The point is I do not want to use all the time up on our side, but want to see if there are any speakers on the other side.

I will ask unanimous consent to have printed in the RECORD two important documents here which I believe go to the question of finding of fact that the Senator from Louisiana spoke of. In other words, his concern is, is there a need to have hearings to figure out if there are discrepancies?

In an AP story, an Associated Press story that was reprinted in one of the newspapers on July 29, Senator PACKWOOD is quoted as saying:

If there was a hearing, we'd finally have a right to question the complainants. We've been unable to do that.

So I think that sentence alone says to me that there are differences of fact. And second, there is documentation from a ''Nightline'' appearance that I was on with Senator SIMPSON in which Senator SIMPSON says:

If they want to come forward in a public hearing, they got to get their right hand up and be cross-examined with the rules of evidence. The last one,

meaning women,

made moves on Bob Packwood. You'll find that in the deposition.

Now, this raises a lot of other questions, but it certainly raises the issue that there are differences of fact here.

The point made by the Senator from Nevada, who is very careful on what he says on this floor—I am only amplifying his answer by showing you two very important statements, one by Senator PACKWOOD himself quoted in the AP story, the other by Senator SIMPSON which indicates that there is, in fact, a dispute over what occurred.

And I now ask unanimous consent to have them printed in the RECORD at this time. They are identified as the actual words from the ''Nightline'' appearance and the AP wire story.

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

[From ABC News ''Nightline'', July 27, 1995]

THE DAWDLING PACKWOOD INVESTIGATION

(This transcript has not yet been checked against videotape and cannot, for that reason, be guaranteed as to accuracy of speakers and spelling. (JPM))

ANNOUNCER. July 27th, 1995.

Sen. MITCH MCCONNELL, (R), Chairman, Select Ethics Committee. This has been the mother of all ethics investigations.

CHRIS WALLACE [voice-over]. The sexual misconduct investigation into Senator Bob Packwood: why won't the Ethics Committee conduct public hearings?

Sen. BARBARA BOXER, (D), California. I don't want to tell the Ethics Committee what to do, I want them to do the right thing.

PAUL JIGOW [sp?]. The demand for a public hearing is real low-ball, hardball politics.

CHRIS WALLACE [voice-over]. Tonight, the Packwood investigation; is it a case of the old boys' network looking after one of its own?

ANNOUNCER. This is ABC News Nightline. Substituting for Ted Koppel and reporting from Washington, Chris Wallace.

CHRIS WALLACE. The veil of decorum in the U.S. Senate was pulled back ever so slightly today in a debate over what to do about Bob Packwood. While maintaining all the practiced civilities of the Senate floor, the Republican head of the Ethics Committee, Mitch McConnell and a Democratic freshman from California, Barbara Boxer, were very politely sticking a shiv in each other. McConnell said the Ethics Committee wasn't about to be pushed around in deciding to deal with the Packwood case. Boxer said she respects the committee, but if it doesn't decide to hold public hearings on its own, she will bring the issue to the Senate floor.

Ever since the Clarence Thomas hearings, there's been a charge that the Senate—made up overwhelmingly of white middle-aged men—is insensitive to issues of sexual misconduct. Now, as the Packwood case is well into its third year, and so far, all the proceedings have been behind closed doors, that charge of insensitivity is being heard again. As ABC's Michel McQueen reports, the investigation of one senator is now putting some heat on all of his colleagues.

1st former PACKWOOD STAFF MEMBER. There was no warning. He suddenly grabbed me by the hair and forcefully kissed me, and it was very hard to get him off.

2nd former PACKWOOD STAFF MEMBER. He stood on my feet, pulled my hair, pulled my ponytail, my head back, was forcefully trying to kiss me, and with his other hand——

3rd former PACKWOOD STAFF MEMBER. In his offices, did grab me at the shoulders and kiss me forcefully.

MICHEL MCQUEEN, ABC News [voice-over]. There isn't much doubt about what he did.

Sen. BOB PACKWOOD, (R), Oregon. [NBC, 1992] My actions were just plain wrong, and there is no other, better word for it.

MICHEL MCQUEEN [voice-over]. The question has always been what to do about it.

[on camera] For two and a half years, the Senate Ethics Committee has investigated charges that Republican Bob Packwood of Oregon repeatedly harassed the women around him, and then tried to tamper with evidence to cover it up. In May, the Ethics Committee issued a finding that there was substantial credible evidence to warrant a formal investigation, the equivalent of a pretrial indictment or charge. But little has happened since then, and many people are getting impatient.

[voice-over] Last week, Senator Packwood's accusers and some of the congresswomen who support them held a press conference.

Rep. NITA LOWEY, (D), New York. Let me be very clear. The women of America will not tolerate politics as usual. We will not tolerate politics as usual in the good old boys' club. We will not stand for another Anita Hill. Whether it's in the Senate or in the office, the American people understand that sexual harassment is a serious abuse of power.

MICHEL MCQUEEN [voice-over]. What the lawmakers and many of Senator Packwood's accusers want are public hearings to air the allegations against him. An Oregon women's group paid for this ad in *The Washington Post*, designed by Democratic media consultant Mandy Grunwald.

MANDY GRUNWALD. For 40 years, the Ethics Committee has had public hearings every time they've found credible evidence. They put out a public report saying they found credible evidence of abuse of office tampering with evidence, and 17 counts of sexual misconduct. I think getting these things out in the open is appropriate, I think actions should have consequences, and he should be held accountable.

MICHEL MCQUEEN [voice-over]. The battle was joined on the Senate floor last week when five women senators [Boxer, Moseley-Braun, Feinstein, Murray, Snowe] led by California Democrat Barbara Boxer, strongly urged the Ethics Committee to hold public hearings.

Sen. BARBARA BOXER, (D), California. I have written the Ethics Committee and informed them that if no public hearings were scheduled by the end of this week—and that means the end of today—I would seek a vote on the matter by the full Senate.

MICHEL MCQUEEN [voice-over]. Senator Boxer's demand triggered threats to reopen past Democratic scandals, and complaints about her respect for protocol.

Sen. BOB DOLE, Majority Leader. Well, I believe in the integrity of the committee process. I don't believe that every time a senator doesn't like what the committee does, they come out with some motion.

MICHEL MCQUEEN [voice over]. Senator Boxer, who is not a member of the Ethics Committee, said Senate rules and the precedent set by previous cases demand public hearings.

STANLEY BRAND [sp?]. The line of precedent is unbroken on the fact that this stage of the procedure occurs in a public hearing.

MICHEL MCQUEEN [voice over]. Stanley Brand is a former Democratic counsel to the House of Representatives. He now represents both Democrats and Republicans before the ethics committees.

STANLEY BRAND. It really has nothing to do with partisan politics. These have been the rules through both Democratic and Republican control of the House and Senate, and in fact, these committees are evenly split along party lines, to prevent partisanship from taking control, if you will.

MICHEL MCQUEEN [voice over]. Not so fast, says Wall Street Journal editorial writer Paul Jigow.

PAUL JIGOW. What we're seeing here is the politics of ethics. If you don't have an issue, you can use personal politics, personal foibles of politicians. It was elevated to an art form in the 1980s against people like John Tower, Clarence Thomas, and in Bob Packwood's case, it's being used again, not to say that there's not real allegations here, but the public hearing aspect, the demand for public hearing, is real low-ball, hardball politics.

MICHEL MCQUEEN [voice over]. Whether it was politics or process, the argument erupted on the Senate floor today between Ethics Committee chairman Mitch McConnell and Senator Boxer.

Sen. MITCH MCCONNELL. This has been the mother of all ethics investigation. It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other senators in the past, the committee dismissed both of these cases rather than proceed to an in-depth inquiry.

Sen. BARBARA BOXER. I'm glad that the committee is meeting, but I'm not backing off one bit. If they don't vote for public hearings, I'll be back here with an amendment, so let's keep the wheels turning.

MICHEL MCQUEEN [voice over]. Senator McConnell said that the committee would resume its work on the Packwood case next week, after what he called a ''cooling-off period.'' But there was no word on how the committee will handle the question of public hearings. This is Michel McQueen for Nightline, in Washington.

CHRIS WALLACE. When we come back, we'll be joined by one senator who's defending Senator Packwood's right to private hearing and by another who's pressing for them to be made public. [Commercial break]

CHRIS WALLACE. Senator Alan Simpson is a supporter of Senator Packwood's attempt to have his hearings held in private. He joins us now from our Washington bureau, as does Senator Barbara Boxer, the Senate's most vocal supporter of public hearings.

Senator Boxer, let's start with this issue of public hearings. The Ethics Committee has conducted a thorough investigation, they've issued what amounts to a tough indictment. Why not let them finish this matter in private? I mean, what good does it do either the Senate or Bob Packwood to have a public spectacle?

Sen. BARBARA BOXER, (D), California. What I want is for the Ethics Committee to do the right thing, and the right thing is what ethics committees have always done in the entire history of the United States Senate, and that is, when you get to this phase of an investigation where there is credible, substantial evidence that a senator has committed wrongdoing, that there are public hearings. It's the way the Senate has always been. And by the way, I think it's important to note, even with that, the Senate, under Rule 26, could close those hearings if there was a sensitive matter or to protect a witness, so I think I'm just being very reasonable and, frankly, conservative, because that's what the ethics committees have always done throughout Senate history.

CHRIS WALLACE. Senator Simpson, this is a public official charged with misconduct. Personally painful as it may be, doesn't this have to be conducted out in the open?

Sen. ALAN SIMPSON, (R), Wyoming. Well, let's let the Ethics Committee finish their work. They're not finished with their work, and this is unprecedented, that a member of the Senate would ask and try to go past the Ethics Committee. If that ever happens, I can tell you who'll be the losers. The losers will be those who in the minority of the U.S. Senate, Election time comes, just roll one up and fire the shot, and let'em dig out from under the rubble. I'm not suggesting that we go—that we don't have private or public. I'm just saying let them finish their work, and Senator Boxer said that on the floor in November of '93, let them finish their work.

CHRIS WALLACE. But Senator Simpson, isn't this the point at which the committee has to decide, or the Senate has to decide, whether or not to hold hearings, in private or in public?

Sen. ALAN SIMPSON. But that will come when the committee has finished their work. If you allow a single senator to subvert the process at this point, the only losers will be those who are in the minority. Senator Boxer's party is in the minority. Can you imagine what happens if this gets done? I can tell

you, there are plenty of people on our side who, in a personal vendetta, would simply file grievances and reports against Senator Boxer. Then, when we're in the minority, that's the purpose of the Ethics Committee.

CHRIS WALLACE. But Senator Simpson, let's not get bogged down in the procedural issue. Let's talk about the actual decision as to whether to hold public or private. You favor private hearings, do you not?

Sen. ALAN SIMPSON. I have—I have never—I have never objected to public hearings. I say let the Ethics Committee finish its work. I know you'd like me to say that I don't want them to have public hearings, but I don't know.

CHRIS WALLACE. No, I want you to say whatever you—whatever you feel, Senator.

Sen. ALAN SIMPSON. I just believe that the Ethics Committee should finish its work. If you—if you shortcircuit the investigatory process right now, you're—you're dooming the U.S. Senate. That's what you're doing.

CHRIS WALLACE. Let me ask you about this, Senator Boxer, because since you called for public hearings, some of your Republican colleagues have warned about possible repercussions. In fact, Senator Simpson took you aside the other day off the Senate floor. What did he——

Sen. ALAN SIMPSON. No, that's not true. I never warned Senator Boxer at all. I have the highest regard for her, and respect. We don't agree with things, but you can ask her—she's here——

CHRIS WALLACE. Well, I just——

Sen. ALAN SIMPSON [continuing]. I never warned her about——

CHRIS WALLACE [continuing]. I was just trying to, Senator.

Sen. ALAN SIMPSON [continuing]. No, but I get offended by that, because that didn't happen. I've already written a letter about the reporter that reported it that way.

CHRIS WALLACE. Well, Senator Boxer, what—whether it's a warning or whatever he said to you, what did Senator Simpson say?

Sen. BARBARA BOXER. Well, Senator Simpson and I are friends, and he gave me some friendly advice. The friendly advice was, essentially, to lay off. And I have to say this. I find it offensive. I had——

CHRIS WALLACE. To lay off?

Sen. BARBARA BOXER [continuing]. The advice. Because I think it's wrong, I think, to tell a senator to back off when she thinks something is important. I'll tell you what's unprecedented, not a senator making a view known on an important issue like this; what's unprecedented is that, in fact, in fact, we already had Trent Lott, who is a leader of the Republicans in the Senate, say he favors private hearings. It's no great secret that Mitch McConnell, the head of the Ethics Committee, favors private hearings. Listen, I wasn't born yesterday. That's where it's moving. That would be a change in precedent, and that would be wrong. The Senate is not a private club, as much as some would like to see it. It is the people's United States Senate, and we cannot sweep these things under the committee room rug, and that's exactly where this was going unless I had spoken up, and I'm really proud that I have.

Sen. ALAN SIMPSON. Well, let's get the record straight. I never said to Barbara Boxer to lay off, and Barbara Boxer was a member of the House of Representatives while they did five of these kind of hearings, and she never once asked for a public hearing, and voted on the rules to prohibit public hearing.

Sen. BARBARA BOXER. That's incorrect. That is incorrect.

Sen. ALAN SIMPSON. Well I can read and write, too.

Sen. BARBARA BOXER. Well, that is so incorrect, that—in 1989 we changed the rules in the House to force public hearings, and in the two sexual misconduct cases that came before me, Chris, what I did is vote for tougher penalties, and that was against a Democrat and a Republican. But what happens is, when you're winning an argument, my mother always taught me, your opposition is going to change the subject. I am not the subject. The subject is can the Senate police itself, and will they, in this one case, make an exception and close the doors? That would be wrong, and I'm not going to be intimidated.

Sen. ALAN SIMPSON. Well——

CHRIS WALLACE. Senator Simpson, let me ask you, there have been reports—and we're asking you about them so you can tell us if they're true or not—that you and other Republicans have suggested that if Barbara Boxer goes ahead with her call for public hearings on Packwood, that the Republicans might have public hearings on every Democratic scandal since 1969. First of all, did you say it?

Sen ALAN SIMPSON. No, I've never said that. I think that'd be a real mistake. I heard 'em mention Ted Kennedy. I heard 'em mention Tom Daschle. I think those things would be a real mistake. But I'll tell you one thing we could do. We could go back just as far as the statute of limitations on these cases in every other jurisdiction in America, and the longest one is three years, and they're back in 1969 on this one. How many of—in the people in this audience can pass that little test, as to what they were doing in 1969?

Sen. BARBARA BOXER. Well——

Sen. ALAN SIMPSON. And remember, he was not charged with sexual harassment, it is sexual misconduct. You want to get back to the real specter of this, Anita Hill and Clarence Thomas, remember that Anita Hill never charged Clarence Thomas with sexual harassment, either.

CHRIS WALLACE. Senator Simpson. Senator Boxer, we have to break in here for a moment, but when we return, I want to bring up the Hill-Thomas hearings and ask you just how enlightened the Senate is these days when it comes to matters of sexual misconduct, and we'll be back in just a moment. [Commercial break.]

CHRIS WALLACE. and we're back now with Senators Alan Simpson and Barbara Boxer.

Senator Boxer, you were elected to the Senate in the wake of the Clarence Thomas hearings, and there was some feeling then that a lot of senators, quote, ''Didn't get it,'' when it came to matters of sexual misconduct. Are we still seeing some of that here in the Packwood case?

Sen. BARBARA BOXER. Well, I have to say that we are, although I'm very hopeful, because now that Senator Bryan, who's the vice chair of the committee, has called for meetings, and Mitch McConnell agreed today that they will vote to have public hearings, but let me tell you this. Supposing they vote not to, and it's a 3–3 deadlock, 'cause there's three Republicans and three Democrats, and they don't move forward, and this is the first time in history, as I've said, that they would have closed hearings. What is the message? That if you violate ethics and it has to do with mistreating women that you get the privacy behind closed doors to look at those charges? I think that would be awful. If it's embarrassing, the more embarrassing it is, the more it's behind closed doors? And I think it's important to note that the charges against Senator Packwood where the committee found substantial credible evidence in three areas, not just sexual misconduct, but tampering with evidence, and then trying to get his wife a job so, presumably, he could lower his alimony payments, and going to lobbyists, those are the charges that are before us here. They're serious, and the last one was in 1990, in terms of the sexual misconduct, so it isn't that it just was in 1969.

CHRIS WALLACE. Senator Simpson, is this, as some have charged, a case of the boys' club protecting one of its own?

Sen. ALAN SIMPSON. No, you know, that's really old stuff. I have a mother, a wife and a daughter, one of whom has been subjected to much more than anything I ever heard in the Anita Hill issue or this issue. This is absurd. This is a—an elitist, sexist statement, and it's not true.

Sen. BARBARA BOXER. Well, you don't know what happened in this issue, Senator Simpson.

Sen. ALAN SIMPSON. I do know what happened to people in my own family, and I do know——

Sen. BARBARA BOXER. No, I said——

Sen. ALAN SIMPSON [continuing]. That this man has not been charged with sexual harassment, and sexual harassment, as a statute of limitations, is three years in every other jurisdiction in America.

Sen. BARBARA BOXER. The women haven't had a chance to come forward before the committee. Senator Packwood has——

Sen. ALAN SIMPSON. Well, I'll tell you, there are going to be a couple of 'em that won't want to come forward, and the last one, which was the charge—

Sen. BARBARA BOXER. Well, what does that mean?

Sen. ALAN SIMPSON. Just what I said. If they want to come forward in a public hearing, they got to get their right hand up and be cross-examined with the rules of evidence. The last one made moves on Bob Packwood. You'll find that in the deposition.

CHRIS WALLACE. Senator Boxer?

Sen. BARBARA BOXER. Well, I'm just saying this. In every single case that has come before the Senate Ethics Committee, we've had public hearings. In every single——

Sen. ALAN SIMPSON. That's not true.

Sen. BARBARA BOXER [continuing]. In every single case. I put that in the record today. The vice chairman of the committee has stated that, Richard Bryan, very well-respected. It's been stated by Senate historians. I am not partisan. The amendment that I plan to offer if, in fact, we don't get the hearings, just says, in every case, be it against a Democrat or a Republican, if it gets to the stage——

CHRIS WALLACE. Senator——

Sen. ALAN SIMPSON. Barbara's gonna get——

Sen. BARBARA BOXER [continuing]. If it gets to the stage where there's substantial credible evidence, there should be public hearings.

CHRIS WALLACE. Senator Simpson, I want to ask you about the last comment you made, because there was a lot of feeling after the Anita Hill-Clarence Thomas hearings that in some sense—and this part of, I think,the anger of some people on one side, you would certainly say—was a feeling that some Senate members tried to make Anita Hill, through cross-examination, tried to make her into the transgressor. What you seem to be saying is, if this becomes public hearings, there's going to be a kind of fierce cross-examination of some of Bob Packwood's accusers.

Sen. ALAN SIMPSON. Of course there will. What do you think happens in these kind of situations where you're trying to destroy a person? People get destroyed in the process. Is anyone so out of that they don't understand that?

Sen. BARBARA BOXER. Well, you know——

Sen. ALAN SIMPSON. Barbara Boxer is going to have her chance too anything she wants, bring up any amendment, bring up any argument, tear the joint down, tear it up, but not until the committee is through with their work.

CHRIS WALLACE. Senator Simpson, you know, for all the talk about issues of sexual misconduct and enlightenment and all that, is this just pure politics? Is this just Democrats looking for a way to embarrass a big Republican and Republicans looking for a way to sweep it under the rug?

Sen. ALAN SIMPSON. I don't know, but I do know this that my friend from California is a highly partisan individual. She has said remarks on the floor since she come here, and they're hard, and I know hard politics, 'cause I do it myself. But Barbara Boxer is one of the toughest partisan shooters in this building.

Sen. BARBARA BOXER. Well, first of all——

CHRIS WALLACE. Senator Boxer, is it just politics?

Sen. BARBARA BOXER. This is ridiculous. I already showed you where, when I was in the House and the Ethics Committee was too soft on a Democrat who I felt committed sexual misconduct, actually worse than that, I voted for a tougher penalty. My amendment isn't aimed at Bob Packwood. It is a generic amendment that just says we shall have public hearings in any case that gets to the stage of the investigation. I am stunned to hear my colleague say some of the things he has said tonight, turning the tables on this situation, making women look like they're the problem. Here——

Sen. ALAN SIMPSON. See, there's the argument, there it goes.

Sen. BARBARA BOXER [continuing]. No, well, Alan——

Sen. ALAN SIMPSON. Now you're getting the argument.

Sen. BARBARA BOXER [continuing]. Well, Alan, Alan, if you would give me a chance.

Sen. ALAN SIMPSON. I've heard that one.

Sen. BARBARA BOXER. You bet you have.

Sen. ALAN SIMPSON. Yeah, you bet.

Sen. BARBARA BOXER. And you're going to hear it again, and here's what it is.

Sen. ALAN SIMPSON. Well, I've heard it enough.

Sen. BARBARA BOXER. Here's what it is. Well, one more time, just for the road.

Sen. ALAN SIMPSON. Yeah, well, trot it out one more time.

Sen. BARBARA BOXER. One more time for the road. The fact is, Mitch McConnell and his Republicans on the Ethics Committee, Richard Bryan and his colleagues on the Ethics Committee, found substantial credible evidence.

That's a very high level of proof——

Sen. ALAN SIMPSON. Yes.

Sen. BARBARA BOXER [continuing]. That there was wrongdoing. It is time for the light to be shined on this matter, so that senators know how to vote, so that the public can understand it. Today we learned the vast majority of the American people agree they ought to have a chance to know more about this. After all, we are not a private club, we are not a country club where guys put their feet on the table, light up a cigar, and disguise it.

CHRIS WALLACE. Senator Simpson, you've got 30 seconds for the final word.

Sen. ALAN SIMPSON. Well, that's pretty sexist. I've been in these a lot, you know, and I know that finally they flee to this one about bald white guys that don't understand anything, and really, I practiced law for 18 years, I understand an awful lot about sexual issues.

Sen. BARBARA BOXER. You sure do.

Sen. ALAN SIMPSON. And molestation.

Sen. BARBARA BOXER. You do.

Sen. ALAN SIMPSON. And rape and incest, that's what I did in my practice, so I've heard all that guff before. Let's get down to the point. This senator is going to have her chance to do whatever she wishes when they finish the investigation, and there was only one charge of sexual misconduct in the last 13 years, and if that's a pattern, I'll buy the drinks.

CHRIS WALLACE. Well I think we're going to have to leave it there, but I think I'd point out, as a point of information, Senator Simpson, that I think there were a half-dozen allegations of sexual misconduct——

Sen. ALAN SIMPSON. No, there were not. In the last——

CHRIS WALLACE [continuing]. In the—during the course of the '80s.

Sen. ALAN SIMPSON [continuing]. Thirteen years, one.

CHRIS WALLACE. I know, but there were a lot in between '80 and '83, so the question——

Sen. ALAN SIMPSON. Yeah, but in the last 13 years, one.

CHRIS WALLACE. Well, you can divide it where you want to.

Sen. ALAN SIMPSON. Yeah, I will divide it.

CHRIS WALLACE. Sentor Simpson——

Sen. ALAN SIMPSON. It's called fairness.

CHRIS WALLACE [continuing]. Senator Boxer, thank you both very much for joining us.

Sen. BARBARA BOXER. Thank you.

CHRIS WALLACE. And I'll be back in just a moment. [Commercial break]

CHRIS WALLACE. Tomorrow on 20/20, an exclusive interview with David Smith. Barbara Walters talks with the ex-husband of convicted murdered Susan Smith. That's tomorrow, on this ABC station.

And that's our report for tonight. I'm Chris Wallace in Washington. For all of us here at ABC News, good night.

[From the Fresno Bee, July 29, 1995]

PACKWOOD SEES BENEFITS TO A PUBLIC HEARING

WASHINGTON.—While not endorsing the public hearings being demanded by Democrats, Sen. Bob Packwood said Friday they would give his lawyers their first chances to cross-examine some of the women accusing him of sexual and official misconduct.

''If there was a hearing, we'd finally have a right to question the complainants. We've been unable to do that,'' the Oregon Republican said in an interview with The Associated Press.

Packwood's lawyers earlier told the Senate Ethics Committee that the senator would not exercise his right to ask for a public hearing. The senator refused Friday to say whether he wanted a public hearing.

''It's up to the Ethics Committee to decide whether there is anything to be gained by that. I'm not sure any new information would be gained,'' Packwood said.

Two Democrats on the panel, Richard Bryan of Nevada and Barbara Mikulski of Maryland, have called for public hearings. Committee Chairman Mitch McConnell, R-Ky., opposes the idea.

Packwood said he would make clear in any hearing that most of the allegations were more than a decade old.

Mrs. BOXER. Is there anyone on the other side who wishes to take some time?

The PRESIDING OFFICER. Right now, there is no one to answer that.

Mrs. BOXER. There is no one to answer that. I say to my colleagues that this is a very important debate that is going on. And I think in fairness we ought to go back and forth, side to side, here. I find it very strange, given all the criticism of this Senator's amendment in the press, personally, publicly, every which way you could send a message to somebody, that they are not here to talk about it.

But in any event, at this time I am going to yield 30 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much. I thank the Senator who has sponsored the resolution for yielding me this time.

I rise to speak in favor of the Boxer resolution. The purpose of this resolution states: ''To instruct the Select Committee on Ethics of the Senate to hold hearings on certain allegations of wrongdoings by Members of the Senate.'' I want to commend Senator BOXER for her efforts in pursuing this issue. Senator BOXER has been persistent and clear. She says we must hold public hearings in order to defend the integrity of the U.S. Senate and follow its historic precedent. I agree with her purpose.

I regret that some have made Senator BOXER the issue. Senator BOXER is not the issue. And I would like to compliment Senator BOXER on her stamina and on her strength in resisting the abuse that has been hurled at her because she wishes to exercise her prerogative as a Senator and offer legislation on the floor. I compliment her that she refused to have her voice silenced on behalf of defending the women who have been the victims in this ethics proceeding. As we both know, whenever women are assaulted, battered, they themselves are always made to look like they are the problem rather than the victim. So I thank Senator BOXER. I thank her for not having her voice silenced, and I thank her for offering an amendment to ensure that the voices of the women are not silenced.

And I say that because as we look at what has been happening, we now see that as a Member—as it currently stands, the voices of the women will be silenced. As a member of the Ethics Committee, I voted to support public hearings in the Packwood case. Unfortunately, that motion failed on a 3 to 3 vote, strictly on party lines. I wanted public hearings to occur because I felt it was important for the honor and integrity of the U.S. Senate. I also voted to release all relevant information to the public as soon as physically possible.

Let me clarify that this release of information is the usual practice of the Ethics Committee. It is neither unusual nor is it unprecedented. It is the committee's customary practice that this type of information has been released to the public in the seven major cases in this century—involving Senator Hiram Bingham, Senator Joe McCarthy, Senator Thomas Dodd, Senator Herman Talmadge and Senator Harrison Williams, as well as Senator David Durenberger and Senator Alan Cranston.

I want to emphatically state that I do not believe that the release of this information is a substitute for public hearings. I do not believe that it is in lieu of public hearings. And, also, it is

not a proxy for public hearings. It is the minimal acceptable form of disclosure.

Now, why is this not a substitute for public hearings? As my colleagues know, I am always for public hearings, public hearings to protect the honor of the Senate and because it is important to give voice and value to the charges brought by women. These women are the first actual victims ever to bring complaints against a U.S. Senator to the Ethics Committee. It is the case of first impression. And if we silence them now on the issue of sexual misconduct, will victims ever, ever again bring a charge to the Ethics Committee because they believe they will be treated as the problem or that they will be silenced because of the kind of vote that we saw?

I voted for public hearings because I wanted to be sure that women got a fair shake and that they got a fair shake in the U.S. Senate, that, as we know, when again women are ever assaulted, battered, or abused they are told to be silent or there is institutional forums to be silent. I want to assure them that their voices were not silenced, that they were treated with respect and dignity, that their allegations were taken seriously and would have value.

I never met these women. I have only heard their stories through depositions, affidavits, and through the summaries of their testimonies. I do not want their stories to be filtered. I also did not have a chance to personally hear the other witnesses, whether it was related to diary tampering or solicitation of jobs for Senator PACKWOOD's wife to have a job to lower the alimony. I did hear Senator PACKWOOD's statements.

There has been no opportunity to cross-examine or ask questions of the women or other witnesses in this area of investigation. I did not get to talk to the women. I did not get to talk to the lobbyists that Senator PACKWOOD spoke to about a job for his former wife. I did not get a chance to talk to the woman who has been typing Senator PACKWOOD's diary for all of these years and whether, in fact, there has been diary tampering and why. Because that is the way the committee works.

The committee first functions like a grand jury. We listen to the issues and concerns through depositions, through affidavits. And then we come to a conclusion. Is there substantial, credible evidence to present a bill of particulars to the U.S. Senate? We did do that. Now we have to decide whether there is clear and convincing evidence on those allegations to determine the sanctions. Now, how can we decide whether something with a higher standard of evidence is clear and convincing unless we follow the practice that has been done by the Senate in each and every one of those cases? That is the purpose of public hearings.

I also believe that the public hearings will help restore the honor and integrity of the U.S. Senate. We all know the American people have little confidence in their elected representatives and little confidence in the institution of Congress. They do not believe that we can police our own. The American people believe that, given a choice, we will always protect our own at the expense of others. They believe we meet in backrooms, behind closed doors, cut the deals, circle the wagons to protect our own. We must demonstrate by our actions this is not so. And this is why we need public hearings.

Now, I lived through the Anita Hill debacle. To many, the Senate did not deal fairly with Miss Hill's allegations. The Senate trivialized what Miss Hill had to say. Anita Hill was put on trial and treated very shabbily. She was shamed here in the U.S. Senate. And the institutional behavior of the U.S. Senate raised questions whether this institution could ever deal with allegations related to sexual misconduct.

Now, I want the American people to believe that we can act responsibly, and we do that not with words, but with deeds, and the most important deed we can do today is to vote for the Boxer resolution on public hearings.

I support public hearings because it will allow all of us, Members of the Senate and the American public, to judge for ourselves what has happened, to show that we can hold hearings that are neither a whitewash nor a witch hunt. No matter what we decide, the full Senate and the American people have a right to know the facts on these cases, a right to know how we arrived at those facts and reached our decisions. And they should have confidence that we have done the right thing.

Now, why do the arguments against hearings not hold up? Some say this will be a spectacle. I say it is going to be a spectacle if we do not hold public hearings. No matter what the Senate decides, I believe that there will be a public forum held on this matter.

Mrs. BOXER. That is right.

(Mr. SMITH assumed the Chair.)

Ms. MIKULSKI. We need to have a fair format, to make sure the format and tone is fair for the victims telling their stories, and a fair format for Senator PACKWOOD. Public hearings are the best way to ensure that there is no spectacle and that all parties are treated fairly. s

To say that those hearings will debase and sensationalize the Senate and that the Senate will compete with the O.J. trial—hey, let me say this. No one seems very concerned about the Whitewater hearings debasing the U.S. Senate. No one seems concerned that the Whitewater hearings are debasing the Presidency.

No one seems very concerned about debasing the Congress through the Waco hearings. Nobody seems very concerned that at the Waco hearings, one of the purposes is to demean another woman, the Attorney General of the United States.

Nobody seemed to be concerned when a Senator stood on one side of the aisle and chanted, ''Where's Bill? Where's Bill?''

No one seemed concerned about the Senate when another Senator stood on the floor and sang ''Old MacDonald Had a Farm,'' concluding with ''oink, oink, oink.''

Well, there is a question about where the barnyard really is.

So I think we should stop these arguments that are filled with fallacy. If we want to honor the Senate, let us follow its historic precedents.

I think we further debase the Senate if we do not hold these hearings, precisely because citizens have come forward, they believed in us, they believed in the process, and the procedure. This is the first time that citizens have come forward and made statements about misconduct, the first time victims have come and asked us to listen to them, to allow them to tell their story, and this must occur.

Let me be clear, a public hearing at this point in the proceedings has been the practice of the Senate. If the Senate does not hold public hearings in this matter, the Senate would deviate from its own precedent.

In every case where the Ethics Committee has reached the investigation stage, where the Packwood case now stands, there have been public hearings. Those cases were Senators Tom Dodd, Herman Talmadge, Harrison Williams, David Durenberger, the cases involving Charles Keating—Senators DeConcini, MCCAIN, Riegle, GLENN, and Cranston.

Let me be clear that in this case the Ethics Committee found substantial credible evidence of misconduct and has moved to the ''investigation'' stage.

This resolution sets forth the committee findings in three areas: Sexual misconduct, diary tampering, and jobs for Mrs. Packwood.

Let me remind my colleagues what the committee members found. We found substantial credible evidence that Senator PACKWOOD may have engaged in a pattern of sexual misconduct spanning 20 years, 18 instances involving 17 women. Let me give an example, just so it refreshes everybody's memory.

Out of our bill of particulars, we found substantial credible evidence that in the basement of the Capitol, he walked a former staffer into a room, where he grabbed her with both hands in her hair and kissed her, forcing his tongue into her mouth.

We also found that in his Senate office in DC, he grabbed a staff member by the shoulders, pushed her down on a couch and kissed her. When the staffer tried to get up, he repeatedly pushed her down.

In the Capitol, he grabbed an elevator operator by the shoulders, pushed her to the wall, kissed her on the lips, followed her home, tried to kiss her and elicit her to engage in an intimate relationship.

I cannot bring myself to read more of these cases on the floor of the U.S.

Senate, but I think if you read the bill of particulars, you will see what this is.

Then we find there is a strong possibility that Senator PACKWOOD tampered with his diaries; that he fought the committee 1 year—1 year—and this is why it has taken so long.

Then there are the allegations he improperly solicited job offers for his former wife so he could reduce his alimony payments.

All I see for the Senate to do is what it has done before, to hold public hearings in a case where we also found substantial credible evidence of misconduct, to then determine what is clear and convincing so we can come to what sanctions we need to recommend to the Senate. Hearings will allow all of us—Members of the Senate and the American public—to judge for ourselves what happened.

No matter what we decide, the American people have a right to know how we reached our decision. They should have confidence in us that we did the right thing.

As we try to then judge for ourselves what happened in the Packwood matter, know today when this vote is taken, it will be the Senate that will be judged and the criteria will be: Can the Senate police its own? Can it follow its precedent, and can it do its business in an open, public, fair format?

Mr. President, I yield the floor. How much time do I have left?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Maryland has 15 minutes left.

Ms. MIKULSKI. I reserve my time for later on in the debate.

Mrs. BOXER. Mr. President, that means I will hold that time for the Senator from Maryland; is that appropriate?

The PRESIDING OFFICER. The Senator from California controls that time.

Mrs. BOXER. I will reserve that time for my friend.

Let me just say to my friend from Maryland, who for so long carried issues for the women of this country, in many ways by herself that her courage and her conviction and her sense of fairness pervade this institution. I know how lonely the fight can get, and I was not nearly as lonely as the Senator from Maryland was for a long time. So I want to thank her.

Mr. President, I note there is not one Republican on the floor, except the good Senator in the chair. I wonder whether or not the Republican Senators would yield me additional time, because I have a number of people who wish to speak and it does not appear that any Republicans wish to speak. There is much debate in the media.

I see now the manager. I was going to ask the manager of the amendment, if he did not have many speakers if he would yield me an additional 30 minutes of time, because I have more speakers than I thought.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I say to my friend from California, I understand her request, but I am going to have to reserve the 2 hours for this side and hope that she will be able to work everybody in under the agreement that we entered into.

Mrs. BOXER. Does the Senator have speakers at this time to take any time?

Mr. McCONNELL. The Senator will be using the time or controlling the time, and that is his prerogative.

Mrs. BOXER. My question is, does the Senator have any speakers at this time? Does the Senator from Kentucky have any speakers at this time?

Mr. McCONNELL. Mr. President, I have said three times that I have 2 hours under my control under the unanimous-consent agreement. I was trying to respond to the request from the Senator from California. I believe I did that. I retain the 2 hours for this side.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was trying to find out in the spirit of running this place if the Senator had any particular speakers at this time, I would defer. How much time does the Senator from California have remaining?

The PRESIDING OFFICER. Sixty-two minutes.

Mrs. BOXER. I yield 5 minutes to the good Senator from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. Mr. President, I especially thank the Senator from California, Senator BOXER, for her courage and tremendous leadership on this issue, a painful issue but something that absolutely has to come before the Senate.

Mr. President, let me say how much I admire the work of the Senator from California, the courage, really, in this case. This is a hard thing to do. It is a hard thing to have to come before this collegial body and force an issue about public hearings that I think just comports with the common sense of every American.

As I look out at the room and see no one—no one—from the other side prepared to speak, I wonder if this is really a debate at all. Several of us have already spoken. The Senator from Maryland made a very eloquent, clear presentation; the Senator from Nevada; the Senator from California; others here are ready to speak.

What I understood was that they were going to have a back-and-forth debate for the American people to see about whether or not we should have public hearings in this Packwood case.

I recognize that this is a very emotional and painful matter for every Member of the U.S. Senate. These kinds of charges and the appropriate response by this institution is something that no one can enjoy considering. We are uncomfortable with the subject of the charges, with the task of judging one of our colleagues and with the taking of responsibility as a body with what is the proper format for dealing with this issue.

For some, Mr. President, there is a tremendous desire to just let the Ethics Committee decide whether there should be public hearings. Some say let Senator PACKWOOD make the decision. Some say let someone else take responsibility for this difficult question.

Mr. President, as the Senator from California pointed out so well, this is really an abdication of our responsibility to the American people and to the countless number of women and, yes, men, who have been the victims of the kind of conduct which is alleged to have been committed in this case.

The question before this body today is not whether Senator PACKWOOD is guilty, not whether the punishment proposed fits the alleged misconduct; the question, rather, is whether those who have alleged that they have been the victims of misconduct should have the right to a public hearing in which they have the opportunity to present their evidence and be heard.

I am pretty sure, Mr. President, if Senator PACKWOOD had requested a public hearing to clear his name or his reputation, there is little question that these women would be required to present public testimony supporting their charges. There could be no doubt of that, as I know the Senator from Maryland is very aware. Yet, Mr. President, in this instance, it is apparent that the Ethics Committee intends to break with a longstanding tradition of holding public hearings when a case reaches this stage of the proceedings.

Our current rules provide for a three-tiered process for examining allegations of misconduct. First, the preliminary inquiry; second, initial review; and, third, the investigative stage. A case reaches the investigative stage only if there is substantial, credible evidence that misconduct has occurred. Heretofore, when a case reached this stage, every time public hearings have taken place, even before the current system was adopted, public hearings have been held in cases involving serious allegations of misconduct. Yet, Mr. President, somehow, despite this history, the Ethics Committee is currently deadlocked on whether to order such hearings.

Mr. President, the Senate has an obligation to make a decision on whether such hearings should be held. We should not try to hide behind the Ethics Committee for excuses that we should not interfere with its processes. The Senate, as a whole, is responsible for establishing what are fair procedures—fair to those directly involved and fair to the American public.

So, Mr. President, as we look at this whole picture here, with all the Senators on this side ready to speak and debate, the Senators on the other side not even present, I ask, what is the image that is being presented in an institution that prefers to conduct its

business behind closed doors, an institution that believes that scandalous charges should not be publicly discussed, even after its own factfinding body has determined that there is substantial, credible evidence to support those charges?

Mr. President, let me repeat that phrase: Substantial, credible evidence to support the charges. This is not a request for a public hearing on every libelous or baseless charge made against any elected official. This is a request only for public hearings in a case which has advanced to the final stages.

The PRESIDING OFFICER. The Chair reminds the Senator that his 5 minutes have expired.

Mrs. BOXER. I will yield 2 additional minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator is recognized for an additional 2 minutes.

Mr. FEINGOLD. I thank the Senator. Now we are asking the American public to allow the Senate to make its decision on this case behind closed doors, without public testimony. Little wonder that the public is so disillusioned about our political process. We are so concerned about protecting the image of this institution that we seem to forget one big thing, and that is that we are a public entity that is responsible to the American public. This is not a private club where the rules are made to please ourselves or to protect ourselves from public scorn.

The charges are sexual misconduct. There is little doubt but for the nature of the charges, the public hearings would have been scheduled quickly. That has been the practice of the past. We do ourselves no great service by this debate.

We should not seek to hide this matter behind closed doors. Public hearings should take place, and obviously the committee has the authority to close those portions of the hearings that would be prejudicial, or otherwise be appropriately closed. But to say that no public hearings at all should be held in this matter because of the nature of the charges is just plain unacceptable.

Across America, countless women are watching how this institution handles this matter. What is the message we send to those women who have been subjected to sexual misconduct if we refuse to air those charges in a public format? What are we telling our daughters about what can happen if you are the victim of this kind of misconduct and bring charges against a powerful person?

So, Mr. President, the Senate should go on record now, today, making it clear that this institution is prepared to hold its disciplinary process up to the plain light of day and to public scrutiny.

I again thank my colleagues on the floor, and especially the Senator from California for her persistence in this matter.

I yield the floor.

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I asked for 3 minutes because there is really no one to debate. I do not want to use up any more time on this side.

I voted for and support public hearings in the case of Senator PACKWOOD.

There are two values to which I hold fast as a U.S. Senator: fairness and accountability. This is the commitment I have made to Minnesotans who sent me here.

Refusing to hold public hearings on this matter runs contrary to these values and what, I believe, the American people expect of this institution. Given the committee's refusal to hold public hearings, I am very concerned about the message we are sending to the public.

We are now in the final investigative stage where there is precedent in the Senate for public hearings on ethics cases. It is time to move forward.

Shining the light of day on Senate proceedings is very important. I voted for public hearings because it is important to show that this investigation has not been held behind closed doors. While I commend the committee for unanimously voting to release all relevant documents, it is not sufficient. There simply is no substitute for full and open hearings at this stage of the proceedings before the committee and then the Senate are called upon to render our judgment about this case. I believe full and open hearings will help to ensure the public's confidence that we can—and will—police the conduct of Members—we have that responsibility.

It is also important to give voice to the charges brought by these women. I believe each of these women should have the opportunity to come before the committee to tell their story and I believe Senator PACKWOOD should have that same opportunity.

I feel strongly today that this is the right course. Let us honor the values of fairness and accountability. Let us move forward with public hearings.

Mr. President, I really came down to the floor for this debate, first of all, for a personal reason, which is to support my colleague from California. Senator BOXER is a friend, and I very much admire her courage. And I have some indignation—the same indignation that Senator MIKULSKI from Maryland has—about some of the attacks on a Senator who has been persistent and has had the courage to speak up, and whom I think has been a most effective Senator representing not just women, but men, really people all around the country. Because to me, Mr. President, the issue is just one of accountability.

At this final investigative stage, I think it is very important for all the parties concerned—for all the parties concerned—and I think it is very important for the U.S. Senate, that we now have a public hearing. It seems to me that there are important, compelling questions to be answered. I know that this process will be fair.

I do not believe anybody in this Chamber is pleased about where we are right now. It is painful for everybody. But we cannot have this kind of hearing at this stage of the process done privately. We cannot have it done behind closed doors. It really will serve no good purpose. It will serve no Senator well, and it certainly will not serve any of us well, whether we are Democrats or Republicans, or men or women.

Therefore, I am in strong, strong support of the Boxer amendment. I thank the Senator.

Mr. President, I will retain the remainder of my time for the Senator from California, who is managing her amendment.

Mrs. BOXER. How much time do I have now, Mr. President?

The PRESIDING OFFICER. The Senator from California controls 52 minutes 20 seconds.

Mrs. BOXER. I do not see any Republican Senators on the floor to engage in a very important debate that involves the constitutional responsibility of each and every Senator. I am very disappointed in that.

I have many Senators who wish to speak. At this time, I will yield 5 minutes to the Senator from Washington, Senator MURRAY, who has been such a leader on issues such as this.

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Mr. President, I rise today to address the amendment offered by the Senator from California. First of all, I want to commend my friend, my colleague from California. She has been aggressive, forthright, and true to her principles on the issue currently pending before the Ethics committee. She has raised very difficult, but I believe very important, questions to which all of us must give very serious thought.

This has been a very long and very difficult case for the Ethics Committee. The whole Senate has waited for over 30 months while the committee has pored over the documents, interviewed the witnesses, and attempted to find the right path. In light of this work, I regretfully must express my grave disappointment in the committee's decision not to hold public hearings on this case.

Mr. President, this case is a test of the Senate and the Ethics Committee. The U.S. Constitution gives this body the sole responsibility for policing itself. No other agency of Government—not the executive, not the House, not the judicial branch—has authority to ensure that the Senate adheres to high standards of ethics and conduct. I am sure the senior Senator from West Virginia, or any other constitutional scholar, can give us a detailed explanation of this authority. Therefore, this case, like every other considered by the committee, is a test of whether

the Senate can demonstrate to the public that it is capable of policing itself.

All Senators have gone out of their way to not interfere in this case, to give the committee the time it needs to go through the process.

Indeed, we have supported them when they needed the full Senate to support the investigation. We have continued steadfastly to allow the committee to do its job. As individual Senators, this has been our responsibility to the institution and to our constituents.

Now, we have a responsibility to conclude this matter in an equally responsible way. If it cannot be done by the Ethics Committee, it cannot be done at all.

I urge my colleagues to put aside the emotions of this case and focus carefully on the facts. In May, the committee found substantial, credible evidence of Senate rules violations. I am not a lawyer. I have never tried cases. I know that is a very high standard.

In every major case that has come before, public hearings have been held. Why, I ask my colleagues, should this case be any different? That is the key question. Why should this case be any different?

I believe a deviation from precedent on this case will cast a long shadow over the Senate's credibility. Specifically, the lack of hearings will shade any subsequent action by the committee on this issue and any issue that comes before the committee in the future.

I feel very strongly this will create doubt in a general public that is already skeptical of its public officials. They have a right to know their elected officials are held to high standards. Anything less not only damages this institution, but also our individual credibility.

Mr. President, like many Senators, I am already on record in support of public hearings on this issue. I believe this is the only way the committee and the Senate can show the public that it is serious about its responsibilities. I encourage Senators to weigh the facts as we currently know them. I believe we will conclude that the amendment offered by the Senator from California offers the best course of action. I urge its adoption.

I yield back the remaining time to the Senator from California.

Mrs. BOXER. Mr. President, I yield time to my friend and colleague from Illinois who has fought many of these battles. I think she will add greatly to the debate, Senator MOSELEY-BRAUN.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

Mr. President, I very much regret that this issue has become embroiled in partisanship, because the issue before the Senate now is not a partisan issue.

In truth, it is not even about Senator PACKWOOD. The amendment offered by my distinguished colleague from California, Senator BOXER, does not in any way represent any attempt to express a judgment on the merits of the complaint against Senator PACKWOOD that is presently pending before the Ethics Committee.

In fact, Mr. President, I think it is fair to say that this amendment is not about Senator PACKWOOD's ethics at all. This amendment is about the Senate's ethics. This amendment is about how we, as an institution, as a body, will comport ourselves in the public view.

Quite frankly, I think it is not surprising, I say to my colleagues, Senator BOXER and the Senator from Maryland, it is not surprising, no one on the other side of the aisle will speak to this issue. This is still something that can only shame, and I think it is the shame of the attempt to try to defend the indefensible that has kept the opposition from coming forward and speaking to this issue.

What this amendment is all about, in my opinion, is not any individual case, but about the Senate's obligation to the American people in every case. That is, the obligation that we have to resolve these ethics cases in public.

Mr. President, I serve on the Senate Banking Committee. The membership of that committee, with few additions, constitute the membership of the Special Whitewater Committee. Last year, under the resolution, we reviewed over 10,000 pages of documents. We conducted about 37 depositions. The committee had days and days and days of hearings—6 days, in fact.

The whole purpose of the public hearings was that the American people would have the opportunity to hear and to see the people who were involved in Whitewater themselves, and to reach their own judgments.

Now we are back again this year. The committee has reviewed, again, an additional hundreds of thousands of pages of documents, conducted at least 61 depositions, and we are right now in the middle of 13 days of public hearings—hearings that go all day long. Again, so the American people can see for themselves, can hear for themselves, and make their own decisions about the circumstances around the handling of papers following Mr. Foster's untimely death.

Mr. President, that is the way this should be. That is the way that we do things here in the United States. We investigate in public; we decide this in public. That, in fact, if anything, is one of the founding cornerstones of our democracy.

We do not have secret trials. We do no have star chambers. We believe sunshine is the best disinfectant. Quite frankly, acting in public is not just the principle of the Congress that applies to our investigations of the executive branch. The Senate has always applied that same principle to ethics investigations involving this body.

Without going over the details or the process, which the Senator from Maryland has spoken to, the fact is, in every single past case handled by the Ethic Committee that moved to this third stage, there have been public hearings. It seems to me, Mr. President, that our obligation to the American public is no less now than it has been in the past. We have the same responsibility to conduct public hearings now as we did in the past.

So the question then remains, Mr. President, whether or not we are going to stand up for this institution, whether or not we are going to stand up for the regard that the public has of this institution's business, whether or not we are going to allow in this particular instance for raw power to determine whether or not we air these issues in public or whether or not they will simply be covered up.

I do not believe that the Members of this body want to be seen as participating in a coverup. I do not believe that the Members of this body want to be seen as participating in any diminution of stature in regard to this institution, in the minds of the American people.

Mr. President, again, this is not a personal issue. I also happen to be the first woman—the only woman—to serve on the Senate Finance Committee. I have had occasions to work with Senator PACKWOOD. He is a brilliant man. He has certainly been fair. He certainly has been fine to work with.

In that regard, it puts me in a very difficult situation to stand on this floor and to take this position in the collegial atmosphere of the Senate. I have to say that service on the same committee—notwithstanding the fact is this is not a partisan issue, this is not a personal issue. This is not an issue of Senator PACKWOOD's ethics. This is an issue going to the ethics and the regard of the U.S. Senate in the minds of the American people.

I believe that toward that end and in defense of this institution, we have an obligation, a moral obligation, if you will, to support the amendment of the Senator from California.

I yield the time back to the Senator from California.

Mrs. BOXER. Mr. President, I see the Senator from Kentucky on the floor, so I will defer to see if he wants to make a statement. I yield the floor.

The PRESIDING OFFICER. If no one yields time, the time will be deducted equally from both sides.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum. I ask that the time be charged to the other side, since they have no speakers at this time.

Mr. MCCONNELL. Mr. President, I object.

Mrs. BOXER. Mr. President, I have to say this is a very sad day for the Senate. It is sad for a number of reasons.

It is sad because we ought to all be for public hearings. That is the right thing to do. It is also sad that because clearly we have a lot of speakers on our side who wish to express themselves, who are assuming there would be speakers on the other side to participate in the debate.

I think there is an obvious point being made here, which I will let others interpret.

I think something that the Senator from Illinois said ought to be thought about. Namely, why no Member is willing to come over here at this point and debate on the other side.

Another point that was made by my friend from Maryland when she says, ''Don't kid yourself. Whether there is a public hearing or not, there's going to be a public hearing,'' because this is the United States of America.

The American people already, 2 to 1, are in favor of public hearings in this matter, when they watch this debate. Unless we prevail, I think they will demand it.

Ms. MIKULSKI. Mr. President, will the Senator yield? When I said there would be a public hearing, even if your amendment is defeated, the women are counting on the U.S. Senate to provide a forum. They have counted on us for 30 months.

If, in fact, the Senate rejects that opportunity, and rejects them, I believe that the women will conduct some type of forum themselves—I do not know that.

I will reiterate the point that I have never spoken to the women as a member of the Ethics Committee. I have followed the rules of the Ethics Committee and never spoken to those women.

They are going to tell their story. I would much rather that they tell their story in an organized format in the Senate than through a series of other forums.

Mrs. BOXER. I think the Senator made such an excellent point here, because some of the things we hear whispered around here are, ''This is too embarrassing. We better have this behind closed doors.'' If anyone on the other side thinks this is going to stay behind closed doors simply because they tried to close the doors today, they are mistaken. Because this is America. This is not a tyranny. This is not a country that gags its people.

At this time I yield 4 minutes to my friend from Vermont, Senator LEAHY. I am very proud he has come over to join the debate.

Mr. LEAHY. Mr. President, I agree this is a matter that should be heard before the Senate and heard in public. There is no question it is going to be heard, one way or the other. But we Senators, no matter how painful it might be, no matter how torn any one of us might be individually, for the good of the Senate—and that is important in our constitutional government—for the sake of trust in elected officials in the Senate, these hearings should be held here.

Certainly, for the women who have waited to be heard, the accusers in this case, ought to be heard and heard in public. For the Senator in question, he ought to be able to be heard in public, be able to hear his accusers and give his answers.

But I worry: in a country like ours, a democracy where our Government operates on the trust of the people, that the U.S. Senate should be the conscience of the Nation. The Senate, with our 6-year terms, with our unlimited debate, is the body that can be the conscience of the Nation. We are not reflecting that conscience if we do not have open hearings. Not because anybody in this body will relish this, but because we know, every single Senator knows in his or her soul, that it is the right thing to do. Every single Senator in this body knows in his or her soul that, if we are to be the conscience of the Nation, we must do this publicly before the Nation, no matter how difficult it is.

None of us knows how these hearings are going to unfold. When I was a prosecutor I presented a case, the other side presented a case, and the court ruled. Here, in a way we become judge and jury together. For many of us that is a unique experience. But for the U.S. Senate, it is not a unique experience. It has over 200 years of proud history. It is the body that has, time and time again, allowed the conscience of the Nation to be expressed. Unless we do it here openly, we do not uphold our own conscience, we do not uphold the standards we ask of others, and we do not uphold the standards of a great institution.

I hope the whole Senate will rise and support the Senator from California and say, let us have the open hearings. Whatever happens, we will have them, for the good of the Nation, for the good of the individuals involved, but also for the long term good of this fine institution.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Who yields time? The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I was doing some work on matters for my constituents, and my staff tells me there is some suggestion that there might not be any speakers on this side of the issue. Let me disabuse my friends on the other side of that notion. It is my understanding, under the unanimous consent agreement, each side had 2 hours. We are prepared to use some or all of that time.

Let me say at the outset that I am told a number of Senators have suggested that a 3–3 vote in the Ethics Committee is not a decision. In fact it is a decision. The Ethics Committee was crafted on purpose to require four votes from a bipartisan committee to take any affirmative action. So at the outset let me make it clear, there is no deadlock to be broken. A decision was made on the public hearing issue.

Also, let me suggest that the resolution offered by my friend from California, ironically in the name of precedent, really seeks to uphold a precedent that does not exist—it simply does not exist—but demolishes other precedents which do exist and are vital to the ethics process and to the Senate.

One precedent which it destroys is that, in the 31-year history of the Ethics Committee, there has not been a single occasion upon which the full committee—the full Senate—injected itself into the process and sought to push the committee one way or the other or to overturn decisions the committee had properly taken.

Mr. President, with regard to the argument about whether there are precedents for public hearings, let me say that, while there is a consistent precedent for no interference with the procedures of the Ethics Committee by the full Senate until the full Senate is presented with the final product, there is a clear precedent for not doing that, which the approval of the BOXER proposal would violate, setting a new precedent. There is no precedent on the issue of public hearings.

The Durenberger case, for example, was a staged presentation with a prescripted proceeding, without witnesses and without cross-examination, hardly in any way what we would normally consider a public hearing.

In the Cranston case, there were some public hearings. They were used in the preliminary fact-gathering phase alone and not later in the case. The committee decided, actually, in the Cranston case not to hold public hearings, at a point when its rules and procedure provide, at the end of the inquiry.

So, with regard to the precedent issue, there is no clear, consistent precedent for holding public hearings at the end of major investigations in the Ethics Committee. But there is a 31-year precedent for not having the full Senate bind the Ethics Committee in any particular case. And while I suppose it could be argued that the amendment of the Senator from California is generic in nature, it is certainly no accident that it is being offered at this particular time. This is not the normal way in which we would change a committee rule.

So make no mistake about it, Mr. President. The precedent that would be set today would clearly be the beginning of the end of the ethics process, because you can imagine what would happen, particularly around campaign season when out here on the floor where there is always a majority and always a minority—unlike the Ethics Committee where it is 3–3—the temptation to offer amendments directing the committee to do this or to do that would be overwhelming, particularly as you get closer and closer to an election.

The second point I want to make, Mr. President, and those members of our committee on both sides who have served for the last 2½ years, I think, all agree that the professional staff of the Ethics Committee is completely nonpartisan. The same folks who are working there now under my chairmanship were there working under the chairmanship of the vice chairman last year. This professional staff, which has its reputation on the line in this case

as well—these are professional investigators who serve the Ethics Committee on a nonpartisan basis. There is no partisan hiring whatsoever in putting together the staff of the Ethics Committee. They know more about this case than anybody else, more than I know, more than the vice chairman knows, and on many occasions members of the committee from both sides on our committee have praised the work of the staff.

In almost every instance we have followed their advice and counsel in working on this case, or other cases. The staff in this case, Mr. President, recommended that public hearings were not appropriate.

Why did they do that, this group of skilled professionals who have their own reputations on the line in a high-profile case like this? Mr. President, I think the answer is rather clear. There are two investigative criteria for holding hearings. One is to ensure the completeness of the evidentiary record—to ensure the completeness of the evidentiary record—and the second would be to assess the credibility of the witnesses who gave testimony.

The Ethics Committee, first and foremost, is an investigative body, and investigative criteria must be applied to our decisions. The staff judgment was that the evidentiary record is not just complete, the staff judgment was that the record was not just complete; it was encyclopedic and ready for final decision. Hearings would be needed only if witness credibility was in doubt tested by questioning and cross-examination.

Every committee member, Mr. President, has strong feelings about the believability of the testimony given to us through sworn depositions. No hearings are going to change that—we have voluminous sworn depositions before us—and poring over those.

In addition, there is the question of delay. The staff opinion is that real hearings would take at least 2 months, actually probably much more than that, given the preparation time involved to get ready for having them.

So we needed to ask: Is there another way to make our proceedings in this case public without adding unnecessary delay to a 2½-year-old case? The fact that the public has a right to know all the relevant information in this case is really not in dispute. The relevant sworn testimony of witnesses who came forward will be shared with the public. The Senate and the public will have all the relevant facts prior to the disciplinary action.

So it is not a question of whether the public is going to be denied information relevant to the final decision.

The resolution of the Senator from California, in effect, Mr. President, destroys the independent ethics process. I have some personal knowledge of this. I happen to have been a summer intern here in the summer of 1964, the year I graduated from college. I was in Senator John Sherman Cooper's office. Some of the folks here in this body who have been around for a while remember Senator Cooper. He is something of a legend in Kentucky, known for his integrity and his wisdom. Interestingly enough, it was Senator Cooper's resolution in 1964, the year I was an intern here, that created the Ethics Committee. What he was trying to do was to get misconduct cases—this was in the case of the Bobby Baker incident—which in those days was handled by the Senate Rules Committee, and, obviously, the Rules Committee, like every other committee of the Senate except the Ethics Committee, was controlled by the majority. So there was a sense, after the Bobby Baker case, that it really was not handled all that well, and both sides felt that way.

So it was Senator Cooper's vision that there would be created an evenly balanced committee, in effect, forced to be bipartisan because of the nature of the committee, and that committee, to act in any affirmative way, would have to achieve four votes. It would require bipartisanship to go forward. Mr. President, for 31 years this process has stood the test of time until today.

The Ethics Committee, as Senator Cooper envisioned it, was to be empowered to investigate cases as it—it—saw fit without outside intervention. The committee's authority was intended to be exclusive and absolute through the investigative phase.

Obviously, at that point it was envisioned the committee's work would come to the full Senate typically with a recommendation for action which only the full Senate could approve. The whole idea, Mr. President, was to make it possible in this most political of all places to have a bipartisan investigation, and the process has served the Senate well. And at no point during the 31-year history has there been a resolution offered, debated, and voted upon in front of the full Senate seeking to tell the committee what to do.

So the resolution of the Senator from California will shatter this 31-year precedent, and the new precedent for the future will be a way of proposals on the Senate floor to suggest that the committee open a case here, close a case there, do this, do that. That will be the precedent.

The approval of the proposal of the Senator from California would destroy the vision of Senator Cooper, and others, that the Senate could, at least through the investigative phase, remove a misconduct matter, deal with it on a bipartisan basis, and then produce a final product for the floor of the Senate.

All future Ethics Committee actions, Mr. President, or split votes—which, as I have already indicated earlier, is a decision—would be fair target for bruising, public floor fights.

Currently, the Ethics Committee sets aside preelection season complaints. Now I am fairly confident that the wave of the future will be resolutions in the Chamber forcing immediate action on one matter or another.

The resolution of the Senator from California sends really an unequivocal message. The Ethics Committee can be treated like a political football, propelled in any direction that the majority seeks to push it—kicked around by any Member who wants to push a political or personal agenda. The approval of the Boxer resolution would be the beginning of the end of the Ethics Committee and a return to the bad old days. And the bad old days before 31 years ago were to deal with misconduct cases on a partisan basis.

The other irony, Mr. President, is that the principal loser under a system which allowed the majority to control misconduct cases would be the minority party in the Senate. So the other ironic effect of the proposal of the Senator from California is to force a matter out of a bipartisan forum onto the floor of what arguably is one of the more partisan places in America. In what way does the minority party benefit from, in effect, ending a bipartisan forum?

Second, Mr. President, while we are discussing precedents, the resolution of the Senator from California clearly violates the precedent set earlier in this case when we had before the full Senate the question of the subpoena of diaries. Just a little while back, in 1993, I remind my colleagues, the Senate voted 94 to 6 to enforce the Ethics Committee's subpoena of the Packwood diaries. The Senate also voted 77 to 23 against an amendment restricting the committee's access to diaries. And clearly what was in this Chamber just in the fall of 1993 was a question of whether the committee judgment was going to be sustained. My friend from California and others were emphatic in saying the Ethics Committee should handle the case. Unfortunately, that was then and this is now.

At that time, both Democrats and Republicans argued that the Ethics Committee had exclusive authority to investigate misconduct without interference from the full Senate or from any single Member, and that was just in the fall of 1993. The Senate voted overwhelmingly that the Ethics Committee alone had the right to determine what procedures it should follow in conducting investigations. Senators from this side of the aisle voted almost unanimously against the interests of one of our own. Republicans voted against the demands that one of their own was trying to impose on the committee.

I know it would be extremely tough for someone on the other side of the aisle to oppose the resolution of the Senator from California, but I hope there may be a few listening to this debate who will think through the ramifications of the passage of the Boxer amendment. Remember, there is no deadlock. Three-three on the Ethics Committee is a decision. It takes four votes to do anything affirmatively in

the ethics process. Make no mistake about it. This proposal is designed to overturn a decision already taken by a bipartisan committee.

Now, this vote today, in my judgment, is not about Republicans versus Democrats or, in my view, even being for or against public hearings. This vote is about whether the Ethics Committee should be allowed to do its work, to do its work without interference or second-guessing from the floor at least until it finishes its job. And that is important to understand. It is not like any individual Senator or group of Senators are not going to have ample opportunity to express themselves, to condemn the work of the committee, to argue that we should have done this or should have done that. None of those options are waived, Mr. President, by allowing us to finish our work. As a matter of fact, given the controversial nature of this case, it is inconceivable to me that we are going to be applauded by very many of our friends up in the gallery or anybody on the other side no matter how we handle it. The question is will we be allowed to finish? And—and—will the process be changed, the 31-year precedent of no interference in this bipartisan committee's work?

Many of us like to quote our senior colleague from West Virginia because he has said many wise things when it comes to this institution and what is necessary to protect it. Back during the diary debate, the diary subpoena debate in this case, Senator BYRD said, ''If we turn our backs on our colleagues who have so carefully investigated this difficult matter, we may as well disband the committee.''

I do not know where we go if we are going to set the precedent that the committee is to be in effect micromanaged from the Senate, but it does make one wonder whether this is a useful process. The committee is either going to be allowed to finish its work without interference from the floor or it is not. And if it is not, then I wonder why anybody would want to serve on the Ethics Committee. My colleagues, Senator CRAIG and Senator SMITH, and I have scratched our heads on that issue occasionally and wondered why we agreed to do it in the first place.

Imagine a scenario under which this Ethics Committee or any Ethics Committee knows that all along the way, at any crucial point or at any time when somebody is trying to score a political point or wants to make a few headlines, they are going to be out on the floor of the Senate in an awkward position trying to protect confidential information that they know about and at the same time trying to engage in a public debate on a case not yet finished. I do not want to be an alarmist here, but it seems to me there is no point in having the Ethics Committee if that is the way it is going to be from now on.

I cannot imagine that anybody would want to serve. I just cannot imagine it. It is not much fun now, I can assure you. It is not the way I particularly want to spend my afternoons. But imagine if in addition to presiding over the toughest kind of investigation against one of your own colleagues, you know that all along the way during the process you are going to be out here like we are today getting a bunch of bad press, trying to do what you think is right, while one or more Members of this body get terrific editorials and terrific headlines standing up for what appears to be the popular thing.

So I think we ought to think it through, Mr. President, whether or not if the Boxer resolution passes—and I say, think this through on a bipartisan basis, really—whether we want to continue to have an ethics committee. Maybe we go back to the Rules Committee. Maybe Senators think that would be a better way to do this. Of course, the Rules Committee is controlled by the majority party, and some people might be concerned that the Rules Committee might be a little less enthusiastic about pursuing a Member of the majority than a Member of the minority.

But maybe I am off base here. Maybe it would not operate that way. Maybe people would on the Rules Committee just kind of rise above party affiliation and be just as interested in pursuing examples of alleged cases of impropriety against Members of the majority as they would against Members of the minority. Or maybe we ought to just throw up our hands and say, ''We cannot do this job. Let us let outsiders do it.'' Some have suggested that.

Well, Mr. President, one thing you can say about the case that has generated this floor debate, it is the toughest investigation in history. As I said earlier, it has been the mother of all ethics investigations. The witnesses have consistently praised the committee's comprehensive inquiry. The handling of the Packwood case outshines all previous investigations of sexual misconduct, certainly here because we have not had any, and compared to the House, which has had 5 in the last 10 years, the handling of this has been vastly superior in every measurable way.

The committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents, spent 1,000 hours in meetings. And even in spite of all of that, if the Senate will allow us to finish our work, the Senate will indeed have an opportunity at the appropriate time to substitute its collective will for ours.

The Senate will have a chance to challenge committee action. The Senate rules give broad latitude—broad latitude—for floor action after the committee's work is done. Any Member can accept, reject, or modify the recommendations of the committee at the appropriate time. No rights are waived. No rights are waived by allowing the committee to finish its work.

But to undermine the work of the committee in the middle of the case takes away its independence. It is tantamount to abolishing the committee outright or maybe dissecting it piece by piece by piece.

Let me say in conclusion, Mr. President, every precedent weighs against the resolution of the Senator from California. And precedents do not mean a thing, Mr. President, if they are not upheld in difficult cases.

Let me say again, there is no clear, consistent precedent for full-fledged public hearings at the end of every investigation involving ethics.

I may speak again later, but let me say, regardless of the outcome, I pledge as chairman of this committee we are going to try to finish our work. We are going to try to finish it in good faith. And let me say I would be less than candid if I did not say that the spilling over of this case on to the floor of the Senate has divided our committee. We have been able to work together on the whole, I think, on a good, bipartisan basis in this long and difficult investigation. There is no question that we have been feeling the strain. And I hope that once this unfortunate floor proceeding is over, that the six of us who have actually in many ways become good friends during the course of this difficult assignment, will be able to come back together, finish this case, do what is best for the Senate, for the American people, and for Senator PACKWOOD.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 1½ hours.

Mr. MCCONNELL. Mr. President, I yield such time as he may desire to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. I thank the Senator from Kentucky for yielding.

Mr. President, in seeking office to be a U.S. Senator, it was not my hope that I would ever be in the position that I am now in on the floor of the U.S. Senate as a member of the Ethics Committee essentially debating in some ways regarding a case involving one of our colleagues. It is not something you look forward to.

But before entering into the discussion of the Boxer amendment, which I strongly oppose, I just want to say regarding the chairman of this committee—and frankly, his predecessor as well, Senator BRYAN—starting first with Senator BRYAN, I served on the Ethics Committee and I have served for the past 4 years on that committee, a year—2½ years of that—3½ years of that was under the chairmanship of Senator BRYAN. Never, ever under any circumstances did I see any partisanship reflected by him or his colleagues on the committee. We always worked together in the spirit of knowing,

frankly, as you refer to this case, but for the grace of God it could be some or one on the other side.

See, as Senator MCCONNELL has so brilliantly outlined, that is the beauty of the whole concept of the Ethics Committee, Mr. President, to the fact that we have taken this whole issue of judging a colleague out of the hands—out of the hands—of politics and put it into a nonpartisan, rather than bipartisan, in my estimation, Ethics Committee.

Senator Cooper, who was referred to by Senator MCCONNELL, who helped to craft this legislation to create this committee, was brilliant, in my estimation. Is it a perfect process? No. I can certainly attest to that, as can any of my colleagues who have served on this committee.

Senator MCCONNELL, as the chairman of this committee, involving a major case of one of our colleagues on our side of the aisle, has taken more abuse than any chairman of this committee that I can recall in recent times. And every word of it, every single word of it has been unfair. And I happen to know because I have served with him every step of the way, both when he was ranking member and as chairman. He has taken it from the press, he has taken it from colleagues on his side of the aisle, he has taken it from colleagues on the other side of the aisle. And none of it, none of it, is justified.

I know how frustrating it is—because I have been in the Senate when I was not a member of the committee—when there is a case of this magnitude, or any case that is before this committee, to not know what is going on, meeting behind closed doors, if you will. There is a reason for that.

No, it may not be popular out there in the public. It is certainly not going to be popular when you have colleagues like Senator BOXER railing against the process on the floor of the Senate. No, it is not going to be popular. It is going to be unpopular because when Senator BOXER and others rail against the process on the Senate floor, they will make it unpopular. That is why it is unpopular.

There is no confidence in public officials or public institutions, it has been said on the other side of this debate. When I say ''on the other side of this debate,'' I do not necessarily mean all of the other party. But that is the reason why, because with all due respect to my colleague, she did not give us the opportunity to render a decision, not a decision in regard to Senator PACKWOOD in terms of punishment, if any. No, no; that is not the issue. She did not give us a chance to render a decision on whether or not there was going to be a public hearing.

This issue is not about a public hearing. Let us be honest about this. This is not about a public hearing. If it was about a public hearing, with all due respect to the Senator from California, the Senator from California would have waited until the Ethics Committee took a vote and, as it turned out, it was 3 to 3. Then she would have come to the Senate floor and criticized the vote, which she has a right to do, and say we should have had public hearings.

But that is not what happened, I say to my colleagues. Senator BOXER decided, before the Ethics Committee made a decision, that she was going to criticize the Ethics Committee to intimidate the Ethics Committee and break up the process, the nonpartisan process. That is what happened. That is exactly what happened, and my colleagues know that is what happened, and that is wrong. We have now interjected the ugly aspect of partisanship into this process.

I heard it said on the floor of the Senate prior to this debate that the three of us on our side of the aisle in this case had made up their minds and had already announced their decisions. This Senator had not made any such decision, and my colleagues on the other side of the aisle know it. If they are honest about it, they will admit it, because I never made any statements until just days, a couple of days, before this whole thing happened, did I ever say to one of my colleagues on the other side of the aisle how I was voting. I did not know how I was going to vote. I tried to keep an open mind.

I heard Senator MIKULSKI say in the debate a while ago that I have always been in favor of public hearings. Let me just say, that is not true. In my case, I was never always against public hearings. You know what; I tried to listen to the merits of this case and I tried to make my mind up on whether or not there should be a public hearing based on what I heard after 2½ years. I did not make my mind up on anything, not anything at all, because it is too important to do that.

This is a colleague that we are talking about; these are victims out there that we are talking about. They all deserve—they all deserve—a fair process, and the process that has been outlined by Senator MCCONNELL is fair. It is fair, and it keeps politics out of it. It allows the Senate Ethics Committee to operate not under the pressures of what is popular out there, or unpopular out there, whatever the case may be, not what the Washington Post says or anybody else says out there in the media, not what is written on the editorial pages, no, and not what is said on the floor of the Senate in some partisan debate. That is not the way we are supposed to operate. We cannot operate that way.

I urge my colleagues to consider that when you vote. Forget about the ''D'' or the ''R'' next to your name and think about it. Think very carefully about it, because as Senator MCCONNELL has said, we very well may be back to the Rules Committee making decisions.

I do not know who in the world, as he said, would serve on the Ethics Committee if before you make a decision on anything, be it public hearings or final decision, we have to be told or intimidated by debate as to what may be popular how we are supposed to rule. That is not the process.

As Senator MCCONNELL also said, we never had any partisan rancor in this case; a little bit of it when we had the situation on the floor over the diaries, but minimal. But in terms of the meetings that we had, I do not know how many hundreds of them we have had and the hours we have spent.

I was sitting here and did not check the record—and I will be happy to stand corrected if I am wrong—I cannot recall one vote, not one, that was 3 to 3 on anything that we have done on this case, and we have had one heck of a lot of votes. This is the only one. It was 3 to 3.

I have to deal with my own conscience and with my own Creator, and I made that decision not based on whether there is an ''R'' next to my name or not, thank you, I say to Senator BOXER, but I made it on the basis of what I thought was right. That is how I made my decision. And my colleagues on the committee who have worked with me for the past 4 years know it.

The Senator seeks to undermine the bipartisan nature of this committee. It is a very dangerous road to travel down. The many issues that we face with other committee members have been handled not only in a bipartisan, nonpartisan, but a respectful manner—respectful manner.

I truly believe that each member of this committee feels strongly about every case we have worked on, about each Member's conduct we have judged, and the effect every case has on the Senate as an institution, as well as the victims, as well as the Senator accused—but also the Senate.

I can honestly state that I have never seen any partisanship until now. I understand the pressures, and I regret very much that because of those pressures, some have had to succumb to this. I regret very much—and I do not cast any personal aspersions, and my colleagues know that—but I regret very much for the few moments that I was in the chair earlier this afternoon, seeing all of my colleagues on the other side of the aisle on the Ethics Committee converged around the Senator from California with their staffs, working on an amendment which, in essence, guts the entire Ethics Committee process. I regret that very much. I want to get that out on the floor as a matter of public record. I regret it very much.

At each step of this investigation, with a Democrat as chairman, with a Republican as chairman, we have conducted our business fairly, bipartisanly, and we have never left a stone unturned that I am aware of, and that includes the committee. When Senator MCCONNELL took over as chairman of the committee, he did not change one staff member; not one. Can

we say that about other Senate committees after the parties changed power? Not one staff person. It did not even cross his mind. It was never discussed, ever.

We cannot circumvent the procedure that we have here. If this Boxer amendment is adopted, no longer—no longer—will there be a thoughtful discussion of the facts among committee members, no more thoughtful discussions. It will be what is popular.

I resent very much—and I again want to be strong in my statement—I resent very much some of the terms that have been used on the floor in this debate: ''Whitewash''; ''sweep things under the rug''; ''behind closed doors''; ''men's club.'' I have heard all of it. I have heard all of it, and it is an insult, frankly, to all six members, and all six members know it is an insult.

The public has a right to know; it absolutely has a right to know the facts in this case. I spent 6 years on a school board, 3 years as its chairman. I strongly support the public right to know, the right-to-know laws, and full public disclosure. I take a back seat to no one on that.

I can tell you that when this case is concluded, everything that this committee knows the public will know. I can also tell you that after the decision is rendered and this case is discussed on the floor, you can ask any question that you want to ask of this Senator, of any other Senator on the committee, any information. It is all there. You will have it all. You can question anything you want—anything. You can overturn any decision we make. You can agree to any decision we make. But that is the way the process is supposed to work, and that is not what is happening now.

Think about this. In this case, it is a popular thing that Senator BOXER has brought up here. It is popular in the sense that somehow the perception is that a ''men's club,'' a U.S. Senate with very few women, is somehow, because of this being an allegation involving sexual matters, sweeping something under the rug simply because we do not have public hearings. Hearings are supposed to produce new evidence, add to the debate. That is a decision for the committee to make, and we made it.

We made it in spite of the attacks that were made on this committee and the integrity of the process by the Senator from California. And I am glad we did, because it was the right thing to do. And tomorrow, God forbid, or next year, it may be someone on your side of the aisle, and you will be glad we did. You will be very glad we did.

Mr. President, in my judgment, we have enough information to move on the disciplinary phase of this process. I would like to end this 2½-year investigation, which has taken many, many hours of my time and days of my time, and that of my colleagues—time I would have liked to have spent with my family or on other matters. I believe that at its conclusion, most likely the case will be before you here on the floor. Every one of you will have the opportunity to make your own judgment.

I say to you, give us the chance, my colleagues. Vote against the Boxer amendment and give us a chance to be judged on the decision that we make. Give us that opportunity to be judged on the decision that we render.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, I want to thank the distinguished Senator from New Hampshire not only for his outstanding comments here today, but also for his dedicated and principled service on the Ethics Committee. He has been absolutely indispensable to the process and has always conducted himself with the highest integrity, both in the committee and outside the committee, in how he has dealt with the matters before the committee and in complying with the rules of the committee. So I thank him very much for his kind comments.

Mr. President, another important member of our committee that has been with us during this process would like some time.

I yield the distinguished senior Senator from Idaho such time as he may need.

Mr. CRAIG. Mr. President, I thank the chairman of the Ethics Committee. Let me inquire of the Chair, are we to move to recess at 4 o'clock for the purpose of the conference, or is there any standing UC on that?

The PRESIDING OFFICER. There is no pending unanimous-consent request on that.

Mr. CRAIG. All right.

Mr. President, I, like all of my colleagues, come to the floor today gravely concerned about the ability of the Ethics Committee of the U.S. Senate to function in an appropriate manner and to render its decisions and to bring those decisions to the floor of the U.S. Senate to be considered by our colleagues.

At the outset of my comments, let me recognize the chairman from Kentucky, who has, in my opinion, served in an honest and forthright way to cause this procedure to go forward in a timely fashion, but in a thorough and responsible fashion, so that the accused and the victims of this issue could be considered appropriately. I think he has done an excellent job. And I must also say that, in my over 1½ years of service in this body, I also served under the Democrat chairman. He, too, functioned in the same manner.

As has been mentioned by my two colleagues, the staff of that committee is, by every respect and every test, bipartisan. They have worked in that fashion untold hours to bring about a body of knowledge and information from which we should make decisions that is probably, in total, unprecedented in number of pages and hours of work effort involved.

For the next few moments, then, let me read something into the RECORD that I think is extremely valuable for the Senate to focus on, because somehow in this proceeding, there is an attempted air of suggesting that things are being done behind closed doors, and that that somehow is unfair to the process and unprecedented in the openness of the U.S. Senate, and, therefore, judgments and decisions rendered inside that environment could somehow be distorted on behalf of a colleague under consideration and against those who might be victims.

Let me read:

May 17, 1995. The attached resolution of investigation was unanimously voted by the Senate Select Committee on Ethics on May 16, 1995.

RESOLUTION FOR INVESTIGATION

Whereas, the Select Committee on Ethics on December 1, 1992, initiated a Preliminary Inquiry (hereafter ''Inquiry'') into allegations of sexual misconduct by Senator Bob Packwood, and subsequently, on February 4, 1993, expanded the scope of its Inquiry to include allegations of attempts to intimidate and discredit the alleged victims, and misuse of official staff in attempts to intimidate and discredit, and notified Senator Packwood of such actions; and

Whereas, on December 15, 1993, in light of sworn testimony that Senator Packwood may have altered evidence relevant to the Committee's Inquiry, the Chairman and Vice-Chairman determined as an inherent part of its Inquiry to inquire into the integrity of evidence sought by the Committee and into any information that anyone may have endeavored to obstruct its Inquiry, and notified Senator Bob Packwood of such action; and

Whereas, on May 11, 1994, upon completion of the Committee staff's review of Senator Packwood's typewritten diaries, the Committee expanded its Inquiry again to include additional areas of potential misconduct by Senator Packwood, including solicitation of financial support for his spouse from persons with an interest in legislation, in exchange, gratitude, or recognition for his official acts;

Whereas, the Committee staff has conducted the Inquiry under the direction of the Members of the Committee; and

Whereas, the Committee has received the Report of its staff relating to its Inquiry concerning Senator Packwood; and

Whereas, on the basis of evidence received during the Inquiry, there are possible violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended;

It is therefore resolved.

I. That the Committee makes the following determinations regarding the matters set forth above:

(a) With respect to sexual misconduct, the Committee has carefully considered evidence, including sworn testimony, witness interviews, and documentary evidence, relating to the following allegations:

I am now going to proceed to read 18 different allegations. Mr. President, am I divulging secret information? Is this something that was held behind closed doors? Am I, for the first time, exposing to the public information that the committee has known that might otherwise come out in a public hearing?

No, I am not. This is a document that was put before the public and put before the press corps of this Senate some

months ago. And it was thoroughly reported in many of the newspapers, on television and radio across this Nation.

(1) That in 1990, in his Senate office in Washington, DC, Senator Packwood grabbed a staff member by the shoulders and kissed her on the lips;

(2) That in 1985, at a function in Bend, OR, Senator Packwood fondled a campaign worker as he danced. Later that year in Eugene, OR, in saying good night and thank you to her, Senator Packwood grabbed the campaign worker's face with his hands, pulled her toward him and kissed her on the mouth, forcing his tongue into her mouth;

(3) That in 1981 or 1982, in his Senate office in Washington, DC—

And the allegations go on, all 18 of them, through 1969.

Then it says:

Based upon the committee's consideration of evidence related to each of these allegations, the committee finds that there is substantial creditable evidence that provides substantial cause for the committee to conclude that violations within the committee's jurisdiction as contemplated in section 2(a)(1) of Senate Resolution 338, 88th Congress, as amended, may have occurred; to wit, that Senator Packwood may have abused his U.S. Senate office by improper conduct which has brought discredit upon the U.S. Senate, by engaging in a pattern of sexual misconduct between 1969 and 1990.

Mr. President, I ask unanimous consent this document be printed in the RECORD.

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

RESOLUTION FOR INVESTIGATION

Whereas, the Select Committee on Ethics on December 1, 1992, initiated a Preliminary Inquiry (hereafter ''Inquiry'') into allegations of sexual misconduct by Senator Bob Packwood, and subsequently, on February 4, 1993, expanded the scope of its Inquiry to include allegations of attempts to intimidate and discredit the alleged victims, and misuse of official staff in attempts to intimidate and discredit, and notified Senator Packwood of such actions; and

Whereas, on December 15, 1993, in light of sworn testimony that Senator Packwood may have altered evidence relevant to the Committee's Inquiry, the Chairman and Vice-Chairman determined as an inherent part of its Inquiry to inquire into the integrity of evidence sought by the Committee and into any information that anyone may have endeavored to obstruct its Inquiry, and notified Senator Packwood if such action; and

Whereas, on May 11, 1994, upon completion of the Committee staff's review of Senator Packwood's typewritten diaries, the Committee expanded its Inquiry again to include additional areas of potential misconduct by Senator Packwood, including solicitation of financial support for his spouse from persons with an interest in legislation, in exchange, gratitude, or recognition for his official acts;

Whereas, the Committee staff has conducted the Inquiry under the direction of the Members of the Committee; and

Whereas, the Committee has received the Report of its staff relating to its Inquiry concerning Senator Packwood; and

Whereas, on the basis of evidence received during the Inquiry, there are possible violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended;

It is therefore *Resolved:*

I. That the Committee makes the following determinations regarding the matters set forth above:

(a) With respect to sexual misconduct, the Committee has carefully considered evidence, including sworn testimony, witness interviews, and documentary evidence, relating to the following allegations:

(1) That in 1990, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders and kissed her on the lips;

(2) That in 1985, at a function in Bend, Oregon, Senator Packwood fondled a campaign worker as they danced. Later that year, in Eugene, Oregon, in saying goodnight and thank you to her, Senator Packwood grabbed the campaign worker's face with his hands, pulled her towards him, and kissed her on the mouth, forcing his tongue into her mouth;

(3) That in 1981 or 1982, in his Senate office in Washington, D.C., Senator Packwood squeezed the arms of a lobbyist, leaned over and kissed her on the mouth;

(4) That in 1981, in the basement of the Capitol, Senator Packwood walked a former staff assistant into a room, where he grabbed her with both hands in her hair and kissed her, forcing his tongue into her mouth;

(5) That in 1980, in a parking lot in Eugene, Oregon, Senator Packwood pulled a campaign worker toward him, put his arms around her, and kissed her, forcing his tongue in her mouth; he also invited her to his motel room;

(6) That in 1980 or early 1981, at a hotel in Portland, Oregon, on two separate occasions, Senator Packwood kissed a desk clerk who worked for the hotel;

(7) That in 1980, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders, pushed her down on a couch, and kissed her on the lips; the staff member tried several times to get up, but Senator Packwood repeatedly pushed her back on the couch;

(8) That in 1979, Senator Packwood walked into the office of another Senator in Washington, D.C., started talking with a staff member, and suddenly leaned down and kissed the staff member on the lips;

(9) That in 1977, in an elevator in the Capitol, and on numerous occasions, Senator Packwood grabbed the elevator operator by the shoulders, pushed her to the wall of the elevator and kissed her on the lips. Senator Packwood also came to this person's home, kissed her, and asked her to make love with him;

(10) That in 1976, in a motel room while attending the Dorchester Conference in coastal Oregon, Senator Packwood grabbed a prospective employee by her shoulders, pulled her to him, and kissed her;

(11) That in 1975, in his Senate office in Washington, D.C., Senator Packwood grabbed the staff assistant referred to in (4), pinned her against a wall or desk, held her hair with one hand, bending her head backwards, fondling her with his other hand, and kissed her, forcing his tongue into her mouth;

(12) That in 1975, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff assistant around her shoulders, held her tightly while pressing his body into hers, and kissed her on the mouth;

(13) That in the early 1970's, in his Senate office in Portland, Oregon, Senator Packwood chased a staff assistant around a desk;

(14) That in 1970, in a hotel restaurant in Portland, Oregon, Senator Packwood ran his hand up the leg of a dining room hostess, and touched her crotch area;

(15) That in 1970, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders and kissed her on the mouth;

(16) That in 1969, in his Senate office in Washington, D.C., Senator Packwood made suggestive comments to a prospective employee;

(17) That in 1969, at his home in Virginia, Senator Packwood grabbed an employee of another Senator who was babysitting for him, rubbed her shoulders and back, and kissed her on the mouth. He also put his arm around her and touched her leg as he drove her home;

(18) That in 1969, in his Senate office in Portland, Oregon, Senator Packwood grabbed a staff worker, stood on her feet, grabbed her hair, forcibly pulled her head back, and kissed her on the mouth, forcing his tongue into her mouth. Senator Packwood also reached under her skirt and grabbed at her undergarments.

Based upon the Committee's consideration of evidence related to each of these allegations, the Committee finds that there is substantial credible evidence that provides substantial cause for the Committee to conclude that violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, may have occurred; to wit, that Senator Packwood may have abused his United States Senate Office by improper conduct which has brought discredit upon the United States Senate, by engaging in a pattern of sexual misconduct between 1969 and 1990.

Notwithstanding this conclusion, for purposes of making a determination at the end of its Investigation with regard to a possible pattern of conduct involving sexual misconduct, some Members of the Committee have serious concerns about the weight, if any, that should be accorded to evidence of conduct alleged to have occurred prior to 1976, the year in which the federal court recognized quid pro quo sexual harassment as discrimination under the civil rights Act, and the Senate passed a resolution prohibiting sex discrimination, and taking into account the age of the allegations.

(b) With respect to the Committee's inherent responsibility to inquire into the integrity of the evidence sought by the Committee as part of its Inquiry, the Committee finds, within the meaning of Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, that there is substantial credible evidence that provides substantial cause for the Committee to conclude that improper conduct reflecting upon the Senate, and/or possible violations of federal law, i.e., Title 18, United States Code, Section 1505, may have occurred. To wit:

Between some time in December 1992 and some time in November 1993, Senator Packwood intentionally altered diary materials that he knew or should have known the Committee had sought or would likely seek as part of its Preliminary Inquiry begun on December 1, 1992.

(c) With respect to possible solicitation of financial support for his spouse from persons with an interest in legislation, the Committee has carefully considered evidence, including sworn testimony and documentary evidence, relating to Senator Packwood's contacts with the following persons:

(1) A registered foreign agent representing a client who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(2) A businessman who had particular interests before the Committee on Commerce, Science and Transportation;

(3) A businessman who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(4) A registered lobbyist representing clients who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(5) A registered lobbyist representing a client who had particular interests before the Committee on Finance.

Based upon the Committee's consideration of this evidence, the Committee finds that there is substantial credible evidence that provides substantial cause for the Committee to conclude that violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, may have occurred, to wit; Senator Packwood may have abused his United States Senate Office through improper conduct which has brought discredit upon the United States Senate by inappropriately linking personal financial gain to his official position in that he solicited or otherwise encouraged offers of financial assistance from persons who had a particular interest in legislation or issues that Senator Packwood could influence.

II. That the Committee, pursuant to Committee Supplementary Procedural Rules 3(d)(5) and 4(f)(4), shall proceed to an Investigation under Committee Supplementary Procedural Rule 5; and

III. That Senator Packwood shall be given timely written notice of this Resolution and the evidence supporting it, and informed of a respondent' rights pursuant to the Rules of the Committee.

Mr. CRAIG. The reason I do that is to show you and the rest of the Senators who I hope are listening this afternoon that there has been a concerted effort on the part of the Ethics Committee, not only to thoroughly investigate but to, in a responsible and timely fashion, spread before the Senate and the public the process and the procedure by which the Senate Ethics Committee was conducting its charge and its responsibility in the investigation of Senator BOB PACKWOOD.

Mr. President, I have had the unique experience of serving on this Ethics Committee and the Ethics Committee in the U.S. House of Representatives. I have also had the unique experience of serving on both of those bodies during times of extremely high profile cases. During the time that I served in the House it was the time that the House Ethics Committee was investigating the Speaker of the House, Jim Wright. All during that investigation there was never a question that there should be public hearings. But there was always a tacit understanding that all of the findings and all of the information collected would become a part of the public record, and that it would become a part of the public record simultaneous to the decisions, the findings and the recommendations of that Ethics Committee to the whole of the U.S. House as to the penalties that might be brought down on then the Speaker, Jim Wright.

I must tell you, Mr. President, that is exactly how the Ethics Committee of the U.S. Senate plans to operate. That there will be full public disclosure. Less than a few days ago we voted unanimously to cause that to happen. That, upon our findings and upon our recommendations to the U.S. Senate we would spread, for the public's review and for the Senators' review, all of our thousands and thousands of pages of findings and all 264 witness depositions, the vast body of information that you have already heard about today that have been talked about by my colleagues.

Never once in my experience on any Ethics Committee in either of these two bodies have I ever voted against public disclosure. I believe it is our responsibility. I think it is, more importantly, the right of the public to know.

But I also recognize it is the responsibility of the Ethics Committee of the U.S. Senate so charged by the U.S. Senate to operate in a bipartisan—or as my colleague from New Hampshire said, a nonpartisan—environment, in which to render its decisions.

I was, frankly, very amazed to see our committee for the first time split apart on this issue. I do believe that this, in itself, could be one of the most precedent setting involvements that we have ever seen, precedent setting in the fact that after 32 years of nonpartisan or bipartisan relationships we now find ourselves causing that aisle to divide us on how this committee should operate before it has rendered its decision to the Senate as a whole.

Last week that professional nonpartisan staff looked at us, after having provided us with all of this information, and said: It is our recommendation that public hearings are not necessary. There is nothing to be gained. It appears that, after the exhaustive effort at full discovery that was a unanimous vote of the committee, that there is little or no information that can be gained. It is now time to make a decision. It is now time to review and to render to the Senate our findings for the purpose of the Senate agreeing or disagreeing on those findings and those recommendations.

I am therefore tremendously bothered and frustrated that we risk making partisan what some 31 years ago we took off from the partisan table. I understand the pressures. I understand the nature of the arguments being placed. I also understand the uniqueness of these particular allegations.

But in all fairness I find them no different, as it relates to the conduct of a Senator in this body charged with the responsibility of being a U.S. Senator, whether he or she acted in a proper and responsible fashion, or whether he or she did not. And that is exactly what the Ethics Committee of the Senate is charged with finding out.

I am also amazed that we have members of the committee who would suggest they ought to have the right to question witnesses. It is important for the U.S. Senate to know that, by a unanimous vote of the committee, we charged the professional staff with the responsibility of going forward to take depositions and at no time was any member of that committee barred from the right to attend those depositions and to question any and all witnesses. So I am a bit surprised today that any member of the Ethics Committee would come to the floor using the argument that they did not have the opportunity to question all of the witnesses of whom questions were asked and depositions were taken. That is not true. What is true was that they had that right but, because of the vastness of the investigation, we spread the bulk of that responsibility to the professional staff of the Senate Ethics Committee.

I also remember arguing and agreeing and voting unanimously to not leave one stone unturned, to examine all allegations, to ask all parties under which allegations had been launched as to any kind of relationship or involvement Senator PACKWOOD had with any individual. And I must say, in all fairness, in a wholly bipartisan voice, that the committee responded in an exhaustive bipartisan, nonpartisan fashion. So there is a precedent here, and it is a precedent of risk.

It is a precedent of politicizing. It is a precedent of making partisan this very nonpartisan approach to dealing with the discipline of U.S. Senators. Discipline is the responsibility of the Senate and of its calling, and all of us understand that. And all of us for 32 years in this body have taken it most seriously. Every Senator has one absolute uncontested right—that when the Ethics Committee renders its finding and its decision, and it brings it to the floor of the U.S. Senate for a full public debate, that any Senator can investigate and review those findings, make a determination, argue for or against, offer amendments to change judgments and decisionmaking, and proceed in that fashion. That is the way we have always functioned.

As the chairman of the committee said, never before in the middle of a proceeding has it ever occurred to the U.S. Senate to abruptly attempt to cause the rules of the Senate to be changed because a Senator comes to the floor arguing that something in an alternative fashion ought to be done. The Senate has the rule. The Ethics Committee has made a decision, and the decision was not to hold public hearings. The fundamental reason has already been stated, time and time again—upon advice of the professional staff. All of the information was available.

So if hearings are for the purpose of allowing the public to know and to collect additional information and the second criteria had been met, then what about the first criteria? That criteria has also been met, and that is to provide full public disclosure of all relevant information, which is nearly 100 percent of all of the documentation that has been put before the committee for its process.

So I have one simple closing plea that I offer to my colleagues, my fellow Senators. I hope they are listening this afternoon in their offices, and I hope that they will come to the floor to vote with this in mind. I ask my colleagues

to allow us to finish our decisionmaking process, to allow us to bring to the floor in a responsible fashion our findings and our conclusions and our recommendation, and then for the Senate to do as they have done historically, and I believe responsibly: Judge us, judge our findings, and vote accordingly. I hope that is the case. I hope you will allow us to finish our work in a responsible fashion in defense of the victims, and in respect for the process, recognizing that in the end Senator PACKWOOD, too, has rights, and that we respect all parties as we work this issue to bring about that conclusion that I hope this Senate will honor and recognize in its vote on this issue this afternoon. To fulfill that request, your vote would be to oppose the Boxer amendment, which I believe is the appropriate vote in allowing this committee to continue to function with its responsibility at the request of the U.S. Senate.

Mr. MCCONNELL. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER (Mr. INHOFE). Forty-nine minutes is remaining on your side; the other side has 36 minutes.

Mr. MCCONNELL. Mr. President, I have a number of requests for time, so I am going to have to start allocating minutes, fewer minutes than I had hoped. Senator KASSEBAUM has indicated she wants to speak. Senator HUTCHISON has indicated she wants to speak. Senator SIMPSON is here. Senator BROWN is here. But I believe Senator BROWN is really sort of next in order. I would like to give to Senator BROWN 10 minutes.

I yield Senator BROWN 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President. Thank you, Mr. Chairman. I appreciate the time.

The Senate is now deliberating a change in its rules, and ostensibly the question that should be before us is one of openness. I am for openness. I believe in openness and in sharing information—I think it is the foundation of our democracy. I am not just verbally for openness. I was a sponsor of Colorado's sunshine law. It is probably one of the most—or the most—progressive laws in the country. It guarantees open meetings. It talks about open records. It even guarantees that whenever legislators get together, even in a caucus, that the press is allowed to be there to make sure that information gets out to the public.

I not only advocate openness, I vote for it. But Members should be aware that the amendment before us is not just about openness. The deliberations of the Ethics Committee will come to the floor regardless of how they rule, and they will be open, they will be public, and they will be subject to debate. And the information will be there.

The decision has already been made to make the information, the documents, and the investigation public. This debate is not about whether or not the facts about this case become public. They will become public, and the documents will be open and available.

This debate goes to a different problem, one that is always possible with investigations of this type. The danger in this or in any investigation is that it will become bottled up in committee and never heard of again. I served 7 years on the House Ethics Committee. It is my impression that this problem surfaced on a number of occasions and that people who committed serious infractions simply waited for their terms to end while the committee investigated. Often the matter was never brought forth in time.

Even though openness and access to the public are important, Mr. President, it may surprise some to know that the House rules accommodated delay and coverup. They allow the committee to continue to deliberate and never bring the matter to a close thus keeping it from the public. I voted against those House rules.

But amazingly, the sponsor of this amendment voted for those House rules, consistently voting for rules which allowed the Ethics Committee to bottle up complaints. That is not openness, Mr. President. That is a vote for closed Government and turning a blind eye toward ethics violations.

In 1983, Mr. President, there was a motion on the floor of the House to create a select committee to investigate alterations in hearing transcripts, a serious infraction. Believing in openness, I voted for that investigation. But the author of the amendment before us did not vote for openness. She voted against that investigation. She voted to close it down, to not let people see what went on.

In 1983, there was a proposed change in the House rules to make it easier for committees to hold meetings that are closed to the public, precisely the issue that we are deliberating today. I voted against closed meetings. I voted against that motion in 1983 because I am for openness. But the sponsor of the amendment today voted for it, voted for the motion to make it easier to close meetings.

Mr. President, the question before us today goes beyond openness or closed meetings. It is about something far different.

In 1987, the House had a motion to further investigate Congressman St Germain and to report findings back to the House. I voted for that further investigation, for the openness, and for the report. The sponsor of the amendment that is before us voted against it. She did not vote for openness. She voted for closed meetings.

In 1987, further, there was a sense of the House that a special commission be established to investigate an allegation of corruption of Members, charging the select committee to come back with suggested reforms. I voted for that select committee and for that investigation because I believe in openness. But the sponsor of the amendment before us voted against it.

Mr. President, the bottom line is simply this. This amendment is not about openness. Each of us have had countless votes on which we can express our view and our feelings as to whether this body and the democratic process ought to be open. I am for openness, and I voted for it and I stand for it consistently. But this amendment is not about openness. The documents in this case are open and will be available to the public. The results of the deliberations will be open and publicly debated in this Chamber. This amendment is about partisan gamesmanship. I do not think it deserves to pass.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to yield 5 minutes to Senator EXON of Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. EXON. I thank the Chair, and I thank my friend and colleague from California.

I have been listening with great interest to the debate. It is one of those painful debates that the Senate has to go through from time to time, and I have been through many of them. I simply say I think we all owe a debt of gratitude to Members on both sides of the aisle who serve on the Ethics Committee. It is a thankless task. I think I have supported the Ethics Committee any time there has been any controversy. I would simply say that I have served in this body longer than any other Member on either side of the aisle on the Ethics Committee, and therefore I think I have some claim to what I think is proper for this body and for this institution and for what it stands.

I wish to thank personally once again now by name the distinguished Members on both sides of the aisle who have served with great distinction, in my view, on the Ethics Committee, as have Members of the body before them, once again a totally thankless task. If I were charged with an ethics violation, I would have complete confidence, I might say to the President, and the Members on that side of the aisle, Senator MCCONNELL, Senator SMITH, Senator CRAIG, and likewise the three Senators on this side of the aisle, Senator MIKULSKI, Senator BRYAN—and, of course, Senator BRYAN used to serve as the chairman of the committee—and certainly the newest member of the committee has served with great distinction, the Senator from North Dakota, Mr. DORGAN.

I have no ill will toward any of them. I think they have done a very yeoman job. But we are now down to a situation where we have to make a decision, and I stand here today in defense of the Senator from California for what I think is a proper course of action.

I looked through the previous open hearings that we have held in the Senate since I have been here, Cranston in 1991, Durenberger in 1990, Harrison Williams in 1981, and Herman Talmadge in 1978. I was here through all of those. And I remember the difficult task, very difficult vote that we as Senators were called upon to cast after the Ethics Committee had made its recommendations, all of them, I might say, after open hearings.

Therefore, I simply say that I have been quite amazed at the broadside against the Senator from California for what I think is a very legitimate action on her part. When she first made her announcement of considering going to and asking the Senate to go on record, I intended to visit her about it and see what was behind it. Then about that time a Member on that side of the aisle made a public statement—it has not been retracted as far as I know—that I consider a direct threat to the prerogatives of the Senator from California, by saying if the Senator from California proceeded with her action, that Senator on that side of the aisle might well investigate other prominent Members of the Democratic Party on this side of the aisle.

That was a threat. That should never have been made. And it is about time to receive an apology for that.

With that statement, Mr. President, this one Senator, who tries to be evenhanded on these things, recognized and realized that the Senator from California was only doing what I think is right and should be done.

The Senate of the United States is on trial. The institution is being looked at by the American people today, and its credibility is on trial.

I have no ill feelings against Senator PACKWOOD at all. I have worked with him on many, many important measures over a long period of time. I would just happen to feel better, frankly, if the Senator—could I have 2 more minutes?

Mrs. BOXER. One more minute to the Senator. I am running out of time. One more minute.

Mr. EXON. I hope that maybe Senator PACKWOOD would be better served by open hearings.

In closing, let me say that if the amendment offered by the Senator from California fails, the Senate fails, and the time will never come when the Senate can redeem itself in the eyes of the public and/or the eyes of itself. The Senate self-esteem is at issue. It was important yesterday. It is important today. It will be important tomorrow.

The Senate itself is on trial, and I hope that it does not fail in accepting the amendment offered by the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 4 minutes to the senior Senator from California, [Mrs. FEINSTEIN].

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair very much.

Mr. President, I rise to support my colleague and her resolution, which I believe is appropriate, fitting, and not partisan. I do not believe that she had in mind a partisan effect at all. I believe she had in mind being able to conclude a process in a way which gave much fresh air and clarity and credibility to it. So I am pleased to support her.

I think every member of the Ethics Committee has worked hard in what has been a very difficult case. None of us likes to sit in judgement of another, and certainly the Senator at issue is one who is competent, who has had great credibility and great standing in this body.

Nonetheless, I came here in 1992, and this issue was very much with us in 1992. The allegations and the statements of the accusers have been printed and published all over the United States. The question really is, are they credible statements? And this question can only be answered by a hearing.

I heard the distinguished chairman of the Ethics Committee say 264 witnesses had been interviewed but, of course, that is by staff. The Senator from New Hampshire said, well, any member of the committee could sit in and listen to those depositions. That is not likely to happen with the busy nature of the life we lead in this body.

Human beings are certainly not perfect, and there may well be mitigating circumstances, but I think sexual misconduct, and particularly sexual harassment, is often misunderstood. It means different things to different people.

What is compelling to me is that 9 out of the 18 accusers have publicly asked for public hearings. Generally, this is not true. Generally, women do not want to come forward publicly. However, these women have publicly asked for the hearings.

As the Senator from California, my colleague, has pointed out, in every one of these cases, when the investigation has been completed, there has in fact been a public hearing. As I have heard stated on this floor, the reason not to have a public hearing is often to protect the accuser or the person who provides the testimony. However, that is not the case here.

I think the only way to successfully conclude this is with a public hearing. Why? Because questions can be asked. Questions can be clarified. Issues can be probed. And the degree of culpability can be established. Perhaps that is very low. Perhaps it is very great. Without a hearing, I have no way of knowing, as a non-Ethics Committee member.

Another reason that is important to me is the allegations have all taken place in the course and scope of the individual's duties as a U.S. Senator. This is not private, personal conduct. This is conduct that took place in public service, and many of the people involved are themselves Federal employees. So I think these allegations involve conduct about which a hearing must be held and a decision must be made.

Is it acceptable? Is it not? If it is not, to what degree? I think issues revolving around sexual misconduct are issues that need to see the clarity of day and the openness of probing questions, and their resolution. So I am very proud to support my colleague from California and to stand and say that I believe her motives were of the highest. And I am hopeful that this body will conclude the process as rapidly as possible.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I want to thank my friend from California.

I yield 4 minutes to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from California. I would like to begin by paying tribute and gratitude to Members on both sides of the aisle who served on the Ethics Committee. They bear an enormous burden. There are too few here willing to serve. And we should all understand the difficulty of that service.

Whether willful or not, Mr. President, the effect of denying a public hearing here is to sweep away the human voices and to replace them with paper. That is a denial of process. And it is a reversal of the very commitment made by the U.S. Senate recently where we voted to live the way other Americans live. If probable cause was found in a case of sexual misconduct against an American citizen, that American citizen would find themselves in a public situation facing an accuser, having a public review. It is only because there is this hybrid entity called an Ethics Committee that was set up, in a sense, to try to guide this special institution through its life that there is now a denial of that open process.

It is contrary to all prior precedent where you have had a finding of probable cause, where you have found substantial and credible evidence. In every substantial and credible evidence case, the U.S. Senate has had a public hearing. If we are going to apply the standard which friends on the other side of the aisle are now suggesting, that when you build a sufficient record of depositions, you can make a judgment, that because it is encyclopedic you do not have to have a hearing, then let us end the Whitewater hearings today. Maybe we should come in here with a resolution as an addendum to this to say we have an encyclopedia of depositions. Let them speak for themselves. We do not have to hear from all these other people. I know my colleagues would vote against that. It is a double standard, double standard for Alan Cranston, double standard for JOHN GLENN, JOHN

MCCAIN, DON RIEGLE, and now here we are at a moment where the Senate has to make a judgment as to whether or not depositions speak like people.

BOB PACKWOOD had his moment before the members of this committee. It was sufficient for him to be able to come forward and look them in the eye and be able to be asked questions. But our colleagues are being denied that same right to provide a record. That is what is important here, Mr. President, the question of whether there will be a sufficiency of a record for the U.S. Senate, where people are put to the test. It may help BOB PACKWOOD to have some of these people asked questions publicly, to have the full measure of these accusations judged by the American people, not off paper that everybody knows they will never read, but in the full light of day. That is what this is really about. Staff doing a deposition is not a Senator asking a question within public scrutiny of the hearing process.

So I respectfully suggest, Mr. President, that based on precedent, based on the standard we have accepted in the Senate, based on the best means of providing process in this situation, i.e., adequate capacity to ask questions and to judge answers, it is appropriate for the Senate to explore this in public. And it is interesting to hear my colleagues suggest that somehow this is popular——

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

Mr. KERRY. Can I have 1 additional minute?

Mrs. BOXER. I yield 1 additional minute.

Mr. KERRY. I hear the notion of popularity. There is a reason that one is popular and one is not. That is because one judgment is correct and the other is not. This is not a matter of partisanship, and it should not be. But it is highly inappropriate to apply a different standard that suggests that we are going to shut the door and sweep away the human capacity to speak to what has happened. These probable cause issues rise not just to the question of sexual misconduct, but they rise to the question of obstruction of justice, they rise to the question of a breach of ethics with respect to assistance in job finding for personal family members. And it is very hard to explain why all of a sudden sufficiency of record will be in depositions without senatorial participation. If that is the new standard around here, then let us fold up Waco, let us fold up Whitewater. Let us just do the depositions and live by that standard across the board. So the test here is very, very clear. And I congratulate my colleague for having the courage to bring it before the Senate.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I will yield 5 minutes to my friend from Connecticut. I want to make a point to the Senator from Massachusetts. I just want to thank him for coming over here because it was such a new point that was just injected into the debate that was worth repeating for just a couple seconds. Why do we not just shut down all the committees and not call one witness in any of our work and just read the depositions? That is what this is about. And I want to thank my friend, because obviously that is ludicrous. But yet it is a standard that three members of the Ethics Committee want to apply.

I yield 5 minutes to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend and colleague from California.

Mr. President, I rise to support the resolution offered by the Senator from California. And I do so with great respect and empathy for the six colleagues who are on the Ethics Committee. And I do so—it does not need to be said; I am sure it is true of all of us today—I do so without in any way prejudging the allegations that have been made against Senator PACKWOOD. In fact, quite the contrary. What I am saying in rising to support the resolution is that I believe that I, as one Senator, will not be able to reach the kind of informed decision I want to reach on the serious allegations that have been made against Senator PACKWOOD without the benefit of testimony from the witnesses live before the committee, subject to examination by the members of the committee and by counsel for Senator PACKWOOD.

Mr. President, the Senate has established the Ethics Committee in a remarkable act as a way to delegate responsibility to this committee to adopt standards for the behavior of the Members of this institution and then to uphold those standards. As a way, if you will, to discipline, to set standards for our behavior, in between those times when the ultimate judges of our behavior, namely our constituents, have the opportunity to vote on us.

The committee was established, I am convinced, to keep strong the bonds of trust between those of us who have been privileged and honored to govern and those for whom we govern. And at the heart of that trust is credibility and confidence in the process by which we judge each other. And it is on that basis that I feel so strongly that it is right and fair to have public hearings in this matter.

The precedents seem to say to me that in every case which has reached the investigative stage, including, I gather, the case of former Senator Cranston, there have been public hearings, although in the Cranston case the hearings were uniquely at an earlier stage. The point here is to preserve public credibility on the one hand. And that credibility is based on the public's assessment of the fairness of the process. But it is also critically important in terms of the judgment we reach. The members of the committee will have the opportunity to hear the witnesses come before them, and as I have said, Senator PACKWOOD's counsel will have the opportunity to cross-examine those witnesses.

The fact also is that how can we explain to the witnesses, those who have made allegations, that the doors to the judge's chamber essentially are closed to them, although the one against whom they have made the accusations has had the opportunity to appear in person.

Mr. President, the chairman of the committee, the distinguished Senator from Kentucky, has made an important argument and statement when he says that this would be a breach of precedent for the Senate as a whole to intervene in ongoing ethics proceedings, without letting the committee make the judgments itself.

It is an important point. Let me explain to him, and I was troubled by it, why I am supporting Senator BOXER's resolution. I do not take this resolution to amount to an intervention on a side. I do not take this resolution to equal an intervention to direct a particular verdict, to bias the proceedings. I see this as an intervention that is totally procedural and not at all substantive. It is, in fact, neutral on the question of substance.

Does it create a precedent? In a sense, it builds on a precedent and perhaps creates a clear statement by the full Senate, which has delegated our authority to govern ourselves and judge our own ethics to this six-member committee. And the precedent is that the burden of proof should be on the committee in rejecting hearings, because the openness of these proceedings is so critically important to the credibility of the final judgment.

Let me repeat what I said as one Senator as to why I am supporting this resolution to the members of the committee.

We give them a tremendous responsibility, and it is a difficult responsibility, to spend all this time, to hear all this evidence and to come back and report to us. On the basis of that, we make these terribly difficult judgments about our colleagues.

This Senator is saying respectfully to the members of this committee, I feel that I will not have all the information I need to make an informed judgment on the charges against our colleague from Oregon unless the committee has the opportunity to hear and confront those who have made these serious allegations and to cross-examine them. That is why I hope that my colleagues on both sides of the aisle, in that spirit, will vote to support the resolution of the Senator from California, understanding it does not in any way prejudge the case. Quite the contrary, it suggests the desire that all of us have for the fullest possible information before we reach a conclusion in this case.

I thank the Chair and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 4 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is not an easy matter for me. I am on the Finance Committee. BOB PACKWOOD is my chairman. I have known BOB PACKWOOD, I have served with BOB PACKWOOD for many years.

But I believe that we as Senators have a higher calling. It is not friendship—though friendship is very important—it is more important than friendship. It is fulfilling our responsibility of public service; living up to our obligation to the people we represent.

When I first came to the Congress, there was a joint conference meeting on a tax bill, a major tax bill. I wanted to learn a little bit about the tax bill. I wanted to learn how Senators and House Members decide matters in a conference. But I had a hard time finding where the conferees were meeting. Finally, I asked myself, ''Who would know where the conferees were meeting?'' This is about 20 years ago, about 1975.

Mike Mansfield, the majority leader of the U.S. Senate, I thought ought to be able to tell me where the conferees are meeting. I went to his office. They told me. I went to the meeting. There was a policeman standing at the door. I said, ''I am a Member of Congress.'' He said, ''OK, go in.''

It was the House Ways and Means Committee hearing room: A sea of executive branch people. Secretary Bill Simon was there. Senator Russell Long, chairman of the conference, was talking about when he was a boy back years ago in Louisiana. Al Ullman, chairman of the Ways and Means Committee, was talking. Then Jimmy Burke of Massachusetts walked up to me and said I had to leave. ''Why,'' I asked.

He said, ''Because of the rules.''

I said, ''What rules?''

He said, ''The Senate rules.''

I asked, ''What Senate rules?''

He said, ''Just the rules.'' He said, ''Nobody else can be in here; nobody else; no other Senator or Congressman. It is closed to everybody—closed to the public, closed to the press, closed to Members of the House, closed to the Senate.''

I said, ''That is wrong. And I am going to do something about it.''

That afternoon, I stood up on the floor of the House and I said it was time to change this rule.

Ab Mikva, then a House Member, got up and agreed with me. And the next year we had the rules changed, so now all conferences are open to the public. I am very proud of that.

And I am also very proud of my home State of Montana and a provision we have in our State constitution requiring that all public meetings be open. It causes a certain burden on our Governor, a burden on certain State officials who would rather, in some instances, not to have everything open, but it is open. And the public benefits from this openness. In Montana, we know what our State government is up to. This has helped tremendously to increase confidence in the people of the State of Montana in State government. It has made a big difference.

I just stand here, Mr. President, basically to say that we have a much higher calling and honor to perform the public trust; that is openness. The U.S. Congress now is at one of its lowest ebbs in public popularity in modern history. Seventy-five percent of the public distrust the Congress.

I say one way, albeit a small way, to help regain some trust that the American people have lost in this institution is to open up everything. Open up the Ethics Committee investigation. What is there to hide? Sure, there is going to be a little bit of embarrassment. It is going to be difficult for some people. Some people of the Senate will be a little bit put out, but in the long run, public confidence will increase.

Again, this is a very difficult matter for me to address, because I am on the Finance Committee. But I feel very strongly that fair and open hearings are the right thing to do. I am bound to stand up and do what I think is right. I think we should vote for the resolution sponsored by the Senator from California.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. How much time remains?

The PRESIDING OFFICER. Forty-four minutes are left, and on the other side, 11 minutes are left.

Mr. MCCONNELL. I yield 10 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I will not support the Boxer amendment. I have to say that it is a tempting proposition probably for a lot of us because on its face, I think it is a perfectly reasonable request, because, after all, what is wrong with letting the sunshine in on all the business we do around here?

But there is an important reason for holding public hearings generally, because you hold public hearings, do you not, so the truth can be known to the public? It allows the public then to judge the credibility of what we do as a body. Public disclosure, in general, helps this process.

There are three elements of what has helped our democracy endure and flourish: seeking the truth, holding people accountable, and dispensing justice. It is my belief that the Senator from California, hopefully, wants all three of those elements to prevail in the case of Senator PACKWOOD. I think we agree with those elements. We support those elements.

The Senate does have a process, however, for achieving all three of those elements. Of course, it begins with the relevant committee and it ends with the action of this full body. This process is set up to gather facts, and it is set up to learn the truth. It must then evaluate the facts, it must assign responsibility, and then it sets appropriate punishment.

I might add that the Ethics Committee is not yet finished with its own part of the process. To me, this is a very key point, and I will return to that point in just a minute.

But during the Senate process, sometimes it is necessary to air the facts publicly, sometimes not. But I would stress that closed hearings are OK if, and only if, the punishment at the end of the process fits the facts because, otherwise, the process opens itself up to legitimate criticism. Public hearings are necessary when a problem of credibility arises, as in the Anita Hill case, or if the punishment does not fit the facts, as I have stated. But, Senator BOXER, the committee has to render a judgment before it can be criticized. That is my view.

By the way, the issue of public disclosure is met to a large degree by the committee's decision already made to disclose all the relevant documents. Of course, this is not the same as a hearing, and I do not pretend that it is. But if the committee decides not to hold public hearings, then it, for sure, better do the right thing. If it does, then public hearings become a nonissue, so long as disclosure of documents is made. If it does not, then a motion to recommit is in order and the Senate should then demand open hearings. That is because the credibility of the committee's decision would have been questioned. But the key is, for Senator BOXER and my colleagues, the committee must render a judgment first before we can credibly call into question the committee's work. In the past, the committee process has produced unacceptable results that did not fit the facts, and that process has been rightly criticized. The Ethics Committee has been criticized in the past for whitewashing and dispensing mere slaps on the wrist, when a much harsher punishment seemed to be justified.

This Senator has joined in that criticism. I also intend to vote against the McConnell amendment, as well, because of the first finding of the amendment that would say this: ''The Senate Committee on Ethics has a 31-year tradition of handling investigations of official misconduct in a bipartisan, fair, and professional manner.''

Mr. President, I am not so sure that I can support an amendment with that language, because I think too often in the past—and, of course, this is not under Chairman MCCONNELL's able leadership, but well before him—the committee has acted too timidly, and I

think it is important to not regard that too lightly.

And it is not just the Ethics Committee. I have had my own battles with the Armed Services Committee on closed versus open hearings. I tied up the Senate for 2 days at the end of the last Congress on a nomination that you will recall was General Glosson's promotion. I should add that I did so with the help of the Senator from California. The committee had recommended that General Glosson retire with a third star. We felt that the facts of the case dictated that he should not get such a promotion.

The committee recommended a third star, despite the fact that General Glosson had tampered with the promotion board. This was a serious offense because it jeopardized the integrity of the military promotion process, and the committee had a history of cracking down on such tampering.

Also, the Defense Department inspector general found that Glosson lied under oath during the investigation.

Mr. President, no evidence was uncovered at that time that overturned these serious charges. As the committee deliberated over the facts in the case and its recommendations, I took the posture of informing of the committee's judgment.

Yes, I believed in General Glosson's case there should be a public hearing, but I did not demand one. I wanted to give the committee a chance to do the right thing without it, a chance to make recommendations to be commensurate with the facts of that case. The committee chose to review the matter in several closed hearings.

If the closed-hearing process would produce a verdict commensurate with the merits, I would have had no problem. Under that scenario, public hearings in the Glosson case were, in my mind, irrelevant. It is the dispensing of a just remedy that I was most concerned with.

Well, the committee had several hearings and availed itself of the information I provided. Nonetheless, the committee recommended a third star for General Glosson. But—and this is important—it was not until I examined the committee's evidence and the committee's rationale in support of its decision that I decided to question the committee's judgment. And then I made my case on the Senate floor.

The committee and Senate leaders supported General Glosson —regardless of the facts in the case—I think out of friendship. I think that is as plain then as it is today. I accused the committee of putting friendship over integrity.

My point is, the amendment by the Senator from California has a proper objective. But the timing is wrong. In my view, the Senator from California has an appropriate amendment when, and only when, the committee renders a recommendation, and when, and only when, she measures the recommendations against the facts as presented by the committee's findings, because that is when the credibility is earned for persuading the public and this body of her intent.

I, for one, would join the Senator from California in a motion to recommit if it were clear that the committee fails to do the right thing, because if it were clear that the Ethics Committee were once again dispensing slaps on the wrist, having learned nothing then from the Anita Hill experience, the Senator from California would have all the moral authority in the world to insist on public hearings and insist that the committee get it right.

But the time for sending that message is not yet upon us. So let us wait for the committee's recommendations first. Clearly, that is the right thing to do right now.

Finally, let me reiterate a point about Senator MCCONNELL's leadership. The comments I have made with respect to the Ethics Committee's past do not reflect on him. The Senator from Kentucky has conducted himself fairly in this case, especially in the case of acquiring diaries and disclosing the relevant documents. Up to this point, I can find no fault with his committee's approach, and he has shown able leadership on a difficult issue. But I will reserve final judgment on his committee's work product pending its recommendations. That is the proper time to do it.

I yield the floor.

Mr. MCCONNELL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. There are 34 minutes remaining. The Senator from California has 11 minutes remaining.

Mr. MCCONNELL. Mr. President, I yield 8 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 8 minutes.

Mr. SIMPSON. Mr. President, I rise to speak against the pending motion regarding hearings in the current Ethics Committee investigation of our colleague, Senator BOB PACKWOOD.

I have listened very carefully to the remarks made by my colleague, Senator BOXER of California. Let me try to start on a positive note, a nonpartisan note, by outlining those areas where we agree. The Senator from California has urged us to focus our thoughts, to avoid being distracted by irrelevant issues, or by peripheral considerations. She has, in the past, urged us to remember what the issue is, saying, ''I am not the issue.''

I could not agree more. Senator BOXER is not the issue; partisan politics is not the issue; and I will say very firmly—and I hope this is heard correctly—sexual harassment, even, is not the issue here. Senator PACKWOOD has not been charged with that. My colleague from Iowa has just spoken about another issue we were both involved in, the Clarence Thomas hearings. Remember, too, please, in that particular grievous exercise sexual harassment was not the issue in that matter either. I know that may be shocking to some, but Anita Hill never charged Clarence Thomas with sexual harassment—ever. That was never in the record, never any part of that proceeding. She wanted us to ''be aware of his behavior and his conduct. That is all borne out in the record. You can find that to be true through the Democrats and Republicans who served and anguished with regard to that.

The issue here is, how we do the difficult business of conducting ethics investigations, of passing judgment on our colleagues in a way that is fair and is nonpartisan? That is the issue here—the only issue. The issue before us is whether or not we are going to begin to dismantle the nonpartisan process by which such decisions are made in the U.S. Senate and whether to subject gritty, tough, sometimes ugly ethical decisions and questions to the whims of partisan majorities. That is the issue.

I hope everyone will understand this. It is absurd to say that it is a ''threat'' to simply note that it is a very, very bad idea to make these questions contingent upon who can rally the most votes on the Senate floor, and, ironically, this surely cedes a terrible degree of power to the party in the majority. Hear that. That is not a ''threat.'' That is as real as you can get about partisan politics.

We have, through the Ethics Committee, deliberately created a nonpartisan forum in which these questions can be addressed. It is just about the worst job any Senator can have. I do not want it, would never take it. Chairing that committee is a daunting task. At the very least, in the past, we have tried to assure the chairman and co-chairman of the Ethics Committee that the process employed by the Ethics Committee would be respected, and that the full Senate would not interfere to change the rules in the middle of a case.

And I do hope that any suggestions that there is an attempt at secrecy here can be swiftly laid to rest. I have been reading all this now for about 2½ years. I read about the witnesses. I read about what they have said about Senator PACKWOOD. I do not know what is left to hear—except one thing that I am anxious to hear, and that is what will be said when somebody stands up and puts their right hand up and, under affirmation or oath, subjects themselves to cross-examination and the rules of evidence. Then I will be right here. I would love that. I practiced law for 18 years. Few here did.

I am not talking about ''leaks'' from the Ethics Committee, but it is surely all out there. There is not a single new thing you are going to find that is relevant. You might find some things that are not relevant, or what happened that might destroy somebody else from an event occurring 10 years ago, 20 years ago.

Let the record be very clear here too. I have never received or seen a committee deposition. That has been reported. Perhaps that is my own misstatement. I have never seen a deposition. I have seen statements. Those statements have a very different view of the ''contact'' that took place at that particular time; a very different view. Those will come out. Somebody will be very hurt in that process. That is not a threat. That is the way it works.

But I think, when we talk about secrecy, it is very difficult for anyone to believe that when the committee is going to release thousands upon thousands of pages of documents in an unprecedented airing of private information—yes, even personal diary information—I can assure you that few of us, if this were happening to us, would find that to be a laudable result. Who among the hundred of us does not know dozens, even hundreds of individuals who stand ready to cast all form of aspersions upon us for things that we may have done through the decades? Fortunately, I threw all mine right out there when I first ran. It is all there for the public to see. I believe any one of us would be stunned to find that there was to be a release of thousands of pages of such allegations. I do not believe any of us would ever feel that such an action, as seen by us or the public, would be called ''covering up,'' or ''secrecy.'' What an absurdity.

What we are debating today my colleagues, and I hope all will understand, has nothing to do with the merits of the case in question. It has to do strictly with the integrity of the process itself. It has to do only with whether or not we will respect the judgments of the committee with respect to the appropriate process to follow.

What is the appropriate process? What is it in such a case as this? Do we calibrate our sensitivities to the issue of sexual misconduct by how much we are willing to trample upon the nonpartisan procedures of the Senate in order to achieve a desired result? Do we measure our sensitivity by how far we are willing to go back to dredge up embarrassing and inappropriate conduct? No. We measure—or should measure—our sensitivity and our seriousness by the degree to which we ensure that such charges are weighed in a nonpartisan atmosphere of fairness.

Even if Senators are to be held to a higher standard of conduct, this surely does not mean we should employ a lower standard of fairness.

Under the current Federal law—hear this—when an individual wishes to bring a charge of sexual harassment, the individual has 180 days to file that complaint with the EEOC if there is no State agency to handle the complaint, 180 days, hear that; 300 days is the limit in a State with a deferral agency.

There is not a single statute of limitations in America that is over the limit of 6 years for sexual harassment—and Senator PACKWOOD has not been charged with sexual harassment; not one case. Not one jurisdiction in the United States. Go back more than 6 years, and here we are back in 1969, we are back in 1974, we are back in 1979 and 1980.

Why is there a statute of limitations? Probably because the reliability of such charges, such grievous charges as these, cannot be accurately judged at a tremendous distance from the time in which they were alleged to occur.

I agree with Senator JOHN KERRY, my good friend from Massachusetts. Let us indeed apply to ourselves the laws we apply to others because the biggest one out there is the statute of limitations on tort and sexual harassment. It is 6 years, as far back as you can go in any jurisdiction in this country. But in the matter of the conduct of the Senator from Oregon, conduct which even the Senator has himself said was ''terribly wrong''——

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator's 8 minutes has expired.

Mr. MCCONNELL. I yield the Senator 1 additional minute.

Mr. SIMPSON. But in the matter of the conduct of the Senator from Oregon, conduct which even the Senator has himself said was ''terribly wrong,'' we are dealing with charges reaching back for decades.

All of us will soon pore through thousands of pages of depositions to investigate charges that would not get a moment's hearing if they were brought before any other jurisdiction in this country. It is astonishing the degree to which we go. And we do that because we are different. These are decades after the fact. If ever there was a ''consistent pattern'' of behavior here, the pattern ceased to exist some time ago.

What we see here is a case study in the continuing destruction of a man. I ask my colleagues, how would you feel if this were happening to you? There is a good reason to pose the question, because if we approve the resolution of the Senator from California, someday it will happen to each of us, whether we ''had it coming'' or not. Our political opponents will see to it. Believe it. It is a sad chapter in the Senate history if this resolution passes.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Maine, Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator for yielding.

On July 10, I cosigned a letter to the chairman and vice chairman of the Ethics Committee urging that they hold public hearings at the concluding stages of the case currently before the committee.

Signing that letter was not an easy step to take. But I believe it was the right step to take. It was not an issue of politics; it was an issue of principle. The fact is, instances of misconduct know no partisan lines. Allegations of impropriety know no political boundaries.

My singular goal and overriding goal in this matter has been to preserve the integrity and reputation of this institution, and I believe we do so by opening up the final stage of an ethics process for public view.

Let me say from the outset, though, that I have the utmost respect for the hard work, dedication and integrity of the Chairman, Senator MCCONNELL, Senators, and staff of the Ethics Committee have done in this case to date. Indeed, they have been assigned the most difficult and thankless of tasks in this institution.

Without question, this is a painful and difficult matter. It is tough for the institution of the Senate. It is difficult for each and every Senator in this Chamber and everybody involved.

But the time has come, Mr. President, the time has come for a decision to be made about the ethics process. On Monday, the Ethics Committee opted not to hold public, open hearings in the case pending before them. That is a decision with which I respectfully disagree.

I recognize that this is a very complex and delicate process, and I understand why some Senators look upon this amendment with concern.

But, Mr. President, this Chamber at the top of a hill in the Nation's Capital is not a museum. It is not an institution that should be removed from the people. And it must never be above the ideals of our country or its people. It must represent America at its very best.

This is a place where nominations to the U.S. Supreme Court are decided. It is the place where members of the President's inner circle—the Cabinet—are confirmed. And it is the part of Congress where the hope for peace is hatched through our unique role of crafting treaties.

The U.S. Senate is not immune to some of the problems and challenges of our society. Throughout the history of the Senate, Members have been cited and reprimanded for those flaws.

In this case, since December 1992, the Senate Ethics Committee has conducted a thorough investigation into accusations of misconduct against a Member of this institution.

Clearly, the Senators of this committee and their staff have not taken this case lightly.

Their analysis—released in mid-May—concluded that there exists ''substantial credible evidence'' that the Senator has engaged in clear misconduct over a period of 25 years. The committee then voted unanimously to proceed to the third and final investigative stage.

These are very difficult, very sensitive, and very disturbing allegations. For perhaps the first time since its creation 31 years ago, the Ethics Committee has had to investigate charges that are not simply numbers on paper. They

are not a series of accountant's slips or ledgers. It is about a tough subject—we all know that—and it is about never tolerating that kind of misconduct, no matter when it occurs, no matter who the perpetrator, no matter what the context.

But the real issue that has come before this Chamber is whether to continue this matter behind closed doors or to conclude this last—and most serious—phase of the investigation in full, public view by way of open hearings.

Some have claimed that this will embarrass us as an institution.

Embarrass us as an institution? It is by our lack of action, Mr. President, by our failure to hold open hearings and by our embrace of the institutional sanctuary of closed doors that we would embarrass this institution.

To do otherwise would threaten those bonds of trust and faith with the American people. Does this policy mean that, simply because the issue at hand is in the form of sexual misconduct, even less openness is in order? Does that mean that financial misconduct deserves open, public hearings, but sexual misconduct should be a closed door policy? I think not.

The point is, if we are ever to turn back the tide of sexual misconduct—which has taken years to even get into the realm of public debate and dialog—open hearings must be held in this and othe cases.

In words attributed to Lord Acton, this point is made: ''Everything secret degenerates, even the administration of justice; nothing is safe that does not show how it can bear discussion and publicity.''

These are thoughts to bear in mind as we make our decision on this amendment today.

Mr. President, this amendment takes the simple and honest step of shining light into the process of the U.S. Senate.

In the end, the issue at hand drives us to cross a new threshold for this revered institution. Its significance cannot be underestimated, not just in terms of fairness and justice, but in terms of what we are as an institution, and who we are as servants of the American people. It is my hope that we will make the right decision.

Thank you, and I yield the floor.

Mr. MCCONNELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. MCCONNELL. Mr. President, I yield such time as she may need to the distinguished Senator from Texas.

Mrs. HUTCHISON. I thank the chairman. Thank you, Mr. President.

Mr. President, the matter before us today is very serious and extremely important. It is not an issue for partisanship. It is an issue that demands of each of us our best judgment of what is right and wrong. What is right about this matter is that the Senate Ethics Committee has been scrupulous about investigating every charge and accusation lodged against the Senator from Oregon. It is unprecedented in Senate history that so much time and effort has been devoted to assembling the facts on such a matter.

What is wrong is that this amendment threatens to render null and void all that has been done to date. The Ethics Committee must be allowed to finish its work and make its recommendations. At that point the full Senate will be called upon to agree or disagree and act on the recommendation. The full Senate will be heard on this matter. The question is whether we will wait to hear the Ethics Committee decision as our rules require us to do.

If we are not going to wait for the Ethics Committee's full report and recommendations before acting, we might as well disband the committee completely and conduct all future proceedings on the floor of the Senate. I think that bypassing the committee and conducting public hearings at this critical moment in the Packwood case would be a terrible mistake.

If we open these hearings and overrule our bipartisan Ethics Committee today, we will set the precedent that its authority can be usurped at any time the majority intends to make political points or whatever motive the majority might have.

I have been asked how my position on this question pending before the Senate squares with my position regarding sexual harassment in the Navy. In the case of the Tailhook incident, the Navy conducted its investigation. I was asked if the investigations were adequate. In my judgment, they were not.

The case before us is very different. We have an investigation in process. No recommendation has yet been made. But some of our Members want to make a judgment on its adequacy before it is finished. And I think that is wrong; wrong for the Senate and wrong for the process we have established for ethics cases.

I believe we should not change the rules in the middle of the case. If we decide the rules should be changed, we should do so when and if we have acted on the Ethics Committee recommendation and judged it to be inadequate. I believe fair play to all concerned is to give our respect to the process and to wait for the Ethics Committee to act.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. If the Senator from South Carolina will use some of her time right now, I would appreciate it.

Mrs. BOXER. You mean the Senator from California, not the Senator from South Carolina. I do not know who you thought I was. But it is an interesting slip.

Mr. MCCONNELL. I say to my friend that I have no doubt in the world who she is.

[Laughter.]

Mrs. BOXER. I yield 3 minutes to my friend from North Dakota.

Mr. DORGAN. Mr. President, other members of the Ethics Committee have now all spoken on this floor on this issue, and it understates the case, it seems to me, to say that this is a difficult ethics case requiring tough, hard choices for everyone in the Senate. The ethics issues are difficult under any circumstances, especially difficult it seems to me in a political institution like the U.S. Senate. Our duties require us to confront not only what is convenient but rather what is necessary, and the duties of those of us on the Ethics Committee require us to with fairness judge the ethics complaints that are filed against Members of the U.S. Senate. I serve on that committee not by choice; I serve because I was asked, and there is no joy in that assignment.

In the committee process of the pending case, six of us who serve on that committee, three Republicans and three Democrats, were faced finally with the question of public hearings. I mention that the Senate Ethics Committee has six members. I want to say that I have enormous respect for every member of that committee. When confronted with the question of hearings, we voted. And the committee had a 3-to-3 vote on the question of whether to hold hearings. It takes four votes to advance and, therefore, the motion to hold hearings died.

Senator BOXER, exercising her rights as a Member, brings a resolution to the floor of the Senate calling for public hearings. She has asked the full Senate to express its will on a matter already voted on in the Ethics Committee and on which there was a tie vote. It is perfectly within her rights to do so. And I intend to vote for the resolution offered by Senator BOXER just as I voted for the resolution in the Ethics Committee.

So the will of the Senate will be expressed on this issue. One thing is clear. When the decision is made, men and women of good will, with a sense of purpose and fairness, must meet their responsibilities on the Ethics Committee and deal with the decisions in this case and bring our determination to the full Senate.

I want to say that I will not be critical of those who reach a different conclusion on the issue of public hearings. I respect their decision as well. But I will vote for public hearings as I did earlier this week in committee. It seems to me that when the Senate has expressed its will on this question—and it is an important question—whatever the Senate decides, however it turns out, we must as an Ethics Committee and as a Senate move to a conclusion on this case. We owe that to the U.S. Senate, and we owe it to the American people.

Mr. President, I yield whatever time is remaining to the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield to the distinguished Senator from Kansas whatever time she may use.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Kentucky.

Mr. President, I oppose the amendment offered by the Senator from California.

As a former member of the Ethics Committee, I certainly can sympathize with the comment Senator DORGAN made preceding my comments—that there is no joy in the process in serving on the Ethics Committee. But I also know the difficulties that are imposed in the process that this Ethics Committee has to undertake, and I am flatly and strongly opposed to any effort to inject the full Senate into the committee process in midstream, and at this point.

It saddens me that we have reached this point, Mr. President. It should be a cause of great concern to all of us on the floor of the U.S. Senate. I would feel this same way whether it was a Member on the other side of the aisle or a Member on this side of the aisle. We should not be debating the case at this point, but the process.

The Ethics Committee has one of the most difficult jobs in the Senate. It is never easy to sit in judgment of a colleague. But it is essential to the working of the Senate and to the public confidence in government that some of us take on that role.

I regret that the committee is now divided on how to proceed in this case. I have enormous respect for both the chairman, Senator MCCONNELL, and the vice chairman, Senator BRYAN. There is an honest difference of opinion with legitimate concerns on both sides. I believe it is a serious mistake to turn that honest disagreement into a partisan battle.

I do not believe that there is any effort for a coverup. I do not believe that it was designed to be done behind closed doors. And I really regret that we have reached this particular point.

The investigation of charges against Senator PACKWOOD has now been underway for 31 months. The committee has spent thousands of hours and interviewed hundreds of witnesses. It has conducted what may be the most thorough and exhaustive investigation in Senate history. Now we are at the end of this process, and the committee apparently is preparing to render its verdict, as it should.

Mr. President, I see no purpose in further delaying this matter by ordering the committee to conduct public hearings on this matter that could go on and on and on.

It is time to make a decision. That is the real question that the committee and the full Senate must address. Is Senator PACKWOOD guilty of the charges leveled against him? And, if so, what is the appropriate punishment? I believe we must answer that question in a fair and prompt manner. The committee should lay out all the evidence it has gathered, and then it should present its verdict to the Senate and the American people. We can then focus our energy not on committee procedures but on the committee product. Mr. President, that is the way it should be.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If I could take a moment, I thank the distinguished Senator from Kansas for her remarks. As a former member of the Ethics Committee, I think she understands this process very well, and I am extremely grateful to her for expressing her view on this most important matter.

Mrs. BOXER addressed the Chair.

Mr. McCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 2 minutes to the Senator from Nebraska, [Mr. KERREY].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I come to the floor to support this amendment. I must confess that at first I thought it was a terrible idea. I thought the Senate Ethics Committee ought to complete its work and then let us make a decision about whether the work was worthwhile. I was concerned that the rhetoric was getting partisan. I was concerned as well that Senator PACKWOOD could be tried in a court of public opinion as opposed to allowing the facts to determine guilt or innocence, and I believe the charges of sexual misconduct necessitate special protection for those bringing the charges.

I have listened very carefully and particularly to the arguments of the Senator from Nevada, [Mr. BRYAN], who has made five very compelling arguments. First, he observes that every case this century which resulted in a Senate proceeding first had a public hearing, and every case which reached the final, serious investigative stage had a public record. This is our unbroken precedent.

Second, the Senator from Nevada points out that a justifiable reason must be there for not holding public hearings in this case. Except that if the Senate does not want to hold public hearings because it deals with sexual misconduct, there is not one. Since none of the alleged victims are unwilling to endure cross-examination, our concern does not stand as an excuse.

Third, he makes a legal point that this is a case of first impression because, for the first time in Senate history, these are alleged victims, citizens who came forward and filed sworn charges against a U.S. Senator for actions against them.

Fourth, the Senator from Nevada points out that he is concerned that the credibility of the Senate itself to deal fairly and openly with the discipline of its Members would either be greatly enhanced or irreparably damaged.

Mr. President, he is unquestionably right. The integrity of the Senate is far more important than the risk of embarrassment to any Member.

Fifth, he believes that hearings would provide a valuable opportunity to evaluate the witnesses firsthand, not just read a written statement. This last point made me believe that Senator PACKWOOD——

Mrs. BOXER. Mr. President, if the Senator will yield, the Senate is not in order, and I think it is very important. This is a Senator who has changed his view on this matter. Perhaps other Senators ought to hear his reasoning.

The PRESIDING OFFICER. The Senator's time actually expired. If the Senator would like to yield more time.

Mrs. BOXER. I yield the Senator an additional 1 minute.

Mr. KERREY. Mr. President, this is a rather simple change and I think it is a very important change in our law governing all ethics cases including the one involving Senator PACKWOOD. The simplicity and brevity of this proposed law compels me to read it in full:

> The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee, first, has found, after a review of allegations of wrongdoing by a Senator, that there is a substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and second, has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the committee.

This proposal deserves the support of any who are concerned about the integrity of this institution, the Senate, as well as the integrity of one of our Members, Senator BOB PACKWOOD. One stands accused of misconduct by citizens. He has not been convicted and deserves to be treated as innocent until a judgment is rendered. The other will stand accused of impeding the chance for justice to be delivered if we vote no on this amendment.

Mr. President, H.L. Mencken said that ''Injustice is not so difficult to bear as it is made out by some to be; it is justice that is difficult to bear.''

Let us vote yes with this truth in mind.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 4 seconds.

Mrs. BOXER. I yield the remainder of the time to the Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California for her willingness to give me just a couple minutes.

I first wish to commend her for bringing the issue to the point that we

have, where it is being discussed openly. And that ought to be the focus, because the public as well as the Senate has been working very hard on opening the process.

In the last 2 weeks we have had a couple of very serious votes on whether or not lobbyists have to be open in their dealings. We have openness questions on whether or not gifts are acceptable. We have tried to illuminate the process for the public. We all know that the public trust is no longer with us and they will not be with us if this process continues to be hidden, secretive.

Even though our friends on the other side of the aisle say that we ought not to interfere with the committee process, this is far above the committee process. This is a matter of human rights, of individual rights of a woman to work and to not be harassed during her job hours.

This is a question of whether or not someone has violated the basic rules of the Senate, and we should have an open hearing. I know that Senator PACKWOOD loves this institution. He has worked very hard on many good issues and has delivered positively on those issues. But we are not judging Senator PACKWOOD's past record. What we are making a judgment about is whether or not the public is entitled to know what is taking place. And in my view there is no doubt about it. The Senator from Connecticut, when he spoke, suggested that even for Senators it would be worthwhile to be able to gain the knowledge that would come as a result of a public hearing.

Mr. President, I think we are at a crossroads, and whether or not the hearings are secret or public will determine what the public thinks about Senator PACKWOOD's guilt. They will condemn him absolutely if the process continues to be hidden. And I hope that our Members will take heed for the good of the body to insist——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. That Senator BOXER's resolution goes through and that we have public hearings on this matter.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes.

Mr. MCCONNELL. Mr. President, in closing this debate, I wish to particularly thank Senator SMITH and Senator CRAIG, who have served with me on the Ethics Committee on our side of the aisle for these 2½ long years. I wish to say that they have approached this issue in every single instance with character, with integrity, with conviction and a sincere desire to produce the best possible result for the Senate and for the accused Senator.

To my colleagues on the other side of the aisle on the committee, until very recently, I think we had, indeed, succeeded in developing a bipartisan approach to this, and I regret deeply that this case has spilled over into the full Senate before it was over.

And that is what is before us today. Thirty-one years ago, Senator John Sherman Cooper, of Kentucky, some of the old-timers around here may remember, in the wake of the Bobby Baker case, felt that there ought to be a better way to handle misconduct charges against a sitting Senator. He felt we had to remove, if at all possible, these kinds of cases from the floor of the Senate where everything is partisan. And so he suggested we have a bipartisan Ethics Committee with not too many members, just six, three on each side of the aisle.

This approach, coupled with the requirement that there be four votes to do anything affirmatively, guaranteed—guaranteed—that the results of any case would have a bipartisan stamp. It has been said that the committee was deadlocked when it voted 3–3. It was not deadlocked. That was the decision. Because under the rules of the Ethics Committee, a 3–3 vote is not an affirmative act to proceed. So the decision on the issue of public hearings in the Packwood case has been made pursuant to the rules of the committee. So the Senator from California today would have us change the rules in the middle of the game—change the rules in the middle of the game.

I would say, Mr. President, not only is it a bad idea generally speaking to change the rules in the middle of the game, it is a bad rules change anyway. And beyond it being a bad rules change, what is happening here on the floor of the Senate today is exactly what Senator Cooper feared would happen if we did not create the Ethics Committee. And that is, have every one of these cases debated here in the most partisan forum imaginable, with the majority making the decision.

One of the astonishing things about this proceeding today is I think it can be totally persuasively argued that the principal beneficiary of the bipartisan Ethics Committee is whichever party happens to be in the minority in the Senate at a given time, and yet this proposal emanates from the minority side to bring a matter out of a bipartisan forum into a partisan forum for decision.

We will rue the day we go down this path. Just imagine campaign season. We are out here on the floor of the Senate introducing resolutions to condemn Senator so-and-so because the latest poll shows he is in trouble and our side may be able to pick up a seat. The temptation would be overwhelming. And so that is what this vote is about.

The reason for an Ethics Committee was that these cases would be investigated through the investigative phase without interference from the Senate. And it has never been interfered with in 31 years. At the end of the process the committee would take an affirmative action which would require at least four members, which would guarantee some bipartisan stamp. If the case was serious enough, bring it to the floor of the Senate, and at that point every Senator would have his or her opportunity to say whatever they felt appropriate about the work of the bipartisan committee. Criticize it, condemn it, applaud it, amend it, filibuster it, whatever. There is an opportunity, Mr. President, for any Senator to have his or her fair say about this when we get through.

So what we are experiencing today is the great fear that Senator Cooper had 31 years ago if we did not have an Ethics Committee. And yet here we are having this debate, slowing down the disposition of the case.

As I said earlier, candidly, it has all had an impact on the members of the committee. It has pulled us in opposite directions. It has tried to make us more political. And one of the things we are going to have to do, if the Boxer resolution is hopefully not approved, on the committee is to get ourselves back together again. Friendships have been strained. And we have got to get ourselves back together so we can finish this case.

Nobody's taken a bigger beating in the last 2½ weeks than I have. I am getting to wonder who the accused is in this case.

But I am proud to be chairman of the Ethics Committee because I believe in this process. I think it serves this institution well and I think it serves the public well. There is not going to be any coverup in this case. No coverup. Let us finish our work. We will release everything relevant to the decision. And if you do not like the penalty that we recommend, recommend another one. But do not start down this path. It is the beginning of the end of the ethics process, which has served this body well for 31 years.

So, Mr. President, I sincerely want to thank as well the Senators not on the committee on this side who came over and pitched in. Frankly, I thought I might be the only speaker. I did not have to ask anybody to come over. Senator SIMPSON was here. Senator BROWN was here. Senator KASSEBAUM was here. Senator GRASSLEY was here. And Senator HUTCHISON was here. And none of them on the committee. And this is the kind of thing your staff will whisper in your ear, ''Boy, you don't want to get near this one. Vote and leave.'' And yet they came over and spoke in opposition to this resolution, expressed their opinion that the resolution was a bad idea and that the Ethics Committee ought to be able to finish its work.

Mr. President, it is my understanding that the Democratic leader would like to use some leader time to speak. I do not see him on the floor at the moment. So how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes.

Mr. MCCONNELL. I will for the moment reserve the balance of my time. I

may well choose not to use it, but I reserve the balance of my time.

I suggest the absence of a quorum and that the time in the quorum not be taken out of the 8 minutes remaining.

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

Mrs. BOXER. Mr. President, I have to object to that. Every time, when I tried earlier, and I had so many people waiting, I was unable to get additional time.

The PRESIDING OFFICER. The objection is heard. The objection is heard.

Mrs. BOXER. I am trying to resolve the matter. Perhaps my friend can——

The PRESIDING OFFICER. The objection has been heard, Senator.

The Senator from Kentucky.

Mrs. BOXER. I just reserve my right. I did not say ''object.'' I reserve my right to object. And I would ask my friend from Kentucky——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. McCONNELL. I am more than happy to yield back the time and ask for the yeas and nays.

Both sides had 2 hours. I do not think it is in any way unfair for the time to be equal. If the Democratic leader would like to speak, it is my understanding the Republican leader would like to speak. Otherwise, we could——

Ms. MIKULSKI. Will the Senator from Kentucky yield for a point of clarification?

The Senator from Maryland wishes to inform him, the Democratic leader is coming.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. Mr. President, I am not aware of any additional speakers on my side.

I gather the two leaders can speak with leader time?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Consequently, I yield back the balance of my time.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I support the amendment offered by the Senator from California. The amendment tracks many years of precedent in the Senate Ethics Committee by clarifying that all cases advancing to the substantial-credible-evidence stage should be the subject of public hearings. At the same time, it allows the Ethics Committee to waive those hearings by a simple majority vote.

I regret that some have chosen to suggest this is a partisan matter, for it is not. Furthermore, such statements distract us from the real issue of how the Ethics Committee and the Senate should pursue ethics complaints. I believe the Boxer amendment charts a course that is both warranted and appropriate.

The vice chairman of the Ethics Committee and several others have already outlined some of the facts that lead me to that conclusion:

First, under the precedent of the Senate and the Ethics Committee, in every major ethics case this century, public hearings have been held. In 1977, a three-tiered ethics process was adopted. Public hearings have been held in all four cases that reached the final investigative phase under this process.

Second, the amendment before us today would apply to all pending and future cases that reach the final investigative phase. We must, as the vice chairman of the committee has suggested, consider whether or not there is sufficient reason to stray from that clear precedent in any particular case, including the case currently before the committee. Three members of the Ethics Committee have argued that we should not make such an exception, though, again, I note that the Boxer amendment would allow a simple majority of the committee to do so.

The issue before us goes far beyond the specifics of any case. If the evidence in a case before the Ethics Committee has reached the final investigative phase, and if there is not sufficient reason to make an exception for that case, then it is appropriate for the committee to move forward with public hearings. I urge my colleagues to support the amendment.

Finally, I want to commend the Senator from California, Senator BOXER, for offering this amendment. I also want to commend my other colleagues on the Ethics Committee. We all know theirs is a thankless job, yet they deserve all Senators' thanks.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. No time is left. This will be yielded from leader time.

Mr. DOLE. How much?

The PRESIDING OFFICER. There are 5 minutes left.

Mrs. BOXER. I am sorry, Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes left.

Mrs. BOXER. Mr. President, I yield 2 minutes to the Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the distinguished Senator in California.

My colleagues have spoken on both sides of this issue with eloquence and passion. For me, the central issue that we are debating today is the simple proposition of shall there be public hearings. A vote for the Boxer amendment commits this Senate to public hearings; a vote for the amendment of the distinguished chairman of the Ethics Committee votes not to have public hearings.

There has been much comment made about this somehow disrupting the process, or that it portends that in the future the minority may be placed at some disadvantage.

What this is all about, as far as I am concerned, is that in every case, whether a Member of the majority or the minority in which there is an ethical matter of this magnitude brought to the attention of the committee, there ought to be public hearings.

It has been said that precedent will be violated, 31 years of precedent will be violated if, indeed, the amendment is offered and approved. That is true, but if we fail to support the amendment of the Senator from California, the Senate abandons nearly a century of precedent, a precedent which has said that in every case of a major ethics violation, public hearings have been held. If my colleagues have any question about that, simply call the ethics office, and they will tell you the same thing that they have told each and every one of us.

I conclude, Mr. President, where I began, and that is: Why should this case be different? I am unable to reach a conclusion as to why this should be different. We have another precedent, and that is for the first time we have victims who seek to come forward and to present their testimony before the members of the committee. I think that we ought to reflect for a moment on what kind of a process we support——

The PRESIDING OFFICER. The Chair informs the Senator his 2 minutes have expired.

Mrs. BOXER. I thank my friend. I yield 1 minute to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to make clear that at no time during this debate or at any time during my membership on the Ethics Committee have I been critical of the other members of the Ethics Committee or of its current chairman. I believe that the Ethics Committee has conducted itself with honor, meticulousness, and really pursued due diligence.

We have an honest disagreement on the issue of public hearings. There is something special about the U.S. Senate. The world views us as the greatest deliberative body. The rules guarantee full and complete opportunity for all concerned parties to speak. We have great pride in the way we protect the rights of the minority.

It is that history and tradition that I believe that calls us now, as we get ready to vote, to honor the precedent of public hearings, for cross-examination of witnesses, to resolve discrepancies in testimony, to have a fair format——

The PRESIDING OFFICER. The Chair informs the Senator the 1 minute has expired.

Ms. MIKULSKI. A vote here is the right thing to do. It is the senatorial thing to do. It is the American thing to do.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Mr. President, I thank my friends. I say to my colleagues on both sides that my amendment is very respectful of the Ethics Committee but is also respectful of the full Senate and

the victims in this case. It is very respectful to the American people who want us to open the doors, very clearly.

The Ethics Committee chairman says the committee has not deadlocked. Only in the U.S. Senate would you say a 3 to 3 vote resulting in no action is not a deadlock. Clearly, the committee has deadlocked for the first time in its history.

The Boxer amendment says you need a majority vote to close hearings. I think that is very reasonable and no Senator—no Senator—from either party should fear a majority vote.

We have had 18 Senators speak in behalf of my amendment, including one Republican. I am a very proud Senator, as I stand here today, because when I started this, many colleagues told me that nobody cares about this but the Senator from California, and that never was true.

Why do we care? Because we love this place, and we want it to work right. I read the Constitution, and article I, section 5 says each and every one of us has a responsibility to make sure we police ourselves and do it in the right way.

The Senator from Kentucky has stated that I am turning precedents on its head. Nothing could be further from the truth. If you vote for the Boxer amendment, you vote to continue public hearings. We have heard it from the vice chairman of the committee; we have heard it from Senator MIKULSKI. These are valued Members of this body. I know they are well respected. It is not just a Senator who is not on the Ethics Committee calling for public hearings.

Then we hear we have the documents. Is that not wonderful, let us just have the paper. I want to ask you, does a piece of paper talk to you about the humiliation? Does a piece of paper come alive? I say not.

Finally, Mr. President, I note with regret that during debate on this amendment, several Senators made reference to my record on ethics matters as when I served as a Member of the House of Representatives. Unfortunately, their statements mis-characterized my record. I wish to take this opportunity to clarify the record.

Specifically, the Senator from Colorado, Senator BROWN, stated that I repeatedly voted against public hearings in ethics matters. In fact, the opposite is true. In 1989, I supported a comprehensive ethics reform bill that greatly improved House ethics procedures. As a result of that bill, rules were promulgated requiring public hearings in the final stage of ethics cases. The Senator from Colorado opposed that bill.

Also, in cases of sexual misconduct to reach the House floor, I voted twice to increase sanctions against individual Members. In those cases, one of the accused Representatives was a Democrat and one was a Republican. Senator BROWN, then my colleague in the House, voted for increased sanctions for the Democrat, but not the Republican.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Do not vote in favor of paper, vote in favor of people and support the Boxer amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have not had an opportunity to hear the debate. I know every second has been used. To many this is a very important matter and certainly the charges leveled against the Senator from Oregon are serious ones. There is no place for sexual harassment or any other form of sexual misconduct in the United States, in the U.S. Senate. That is point one.

Equally as important is point two. We do have an Ethics Committee. We may not have another one again. Maybe this is the end of the Ethics Committee. Maybe it should be. If they do not have any standing, if they do not have any credibility, if they are not supported by the bipartisan leadership, I am not certain what function they can perform in the future.

It is supposed to be a bipartisan committee. That is why it is 3 to 3, to avoid all the things we are doing right now. That is the reason it was implemented in this way, structured in this way, so we avoid a circus on the floor if somebody felt so inclined.

So we have a procedure that has worked, as I understand, fairly well for 31 years. I think it ought to be followed today. We have had 2½ years of investigation in this case—2½ years—against Senator PACKWOOD. As a part of this investigation, the Ethics Committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents and spent 1,000 hours in meetings just on this case alone.

It is now my understanding, at least, that the Ethics Committee is preparing relevant information, the most detailed public submission ever made by the committee in any case. As it does in other cases, the Ethics Committee will also recommend an appropriate sanction. And before the Senate votes on this sanction, the committee will provide a full and complete record of all relevant evidence, and this record will be made available to the public.

So I believe the American people, as they should, will have a right to know. The American people will know; they will have an opportunity to review the record, blemishes and all. It just seems to me, as someone not on the Ethics Committee—and, believe me, it is not easy to ask your colleagues to serve on that committee; it is going to be even more difficult from this day forward, I assume, unless you want to make it just a partisan committee, and then maybe we ought to change the numbers. But I guess the real question is whether or not we are going to allow the Ethics Committee to do its work without second-guessing on the floor of the Senate.

The Ethics Committee should not be a political football. We have a process and that process should be followed. It has been followed in numerous cases in the past. If we want to change the rules and change the process, I assume we will do it as we normally do, prospectively, in future cases, and not in the middle of a case.

I can imagine what would happen if this case were on the other side of the aisle. The Senator from California would not be on her feet. There were several cases in the House, as I understand it, and there was not a word uttered by the Senator from California, who was then in the House. But this is different.

I have confidence in the Ethics Committee. We are out here in the middle of a case—actually, at the end of this case, because I understand the committee would like to act. Now, if we do not believe in the integrity of the Ethics Committee, why do we not abolish it? We can turn it over to the Senator from California to be in charge of everybody's ethics in the Senate, or to someone else who does not agree with the Ethics Committee.

We do not agree with a lot of things that happen in committees around here, but I am not certain we challenge every committee when we have a disagreement and bring it to the floor and demand a public hearing on our issue because we did not prevail in any other committee.

This is the Ethics Committee. I can tell you, as the leader, that it is extremely difficult to ask your colleagues to serve on this committee. It is going to be more difficult if this becomes a transparent effort to score partisan political points either in this case or the next case. Maybe the next time it will be on this side and we will want to score the partisan political points. Things that go around come around here, or whatever it is. I hope that is not the case.

If I felt for a moment that there were Republicans on the Ethics Committee—not in this case—who were not men of integrity, I would say move right ahead. I think their integrity probably matches that of those on the other side. I think they are all men and women of integrity on the Ethics Committee.

So I hope my colleagues will defeat the amendment offered by the Senator from California and then adopt the amendment offered by the Senator from Kentucky.

Let the committee proceed. This may be good media, but it is bad policy. The press loves this. They have been flocking in all day long. They like it. Going after a Member really whets their appetites, whether it is this case or any other case. It is a great way to get big headlines and make the nightly news.

But what does it do for the integrity of the Ethics Committee to score a few political points at the expense of the

institution? If anybody can show me that Senator MCCONNELL or Senator CRAIG or Senator SMITH have, in some way, violated their oaths and violated their obligations as members of the Ethics Committee, or anybody else in this Chamber, then I would say, OK, let us proceed, because they have let us down. If anybody, including the Senator from California, can find one scintilla of evidence that somehow the Republican members prejudged or overlooked whatever they overlooked, whatever the charge might be, then that is one thing.

So I hope I will be standing here the next time when it may be reversed, and I will be making the same speech, not a different one. I will be saying, maybe the next time, wait a minute, we have an Ethics Committee—we may or may not have an Ethics Committee, who knows. But if we have an Ethics Committee, and if it is evenly balanced with Democrats and Republicans, then let us wait until we hear what the decision is.

So for all the reasons I can think of—and I know it is, again, good theater, but sometimes we have to look beyond the theater in this body. This is a proud institution and, in my view, I think we can properly oversee and provide appropriate remedies for misconduct by anybody in this Chamber, Republican or Democrat, and I trust that is the way it will be in the future.

Mr. President, the charges that have been leveled against my colleague from Oregon are very serious ones. There is no place for sexual harassment or any other form of sexual misconduct in the United States or in the U.S. Senate. That is point 1.

Point 2 is that the Ethics Committee has established procedures for investigating charges of misconduct against Members of the Senate. These procedures have worked in the past, an they should be followed today.

During the past 2½ years, the Ethics Committee has been diligently investigating the charges against Senator PACKWOOD. As part of this investigation, the Ethics Committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents, and spent 1,000 hours in meetings just on this case alone.

It is my understanding that the Ethics Committee is now preparing the largest, most detailed public submission every made by the committee in any case.

As it does in other cases, the Ethics Committee will also recommend an appropriate sanction. And before the Senate votes on this sanction, the committee will provide a full and complete record of all relevant evidence in this case. This record will be made available to the public.

So, this debate is not about the American people's right to know, as some of my colleagues on the other side of the aisle have claimed. The American people will know. They will have an opportunity to review the record—blemishes and all.

The real question here is whether we will allow the Ethics Committee to do its work, without second-guessing from the floor of the Senate. The Ethics Committee should not be a political football. We have a process, and that process should be followed as it has been followed in numerous cases in the past.

If we want to change the rules, change the process, then we should do so prospectively, in future cases, not in the middle of this case or any other case, and certainly not as part of a transparent effort to score partisan political points.

Mr. MCCONNELL. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. DOLE. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2079

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2079 by the Senator from California.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—48

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Snowe
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone

NAYS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Moynihan
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

So, the amendment (No. 2079) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2080

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the amendment of the Senator from Kentucky [Mr. MCCONNELL].

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—62

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Moynihan
Bond	Grams	Murkowski
Breaux	Gregg	Nickles
Brown	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pell
Campbell	Helms	Pressler
Chafee	Hutchison	Pryor
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Conrad	Jeffords	Shelby
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Warner
Faircloth	Mack	

NAYS—38

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Murray
Boxer	Grassley	Reid
Bradley	Harkin	Robb
Bryan	Hollings	Rockefeller
Byrd	Kennedy	Sarbanes
Cohen	Kerry	Simon
Daschle	Kohl	Snowe
Dodd	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Levin	

So, the amendment (No. 2080) was agreed to.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. FEINGOLD] is to be recognized.

Mr. DOLE. If he would yield for a moment.

I have talked to the managers of the bill. I think it is their intent to stay here late this evening. And I understand they are going to take the

amendment of the Senator from Wisconsin and take an amendment from the Senator from Iowa. But we need to find other amendments. And we have had a five-hour delay here, rain delay, that is not the fault of the managers. So we have lost five hours. So they would like to make up some of that time tonight.

If we cannot find any amendments, we need, in fairness, to let our colleagues know. If we cannot find amendments, we need to have our colleagues know whether we can have a roll call, and at what time. So maybe the managers can take a quick check and let the leaders know, so we can advise our forces.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I urge Democratic Senators to come to the floor. We have a whole series of amendments that ought to be debated. This is prime time and a very important opportunity. I hope we will not let it go to waste. There are Senators who have expressed their interest in amending this bill, and they ought to come to the floor to offer these amendments.

I urge Cloakrooms to encourage Senators to come to the floor at their earliest convenience.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me without losing his right to the floor?

Mr. FEINGOLD. I yield to the Senator from West Virginia.

CONGRATULATIONS TO DARIUS JAMES FATEMI, Ph.D.

Mr. BYRD. Mr. President, Plato thanked the gods for having been born a man and for having been born a Greek and for having been born during the age of Sophocles. I thank the benign hand of destiny for allowing me to live to see one of my grandsons become a Ph.D. in physics.

On yesterday, Darius James Fatemi was given his Ph.D. in physics. Seneca is reported to have said that a good mind possesses a kingdom. Disraeli said, upon the education of our youth, the fate of the country depends. Emerson said that the true test of civilization is not the census nor the size of cities nor the crops—no, but the kind of man the country turns out.

You can imagine, those of you who are grandparents, and those of you who may not yet be grandparents, the pride which I share with my wife, Erma, in feeling that we have, indeed, contributed to this great country a new physicist, a doctor of physics.

Darius was named after Darius the Great, who became King of Persia upon the neigh of a horse. Darius James Fatemi did not get his doctorate by the neigh of a horse.

We are grateful that the good Lord has blessed us with wonderful grandchildren, and this is the first Ph.D. in our line. I suppose if we all look back far enough, may I say to the distinguished majority leader and to my colleagues, we would find somewhere in our ancestry a slave—the Greeks, the Persians, the Romans, other peoples of antiquity owned slaves. And so we may have an ancestor who was a slave. At the same time, we may have an ancestor who was a king. But as far as I know, this is the first Ph.D. in my line, and I thank the good Lord for that.

I thank all Senators for listening.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin holds the floor.

Mr. REID. Mr. President, I ask my friend from Wisconsin to withhold.

Mr. FEINGOLD. I yield without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Debbie Allen, a congressional fellow assigned to my office, be assigned privilege of the floor during pendency of the legislation now before the Senate.

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

The Senator from Wisconsin is recognized.

AMENDMENT NO. 2082

(Purpose: Sense-of-the-Senate resolution regarding Federal spending)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2082.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive and in proposing new programs.

Mr. THURMOND. Mr. President, will the Senator yield for 10 seconds to get some people on the floor?

Mr. FEINGOLD. Yes, I yield.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Jack Kennedy and Floyd DesChamps, who are currently serving fellowship assignments on Senator MCCAIN's staff, be granted the privilege of the floor during the Senate's consideration of S. 1026, the fiscal year 1996 national defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this is a simple sense-of-the-Senate amendment stating that Congress should exercise self-restraint in authorizing and appropriating funds for all Federal spending, including defense spending, especially in cases where the spending has not been requested by the applicable agency in the first place or is not directly related to national security needs.

I will just speak very briefly, because I understand the managers intend to accept this, but I do want to make a brief point about it.

I think every Member of this body is aware of the problem this sense-of-the Senate is intended to address. Congress passed a budget resolution a short time ago that called for increased defense spending over the next few years of more than $58 million. We ought to understand that just because there is room in the budget resolution to spend that extra money, it does not mean that Congress has to or is forced to spend it on projects that are either unnecessary or not directly related to national security interests.

In recent weeks, the reports, Mr. President, have been increasing. Media reports have documented what they have called a business-as-usual attitude in Washington, DC, as many of these so-called reformers have gotten in line not to decrease but to add defense spending for weapons systems that our military people have not even asked for. Why? Because the weapons systems are built in their districts or their home States. That is the simple answer.

Mr. President, I ask unanimous consent that an article from the Monday, July 31, Washington Post, entitled ''Extra Pentagon Funds Benefit Senators' States,'' be printed in the RECORD.

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

[From the Washington Post, July 31, 1995]

EXTRA PENTAGON FUNDS BENEFIT SENATORS' STATES

(By Dana Priest)

While Republicans talk about a revolution in the way government spends taxpayer money, in at least one area, according to a new study, the GOP is now the keeper of a decades-old bipartisan tradition: funneling Defense Department dollars to businesses back home.

Of the $5 billion in weapons spending that the Senate Armed Services Committee added on to President Clinton's budget request, 81 percent would go to states represented by senators who sit on the committee or on the Appropriations defense subcommittee.

This includes $1.4 billion for an amphibious assault ship built by Ingalls Shipbuilding, a huge employer in Sen. Trent Lott's state of Mississippi and partial funding of $650 million for two Aegis destroyers built by Ingalls and Bath Iron Works in Sen. William S. Cohen's state of Maine. Republicans Lott

and Cohen are members of the Senate Armed Services Committee and Cohen chairs its seapower subcommittee, nicknamed the ''shipbuilders subcommittee,'' which decides the fate of most sea-related military equipment.

Defense officials admit they do not need either ship to be ready to fight two wars nearly simultaneously, which is the standard set for all branches of the military by the Joint Chiefs of Staff. But, said a senior defense official, ''If I don't get some of these ships, I'm going to have to keep some older ships in the fleet.''

The ships are just the most expensive examples of congressional add-ons to the $258 billion presidential budget request, which all the Republican chairman of House and Senate defense-related committees believe is too low. The Senate Armed Services Committee added about $7 billion to Clinton's request. The House added nearly $10 billion. The full Senate is to take up the defense spending bill in August.

Of the 44 military construction projects that the Senate Armed Services Committee added to the defense budget, 32 of them—and 73 percent of the $345.8 million in add-ons—went to states represented by senators on one of the two defense committees, according to the same study. The study is a culling of the defense bill programs compiled by the Council for a Livable World, a Washington-based organization that advocates decreased defense spending.

''They have added [these programs] not for national security reasons, but to help members of Congress,'' said Council President John Isaacs. ''It is absolutely business as usual. This is a practice as common among Republicans as Democrats. Changes of parties, changes of ideology don't matter.''

Technically, the Defense Department is supposed to wholeheartedly support the president's budget request. But when the Republican chairmen of the House and Senate defense committees asked the services this year to come up with a wish list if they had more money, not one balked.

That is the one reason, defense officials said, they did not want to be named in this article, or even identified as Army, Navy, Air Force or Marine.

Many items at the top of the services' wish list showed up on the Senate committee's list. Among them: 12 extra F–18 Hornet fighter jets for $564 million, built in the states of Sens. Christopher Bond (R–Mo.) of the Appropriations subcommittee on Defense and Edward M. Kennedy (D–Mass.) of the Armed Services Committee; 20 extra Kiowa Warrior helicopters for the Army, built by companies in states of Armed Services Committee members Kay Bailey Hutchison (R–Tex.) and Dan Coats (R–Ind.). Sen. Phil Gramm (R), the other senator from Texas, is on the Appropriations defense subcommittee.

''To be very honest, yes, Senator Coats certainly is very concerned when there are Indiana companies that have a tie-in—that is a consideration,'' said Coats's press secretary, Tim Goeglein. ''But if Senator Coats feels that is money the Armed Services Committee should not be budgeting, he would not support it.'' A spokeswoman for Cohen's office sent a copy of the committee's bill to explain why Cohen had voted to spend more money than requested. It says the committee believes ''the procurement of basic weapons and items of equipment has been neglected during the decline in defense spending'' and that it would be cheaper to order more now than wait until a time when production costs could be higher.

Kennedy was not the only Democrat who benefited in the committee bill. The committee decided to buy three CH–53 Super Stallion helicopters for the Marines at a cost of $90 million. They are produced by General Electric Co. in Massachusetts and United Technologies Corp. in Democratic committee member Joseph I. Lieberman's state, Connecticut.

Kennedy did not support adding money to the president's request, said a spokesman for the Massachusetts senator, but when he realized Republicans were going to do it anyway, ''he wanted to see the money spent as best as possible.'' He said Kennedy believes the helicopters will help the Marines improve their countermine warfare efforts.

''All politics is local,'' one defense official said. ''If I'm a defense contractor I'm going to do everything I can to locate in a powerful chairman's district because I have immediate access. Jobs are important on the Hill.''

Mr. FEINGOLD. I thank the Chair.

Mr. President, I am not suggesting that we should only fund weapons systems requested by the Pentagon, or that because the Pentagon has asked for something, that Congress should automatically vote to provide them with their wish list.

What I am saying is that when Members of Congress start adding things to the Department of Defense spending list, we ought to give extra special scrutiny to those items that the administration never even requested.

I think we ought to be looking carefully to make sure those additional items, in fact, are related to national security needs, not just a source of jobs back home. There are better ways to provide those jobs than building new weapons that we do not need, are not wanted by the military, and further drain our National Treasury.

Mr. President, my sense of the Senate is simply intended to make a commonsense statement. We do not have to spend it all just because the budget allows it. Let us apply some fiscal discipline and restraint in all budget areas, including the Department of Defense.

I do hope the amendment will be accepted, as has been indicated to me previously. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we will accept the amendment on this side.

Mr. NUNN. Mr. President, the amendment makes sense. I urge our colleagues to accept it on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2082) was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2083

(Purpose: To prohibit a waiver of the time-in-grade requirement for a retirement in grade of an officer who is under investigation or is pending disposition of an adverse personnel action for misconduct)

Mr. GRASSLEY. Mr. President, my amendment, I do not think, will be controversial. I hope it has been cleared on both sides. I believe it has. My amendment will modify section 505 of the bill.

Section 505 of the bill streamlines the procedure for retiring our most senior military officers. That means admirals and generals who hold three- or four-star rank. Under current law, the President must nominate the most senior officers for retirement, which involves senatorial confirmation under existing law. If a three-star or four-star officer is not nominated or not confirmed under current law, that individual then, as we all know, reverts to his or her permanent grade, which, obviously, is lower.

For a three-star general, as an example, this could mean retirement with a two-star, or even a one-star grade, I believe. I hope I understand it well. section 505 would eliminate Senate confirmation. That means section 505 of this bill would do away with Senate confirmation of three-star and four-star officers who are retiring.

When Senator HUTCHISON and Senator NUNN, and others, first introduced this measure, it was introduced as S. 635 and introduced on March 28 of this year. At that time, I very much opposed the idea, and I joined Senator BOXER and Senator MURRAY in signing a letter to the committee on May 11 of this year expressing opposition to the bill by Senators HUTCHISON and NUNN. We felt that S. 635 would undermine congressional oversight, that it would undermine civilian control of the military, and would undermine accountability.

Our most senior military officers, we felt—because they are entrusted with tremendous power and responsibility—ought to, in all instances, be proven to do that. So, for that reason, and that reason alone, we feel that they must be held to the very highest possible standards.

Well, section 505 of this bill is not much different from the original S. 635. The language has not changed much, but I can say that we have changed as we viewed the intent of the NUNN-HUTCHISON bill.

Our initial reaction to S. 635 was tempered by several very difficult and controversial retirement nominations last year. Remember Admiral Kelso, Gen. Buster Glosson, General Barry, Admiral Mauz. We thought that we had good reason to question those nominations for retirement. We thought our concerns were justified. We still do.

Well, after the Hutchison-Nunn bill was introduced, I asked the American Law Division of the Congressional Research Service to assess all of the bill's implications. Mr. Bob Burdette, legislative attorney with the division, was kind enough to prepare a very thoughtful and helpful analysis of the proposed changes to the law, as suggested by our colleagues. Mr. Burdette's report helped to lay most of my concerns to rest.

I ask unanimous consent to have that report printed in the RECORD at this point.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, July 20, 1995.

To: Hon. Charles E. Grassley. Attention: Charlie Murphy.

From: American Law Division.

Subject: The Legal Effect of Enacting Section 505 Of S. 1026, 104th Cong., 1st Sess., Respecting Retirements of Commissioned Officers Who Have Served At Grades O–9 and O–10.

This memorandum explains the legal effect of enacting Section 505 of S. 1026, 104th Cong., 1st Sess. (1995). This section of the proposed legislation would make four changes in the provision presently codified at 10 U.S.C. §1370. By way of ''conforming amendments,'' this section would also repeal provisions presently codified at 10 U.S.C. §§3962(a), 5034, and 8962(a).

The proposed legislation would not amend paragraph (1) of subsection (a) of 10 U.S.C. §1370. That is, regardless of whether the proposed legislation is enacted, this paragraph will still specify a general rule that a commissioned officer of the Army, Navy, Air Force, or Marine corps shall, except as provided in paragraph (2) of 10 U.S.C. §1370(a), be retired in the highest grade in which he served on active duty satisfactorily for at least six months.

SECTION 505(A)(1) OF THE BILL

The first change, which would be made by section 505(a)(1) of the bill, is substantive in nature. It would strike out the words ''and below lieutenant general or vice admiral'' which presently appear at 10 U.S.C. §1370(a)(2)(A). With such words excised from subparagraph (A) of §1370(a)(2), that subparagraph would read, as follows:

In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander [...], a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the nine-year period beginning on October 1, 1990.

As a consequence of the excision, commissioned officers serving, or who have served, at the grades of O–9 and O–10 would be eligible to retire at such grades only after serving at them for at least either three years or, if authorized by both the Secretary of Defense and the Secretary of the military department concerned, as little as two years in the case of retirements occurring during the specified nine-year window.

Subparagraph (B) of §1370(a)(2) would not be amended by the proposal. Hence, it would still confer none-delegable authority on the President to ''waive subparagraph (A)'' in individual cases involving either extreme hardship or exceptional or unusual circumstances. In other words, a relevant presidential waiver made under the conditions specified could render a particular commissioned officer above the grade of O–4 (albeit now including officers serving, or who have served, at the grades of O–9 and O–10) eligible to retire at the highest grade at which that officer had served without regard to the length of time he had served at that highest grade.

SECTION 505(A)(2) OF THE BILL

The second change, which would be made by section 505(a)(2) of the bill, is likewise substantive in nature. It would strike out the words ''and below lieutenant general or vice admiral'' which presently appear at 10 U.S.C. §1370(d)(2)(B). Subsection (d) of 10 U.S.C. §1370 relates generally to retirements of reserve officers under chapter 1225 of Title 10. Paragraph (1) of 10 U.S.C. §1370(d) specifies that a person entitled to retired pay under chapter 1225 is to be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time. With the relevant words excised from subparagraph (B) of §1370(d)(2) as indicated in the proposed legislation, that subparagraph would read, as follows:

In order to be credited with satisfactory service in an officer grade above major or lieutenant commander [...], a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or is discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

As a consequence of the excision, reserve commissioned officers serving, or who have served, at the grades of O–9 and O–10 would be eligible to retire at such grades only after serving at them for at least either three years or, in the specified circumstances, as little as six months.

It might be pointed out that no authority is presently (or, under the proposed legislation, would be) conferred on the President to ''waive subparagraph (A)'' in individual cases involving either extreme hardship or exceptional or unusual circumstances. Thus, eligibility for high-grade retirement presently does (and under the proposed legislation would continue to) differ as between regular and reserve officers.

SECTION 505(b)(1) OF THE BILL

The third change, which would be made by section 505(b)(1) of the bill, is nonsubstantive. It would amend subsection (c) of 10 U.S.C. §1370 by replacing certain words with certain other words. That is, the words ''Upon retirement an officer'' would be stricken out and replaced by the words ''An officer.'' All this amendment does is simply remove excess verbiage.

SECTION 505(b)(2) OF THE BILL

The fourth change, which would be made by section 505(b)(1) of the bill, is substantive in nature. It would amend subsection (c) of 10 U.S.C. §1370 by striking out the words ''may, in the discretion'' and all that follows and replacing them with certain other words. This amendment would alter the thrust of the subsection entirely. At present, subsection (c) is the provision which allows officers serving at grades O–9 and O–10 while on active to duty to be retired at those grades, at the discretion of the President and subject to Senate confirmation. The proposed amendment would change the subsection, as already amended by section 505(b)(1) of the bill, to read, as follows:

''An officer of the Army, Navy, Air Force, or Marine Corps who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of general or admiral or lieutenant general or vice admiral under section 601 of this title may be retired in the higher grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Senate that the officer served on active duty satisfactorily in that grade.''

One obvious effect of this change would be to eliminate the requirement of Senate confirmation for officers retiring at grades O–9 and O–10. Another effect of this change is less obvious.

As noted at the outset of this memorandum, paragraph (1) of subsection (a) of 10 U.S.C. §1370 presently specifies a general rule that a commissioned officer of the Army, Navy, Air Force, or Marine Corps shall be retired in the highest grade in which he served on active duty satisfactorily for at least six months. The language setting out that general rule is preceded by the caveat ''[u]nless entitled to a higher retired grade under some other provision of law.'' The words ''higher grade'' used in this caveat are not used anywhere else in subsection (a). Consequently, when the new language that would be added to subsection (c) of 10 U.S.C. §1370 refers to ''the higher grade under subsection (a),'' it clearly implies that there may be instances in which officers who would not otherwise be entitled to retire at higher grades under the terms of 10 U.S.C. §1370 (e.g., because they have not served long enough at those higher grades) could under some unspecified ''other provision of law'' be entitled to retire at those higher grades so long as the Secretary of Defense ''certified'' served satisfactorily for an unspecified period of time in the grade concerned and supplied such certification to the President and to ''the Senate.'' The transmittal of such a certification to ''the Senate'' is of unknown significance.

ROBERT B. BURDETTE,
Legislative Attorney.

Mr. GRASSLEY. Mr. President, it is very hard to argue with the fairness and the justice embodied in Section 505 of the bill. Under Section 505, the retirement of three-star and four-star officers will be considered under the same standards and under the same procedures as the retirement of one-star and two-star generals. In fact, the retirement of all officers above the rank of major or lieutenant commander will be handled in the same way.

Under the new law, then, assuming this bill is enacted, once these officers have served 3 years in grade, they would be allowed to retire with their highest grade without Senate confirmation. I cannot argue with that, and it seems to me that that is the right way to do it. But in investigating this, I came up with this concern that I hope my colleagues feel is legitimate.

Under the law, the Secretary of Defense and service secretaries will still have broad discretionary authority to waive time in grade requirements. That is a potential loophole, as far as I am concerned. Hence my amendment.

I would like to offer a hypothetical scenario. Say a three-star general, with only a few months in grade, gets caught violating a regulation or law. The IG is called in to investigate. The IG finds that the general has violated the law and lied about it to his investigators. The IG then recommends disciplinary action. The service secretaries reject the IG's recommendation, as is too often the case. The secretaries

choose, instead, to waive time in grade requirements, allowing the officer to retire with full rank, as a three-star general. This would end the controversy, but it would give the officer an unearned promotion.

Mr. President, once we do away with the confirmation of three-star and four-star retirements, this scenario might be more than hypothetical. It might be very real.

My amendment, then, is meant to plug that loophole. Under my amendment, time in grade requirements could not be waived if an officer were under investigation for an alleged misconduct or if adverse personnel action was pending.

Mr. President, this would address the concerns that we have —meaning Senator MURRAY and Senator BOXER and myself—arising out of the controversial retirement nominations we wrestled with last year and, hence, our letter to the Armed Services Committee in May of this year.

Mr. President, with that one minor modification that will be in my amendment, I would support Section 505. We will still have ample opportunity to scrutinize the performance and conduct of our most senior military officers through the regular confirmation process.

All three-star and four-star active duty promotions and assignments will still be subject to Senate confirmation.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2083.

Mr. GRASSLEY. 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 159, line 3, before the end quotation marks insert the following: ''The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.''.

Mr. GRASSLEY. Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, I rise in support of the Grassley amendment, which seeks to modify section 505 of this bill. Section 505, which is almost identical to S. 635, would eliminate Senate confirmation of retiring three-star and four-star officers.

Currently, the President nominates senior officers for retirement and they come before the Senate for confirmation. As we all know, in recent years, there has been great cause for Senate involvement in the confirmation of retiring officers. This new section would allow officers who have served 3 years in grade the ability to retire with their highest grade without action by the Senate.

On May 11 of this year, I joined Senators GRASSLEY and BOXER in sending a letter to the Armed Services Committee outlining our concerns with the provisions in S. 635. At a minimum, we asked that public hearings be held before proceeding with this action. Obviously, my concerns with this section have not been alleviated.

Mr. President, I ask unanimous consent that the complete text of the letter sent to the Armed Services Committee be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 11, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our concern regarding S. 635, legislation recently introduced to eliminate the Senate's role in confirming the retirement nominations of military officers who hold three- and four-star rank and who have served three years or more in grade.

As you know, the law governing the Senate role in approving the retirement nominations of three- and four-star military officers was enacted in 1947 and has been amended several times since. Available information on the legislative history of this issue indicates that the introduction of Senate confirmation of senior military officers in 1947, for promotion or retirement, was principally an issue of separation of powers. One of the goals of the original statute, the Officer Personnel Act of 1947, was to reinforce civilian control over the military and increase Congressional purview over what had once been an exclusive function of the Executive Branch. We believe these principles are as valid today as they were in 1947.

Perhaps even more importantly, Congress' governing power and authority over the Nation's armed forces is clearly set out in Article I, Section 8 of the Constitution. Of additional relevance is Article II, Section 2, which describes the Advice and Consent role of the U.S. Senate with regard to Presidential appointments.

Therefore, we would like to take this opportunity to outline our concerns regarding S. 635 and to respectfully challenge the rationale behind its introduction.

Upon introduction of S. 635, the argument was made that our Nation's highest ranking military officers should be treated like their civilian superiors and other government officials. We believe that civilian comparisons are not relevant to this situation. The military, and indeed the Committee, have often taken the position that civilian rules and laws are not appropriate when applied to the unique role and mission of our Nation's armed forces. It is precisely for these reasons that we have concluded that requiring our highest ranking military officials to come before the Senate for their retirement nominations provides an important safeguard for their civilian leadership and the American taxpayer.

Likewise, we disagree with the argument that standards acceptable in the private sector are relevant to the military. For a variety of reasons, including the involvement of taxpayer funds, public service really bears no comparison to private sector service when it comes to standards of accountability and compensation.

Perhaps most importantly, we are concerned with this issue as it relates to leadership and command accountability in our Nation's armed services. The central issue in considering retirement nominations has been, and remains, that service in our Nation's military, especially at the highest levels, is a privilege and an honor. We continue to believe that the military should be governed by the highest standards, and that command accountability to those standards should in no way be compromised.

An additional argument made in support of S. 635 is that this legislation will ''reduce the administrative work load of the Senate Armed Services Committee and the Department of Defense.'' We are sympathetic with this goal, but we believe that S. 635 fails to provide an effective and prudent response to this problem. We understand that in fiscal year 1993, for example, the Committee was asked to review just six grade 0–10 officers for retirement, and less than twenty at grade 0–9. In total, these retirement nominations represented just a fraction of the total number of nominations reviewed by the Committee—which we have been told numbered in the thousands. According to the Congressional Research Service, the numbers for 1993 are typical of the work load presented in other years by these retirement nominations.

Moreover, we reject the idea that military nominations, be they for promotions or retirements, are nothing more than routine ''administrative workload.'' Reviewing military nominations is one of the Armed Services Committee's most important responsibilities. It is a Constitutional responsibility and an important tool for maintaining civilian control and accountability. It is also a way of keeping the Senate involved in the crucial process of nurturing military leadership.

Since the passage of the Officer Personnel Act of 1947, your Committee has held the view that the top-most military and naval officers in the Nation should be subject to Senate approval. The reason for this is quite simple: the question of who gets the ''top rank'' will in the log-run determine the overall quality of the leadership in the Armed Forces. And having top quality military officers is probably the single most important ingredient of military strength.

Keeping the Senate involved in the promotion and retirement process as the final, independent check will help to ensure that only the best are rewarded with top-level promotions. Most of those promotions go to future leaders, but some are given as rewards at retirement for outstanding service.

Retirement nominations are no less significant than others handled by the Committee. As you know, retired members of the armed forces can be recalled to active duty at any time, voluntarily or involuntarily, and therefore the status conferred on those individuals at the time of retirement carries much more than ceremonial significance.

Finally, last year we were encouraged by the Senate's almost unanimous support of the Moseley-Braun/Murray amendment to the FY 1995 Defense Authorization Act which required that the armed services improve the procedures by which discrimination and sexual harassment complaints are processed. In part, the amendment states:

''The Secretary of Defense shall ensure that the Department of Defense regulations governing consideration of equal opportunity matters in evaluations of the performance of members of the Armed Forces include provisions requiring as a factor in such evaluations consideration of a member's commitment to elimination of unlawful discrimination or of sexual harassment in the Armed Forces.''

This statutory language reflects an important public policy, but we are concerned that

without strong enforcement mechanisms DoD will not get the message. It is our understanding that so far DoD has missed every deadline for reporting to Congress and adopting the new anti-discrimination regulations required under the Amendment. This foot dragging underscores the need to maintain congressional oversight, including the Senate confirmation of retirement nominations where relevant leadership can be questioned on these types of matters. We believe it would be very unwise to relinquish this important tool for assuring compliance with national anti-discrimination policies and others critical to military readiness. In addition, less senior members of our armed forces who cannot turn to an independent judiciary with an unresolved but persistent discrimination or whistleblowing complaint deserve to know that their leadership is routinely held accountable to the highest standards.

In short, we have serious reservations about S. 635, and we hope you will consider our views carefully when reviewing this legislation. At a minimum, we strongly urge the Committee to hold a public hearing on this issue before any further action is taken.

Thank you very much for your consideration.

Sincerely,

PATTY MURRAY.
CHARLES GRASSLEY.
BARBARA BOXER.

Mrs. MURRAY. At this time I would like to outline a few of my concerns as described in the letter with this section.

Several arguments have been made in support of this section. For instance, it has been argued that military officers should be treated as their civilian counterparts. However, civilian comparisons are not relevant because of the unique role and mission required of our Nation's Armed Forces.

It has been argued that the confirmation of retiring officers increases the administrative workload of the Senate Armed Services Committee. In fiscal year 1993, the committee reviewed just six grade 0–10 officers for retirement and less than 20 at grade 0–9. I do not believe that is an unreasonable number. In addition, reviewing military nominations is a constitutional responsibility that helps maintain civilian control and accountability.

Most importantly, by removing Senate involvement in the confirmation of retiring officers, we remove congressional oversight. We remove our ability to play a role in the very process that has been so troublesome in recent years.

Mr. President, Senator GRASSLEY's amendment would prohibit waiving time in grade requirements if an officer is under investigation for alleged misconduct or if adverse personnel action was pending. While I do not feel this is the ultimate solution to this problem, I do feel it is a move in the right direction toward making this section more acceptable.

There is no reason for an officer to receive a promotion while an investigation into alleged misconduct is pending.

As I have stated, I still have concerns with the wholesale repeal of congressional oversight as it relates to the confirmation of retiring officers. I believe we have a duty and an obligation to ensure that there are standards of accountability.

Mr. President, I urge my colleagues to vote in favor of the Grassley amendment.

Mr. THURMOND. Mr. President, we will accept the amendment on this side.

Mr. NUNN. Mr. President, I want to make sure that I understand the amendment. I believe I do. The Senator from Iowa can check me on this. This basically would preclude the waiver by the President of time in grade requirements that exist in the law for three-star and four-star retirements if there is an investigation or disciplinary action pending at that time?

Mr. GRASSLEY. That is my intent, a narrow application of exception to the purpose of your original bill.

Mr. NUNN. As I understand it, Mr. President, the waiver in this amendment would actually—by the President—would not happen on very many occasions, but if it does not happen, it should not happen when there is an investigation or disciplinary action pending. That is what the Senator is trying to accomplish. This would nail it down and make sure that does not happen.

Mr. GRASSLEY. At that point, if the President wanted to retire them under those circumstances, it would have to come before the Senate for approval.

Mr. NUNN. Mr. President, I think that we should not compromise on accountability in this area. If the Senate confirmation is going to be changed in the three- and four-star area, then I think we must make sure that the waivers are not granted when, at any point, it would undermine accountability of the officer in question. I therefore think it is a good amendment, and I urge its approval.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2083) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, we are ready to go forward with other votes. If Members have any amendments, we are glad for them to come forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate resumes the DOD authorization bill at 9 a.m. on Thursday, Senator DORGAN be recognized to offer his amendment, and there be 90 minutes equally divided in the usual form, with no second-degree amendments in order, and following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Dorgan amendment.

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

SECTIONS 631 AND 632

Mr. CRAIG. Mr. President, I rise to express some concerns I have about sections 631 and 632 of the Department of Defense authorization bill for fiscal year 1996, S. 1026. These two sections Nos. 631 and 632, will grant unlimited commissary shopping privileges to ready reservists, certain retired reservists and to all their dependents.

Mr. President, I am a strong supporter of the men and women who serve this Nation, including those who serve in the Ready Reserve. Their commitment to this Nation's security is strong, and they deserve our support. My concerns about sections 631 and 632 are not about the Ready Reserve, but rather about the budgetary impact of these proposed changes.

In total, Mr. President, these sections give an estimated 2 million people unlimited access to military grocery stores here in the United States and overseas.

This is quite a dramatic expansion over current law, which limits reservists to shop at commissaries while on active duty plus an additional 12 shopping trips during the course of a year.

Up until now, only active duty, career military men and women enjoyed unlimited commissary shopping privileges. However, under section 631 and 632 the Congress will be bestowing this special benefit to 2 million civilians. Stated differently, if we adopt this language, civilian reservists will have the same compensation benefit as career active duty military personnel.

Mr. President, I have been advised that according to the Department of Defense, there will be no budgetary implications associated with granting unlimited shopping privileges to the ready reservists, retired reservists, and their families. I hope this is in fact true, because this is not the same message that we heard when such an expansion was contemplated in the fiscal year 1994 defense authorization bill.

According to Pentagon testimony just 3 years ago in 1992, every dollar of sales in a commissary store requires about 16 cents in appropriated funding. In other words, it takes roughly 16 cents of taxpayer money to subsidize a dollar sale in a commissary store. Back in 1992, the Defense Department also told Congress that $24 million in tax dollars is needed for every additional 100,000 commissary patrons.

Now, here we are in 1995, and all of a sudden, everything has changed. Now,

according to the Pentagon, it won't cost the American taxpayer a single dime to grant 2 million civilians unlimited access to commissary stores. If this is true, and commissary stores have become efficient, streamline operators, this has to be one of the most astounding success stories in recent memory for the Pentagon.

Mr. President, let me conclude by saying that many of us in this Chamber have been working very hard to reduce the Federal deficit and to achieve a balanced budget by the year 2002. Therefore, it is my concern that section 631 and section 632 may be taking us in the wrong direction if this expansion results in the need for greater appropriations and taxpayer subsidies next year. This is especially true in light of the multitude of needs we are trying to fulfill for both active personnel and reservists, within growing budget constraints.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. 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. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

WELFARE IN AMERICA

Mr. ASHCROFT. Thank you for this opportunity to address the Senate, as I have done on 3 or 4 previous evenings. I am here to talk again about a topic which will confront the Senate very dramatically later this week. It is the topic of welfare reform.

It is time for the Senate to begin to focus not only on the cost of welfare reform in terms of dollars and cents, but the cost of the welfare tragedy in terms of the human cost—not numbers, but lives.

In each of the previous evenings when I have had an opportunity to address the Senate on this topic, I have talked about specific individuals. Individuals who have a story; individuals who were tragic victims of our welfare system.

The story I want to talk about tonight is the story of Jack Gordon Hill, Jr., of French Camp, CA. Mr. Hill's story is not a particularly uplifting story, for it is yet another story of human suffering at the hands of the welfare system.

Mr. President, I believe that Mr. Hill's story is the personification of a system that has replaced responsibility with rights, and has replaced opportunity with entitlement.

This picture beside me is one bright spot in Mr. Hill's welfare legacy. About a year ago, Mr. Hill credited the Federal Government's Supplemental Security Income Program with saving his life, and all the indications seemed to support his assertion. He was physically strong. He was mentally prepared, and ready once again to accept a place in America.

Mr. President, Jack Gordon Hill, Jr, had a serious problem with drugs and alcohol his entire adult life. His cocaine and whiskey cost him everything he had. Years ago he lost his job, and shortly thereafter he lost his family. He and his wife divorced. He gave up an infant son for adoption. Most tragically, he abandoned his two small daughters in Baltimore, unable or unwilling to take care of them.

In short, Mr. Hill was rushing ever faster toward rock bottom and almost hit, he claims, when he discovered SSI, which provides special payments for addicts. In his words, ''It is like I've been falling in a bottomless pit all my life, and all of a sudden there was this one thin branch sticking out. I grabbed it. Now I am climbing out.''

It turns out that the branch of SSI did not save him. It accelerated his fall. Mr. Hill's branch was a $458 a month governmental check, with which he was able to enter a drug and alcohol treatment center and get away from the street corner he had haunted.

In an interview with the Baltimore Sun last July, he sat in his room, in the California rehab center, playing with his kitten, Serenity—its name represented a new-found state of peace in his life. This world of contrived contentment was built on a foundation of sand.

Six months after that interview, the Baltimore Sun found Mr. Hill back on the same corner where he had begun, drunk and doped up. His Federal funds were now being used to support his renewed addiction to cocaine.

His use of these funds is far from exceptional. The system under which he got them spends $1.4 billion per year of taxpayers' funds. Unlike Mr. Hill, however, most of the individuals who received these funds—hundreds of thousands, according to the Baltimore Sun—never enter treatment centers, or seriously try to beat their addictions. The $458 a month they receive only speeds their inevitable demise.

One drug counselor at a health clinic for the homeless told the Sun that drug dealers flock around the recipients of these Government checks whenever the checks come in. Speaking of his patients who had died from drug overdoses, the drug counselor said, ''All the dealers came circling around the patient of the day like vultures. A week later he would crash from whatever dope he was doing and feel terrible. Those were the times he would go looking for help. The problem was that we could never find help for him when that check came in the mail on the first of the month, and the whole cycle started over again.''

This cycle of abuse, funded by the Federal Government, this welfare system which provides funding for the maintenance of these habits, is a tragedy which is costing us a tremendous toll in terms of human lives. When our welfare system clearly and openly supports a policy which runs contrary to every law and principle in our Government, we cannot be so blind as not to see the immediate and overwhelming need for an overhaul of the welfare system.

I have come before this body repeatedly to relate the personal stories of real Americans, stories which demonstrate how bankrupt our current welfare system is, how it enslaves its beneficiaries, how it traps them and robs them of their independence, their hope, and their futures. It is hard enough to break out of the cycle of poverty and dependence which the welfare system creates economically, but when the welfare system buys drugs for addicts, it virtually guarantees they will not escape and they will never be anything but wards of the Federal Government.

Mr. Hill did not only find himself abused, but he tried to do something. Mr. Hill did more than most of the SSI substance abuse recipients. He tried to get treatment. Yet, because Washington, DC, perceived the solution to his problems to be a wad full of Federal money—because the helping hand of Washington extends money to those who are in need and does not do much else—it destroyed his capacity. True charity cannot come from the Federal Government, it must come from concerned citizens who know the problems of their own communities, know the citizens in those communities, and truly want to solve the problems. And Federal money, money alone, cannot solve the problem. We need to involve the communities. We need to involve the States. We need to involve people—people who have the chance to introduce those on welfare to opportunities that lift them out of welfare.

Federal money should be administered to the States directly, allowing them the freedom to direct funds where they are needed. Federal funds should not be administered from a distant Washington bureaucrat and directed in ways that are not meaningful on the local level. Welfare, as it is currently practiced, simply provides a means for Mr. Hill and others like him to continue their self-destructive behavior. This behavior costs not only Mr. Hill, it costs us—not only in terms of our resources but it costs us productivity and lives. It has cost his three children an association with a father. It has been a tragedy, not just in financial terms, but in personal terms. It provides a means for Mr. Hill and others like him to continue their destructive behavior.

This is not a time for us to engage in half measures of welfare reform, and it is not a time for silence. Unfortunately, silence is exactly what we are getting from the Democrats who are making proposals which they call welfare reform. Every Republican plan

that has been proposed eliminates the drug addiction and alcoholism disabilities from SSI. The Democrats are silent. President Clinton is silent on this issue. On issues as important as these, silence is death.

We have been down the road of half measures before. It was called the 1988 Family Support Act. It made big promises. It was going to put people to work. We had hoped, with the so-called Welfare Reform Act of 1988, that the devotion of additional resources, that additional Washington management, that additional one-size-fits-all solutions from the Nation's Capital would somehow provide a solution to the problem. But if we take a good look at what has happened in terms of welfare spending, we did not solve the problem in 1988. The problem skyrocketed in 1988. Half measures, the rearrangement of the deck chairs on the welfare *Titanic*, will do no more than provide a basis for taking the line on this chart right off the page.

We need to have real reform. We need to understand that welfare that is simply the Federal Government's handing individuals a wad of money, like the welfare reform proposal made available to Mr. Hill, is not welfare reform. That is welfare entrapment. We need to be involved in welfare replacement.

We must do more, we must ask for more, we must involve more people in the program. We must ask that civic groups and nongovernmental organizations be allowed to work with States. We must send the resources to the States to give them flexibility. The idea that there is a single solution in Washington that will provide the opportunity for everyone everywhere is an idea that has been proven to be a failure.

My family has an average size. If we were to try to buy pajamas based on the average size, one-size-fits-all would translate into one-size-fits-none.

When the Government in Washington, DC, tries to have a one-size-fits-all solution, it frequently fits none. It is time for us to turn the opportunity over to the States, States that can involve institutions that care for people, States that have the courage to make basic reforms, States that will have the courage to say to those on drugs and alcohol, ''We will not continue to support your habit.''

The real costs of welfare are not just the costs that we face as a result of the budget crunch. They are the costs in terms of human tragedy, costs like those endured by the Hill family as a result of the fact that, as a Government, we have chosen to fund one's addiction rather than to provide the kind of care that would help an individual leave the welfare system and become a productive individual.

This Saturday we will begin the welfare debate. We will have the opportunity to make a decision to pull together the information which will lead us to an inevitable conclusion that the one-size-fits-all Washington system has failed. We will have the opportunity to give the States, which have been begging for decades now, the flexibility to do what works, to give them the resources through block grants, to allow them to make the kinds of changes and to have the kinds of conditions and requirements that will lift people by enlisting nongovernmental organizations and others in their communities to help individuals on welfare become productive members of our cities and towns.

It is with this in mind that we need to understand that welfare reform cannot be tinkering around the edges. It must be substantial. It must be real renovation and reformation, for without renovation and reformation in the system, we will not have a new opportunity for the citizens of the land. Indeed, that is what citizens who now are on welfare desperately need.

I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

NOT THE TIME FOR MORNING BUSINESS

Mr. FORD. Mr. President, I have enjoyed the statement by the Senator from Missouri related to welfare reform. I think that is one thing that this country is looking forward to. But I do object to no morning business. Now we have not had morning business, or been allowed morning business for over a week. We come in here on a defense authorization bill and we take 10 minutes to talk about welfare reform. I am sitting here trying to get an amendment on the bill.

So we have morning business periodically during the day. That is fine. This is prime time, and I know it is a lot better than 8 o'clock in the morning or 9 o'clock in the morning. But we have a Defense authorization bill here. I would like to get that done. We are going to have welfare reform. You can talk all day Saturday if you want to, about welfare reform.

As I say, I have enjoyed what the Senator said. I appreciate what he is trying to do. But we are also trying to get a Defense authorization bill through, and I think we ought either to have morning business and do it then, or we should have morning business late in the evening, instead of going through and interrupting the flow of business in the Senate.

I thank the Chair and suggest the absence of a quorum.

Mrs. KASSEBAUM addressed the Chair.

Mr. FORD. I withdraw that suggestion.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, the cold war is over, and in some ways we all long for the old certainties it provided. The Armed Services Committee has grappled with the difficult task of matching our national security interests to the new realities of international politics, and I commend them for their hard work in this area.

But I also want to take this opportunity to express serious concern about certain provisions in this legislation which, in my view, would discard a generation of progress toward arms control that serves our national security needs.

In terms of arms control—and, in terms of our Nation's solemn commitment to its treaty obligations—I have strong reservations about the paths charted by the committee legislation. I hope the Senate fully appreciates the weight and implications of proposals now before us.

I know that there are some negotiations that are going on regarding language, and I am pleased to hear that.

By my count, this legislation puts at risk at least four important arms control agreements. It puts us on a path toward abrogating two treaties which the United States has ratified with the advice and consent of the Senate—agreements which, in accordance with the processes of our Constitution, our Nation has pledged to honor. It also takes policy steps that may jeopardize our chances to successfully conclude and implement at least two other important agreements that our Nation long has pursued.

The stakes are high:

The Anti-Ballistic Missile [ABM] Treaty has been in force in the United States since 1972. This bill would put us on a path to abrogate the ABM treaty by setting a date to deploy national ballistic missile defenses and by unilaterally imposing a line of demarcation to separate ballistic missile defenses, which are covered by the treaty, from theater defense systems, which are not. This important demarcation issue is the subject of ongoing negotiations—and, yet, this bill would have us act alone. Perhaps, as its critics suggest, the ABM Treaty no longer serves our national interests. But if that is so, we should review our commitment to the treaty through a deliberate process—we should not simply take steps toward no longer complying.

The safeguards agreement between the United States and the International Atomic Energy Agency [IAEA] has been in force since 1980.

This is another aspect of language in the agreement that I find troubling, and perhaps this has been addressed.

This legislation would walk away from that agreement by setting unrealistic criteria that must be met before any IAEA safeguards inspection

can take place. When the Senate ratified the safeguards agreement, we believed that placing many of America's nuclear materials under safeguards would strengthen our ability to press other countries to accept safeguards as well. Our national interests are well served when other countries accept safeguards, and our interests are at risk when safeguards are rejected, as we have learned bitterly in Iraq and in North Korea. If the Senate today walks away from our safeguards commitment, what message are we sending to those whose nuclear ambitions we oppose?

The third concern I have is that the Comprehensive Test Ban Treaty [CTBT] to ban nuclear testing is on schedule for completion in 1996. Our negotiators have pursued this agreement for decades, and their hand was significantly strengthened by the decision of the United States during the Bush administration to impose a moratorium on our own nuclear tests. Yet, this legislation would commit funds to prepare the United States to resume testing, even before our own self-declared testing moratorium has expired. If we take this step, we will signal to the world that we are not serious about a test ban, and we will put the treaty's successful conclusion in serious jeopardy.

Finally, we all are aware of the importance of START II, the basic agreement for implementing President Reagan's vision of deep cuts in the strategic nuclear arsenals of the United States and the former Soviet Union. The treaty now is pending before the Senate and before the Russian Parliament for ratification. Yet, the legislation before us today would halt for at least a year the retirement of U.S. strategic nuclear weapons, would substantially restructure our nuclear forces to retain greater capacity, and would strengthen our ability to quickly reconstruct weapons in excess of our treaty commitment. At a time when hard-line elements in the Russian Parliament are searching for reasons to kill the START II treaty—and when certain elements in Russia have stated clearly that they expect the United States to adhere to its commitments under the ABM treaty—any actions such as those proposed in this legislation would, I fear, significantly diminish the prospects for Russian ratification of the treaty.

Perhaps this again is something that we do not want to undertake at this time. But I think that we ought to have then a more full-blown discussion of the importance of the START II treaty.

Mr. President, I will oppose efforts that endanger these important agreements that serve the interests of our Nation. The provisions I have discussed do not serve our national security or foreign policy interests. I believe in a strong national defense, but I also believe that arms control has a place in America's national security strategy and that America should not lightly abandon its solemn treaty obligations. I urge my colleagues to think long and hard before proceeding with the courses of action this bill proposes.

Mr. NUNN. Mr. President, I want to commend the Senator from Kansas for her remarks. And I made remarks this morning and went over most of the same items and expressed many—not all but many—of the same concerns, particularly in relationship between what I call an anticipatory breach of the ABM Treaty which is in this bill, and the relationship between that and the START treaties which are pending. But not only that; the START I Treaty which has not completely been implemented.

I think it would be the height of folly if we end up increasing the threat that would otherwise be aimed at the United States by doing something in a bill that prevents the deep reductions that are taking place in both START I and START II.

So I share the views of the Senator from Kansas on this. I think she is on point.

I also share the concerns she has expressed about prematurely going back into manufacturing of nuclear weapons where we have not had decisions made yet by DOE on that point. I believe in prodding DOE to make sure we have nuclear safety and security. But I think we are making decisions in this bill that go too far at this time.

It is my hope that we will be able to have amendments that will iron out each of these problems as we go through this bill. And on the ABM question, the question that the Senator from Kansas raised, we will have at least two or three amendments tomorrow—early, I hope—on those key questions because she has identified I think the major concerns with this bill.

Mrs. KASSEBAUM. Mr. President, if I may, I appreciate the comments of the Senator from Georgia. I was in a markup all morning and did not hear his speech. I have the highest regard for the chairman, Senator THURMOND, and the ranking leader of Armed Services Committee, Senator NUNN. I know they know these issues well, and have great dedication to them.

I appreciate the Senator's comments.

Mr. NUNN. I have learned over the years that the Senator from Kansas does not necessarily need to listen to any of my speeches in order to come to the right conclusion.

Mr. WARNER. Mr. President, could I say to my distinguished colleague that I was not able to be present throughout the presentation of her statement. But I know it addressed several provisions that I was the author of in the bill. I will have an opportunity tomorrow after examining the statement in full, Mr. President, to reply I hope in full and perhaps to the satisfaction of my distinguished colleague.

AMENDMENT NO. 2084

(Purpose: To authorize additional military construction projects)

Mr. THURMOND. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. BURNS, Mr. REID, Mr. FORD, Mr. BOND, and Mr. NUNN, proposes an amendment numbered 2084.

Mr. THURMOND. 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 404, in the table following line 10, insert before the item relating to Fort Knox, Kentucky, the following project in Kentucky:

	Fort Campbell	$10,000,000

On page 405, in the table following line 2, insert after the item relating to Camp Stanley, Korea, the following:

	Yongsan	$4,500,000

On page 406, line 14, strike out ''$2,019,358,000'' and insert in lieu thereof ''$2,033,858,000''.

On page 406, line 17, strike out ''$396,380,000'' and insert in lieu thereof ''$406,380,000''.

On page 406, line 20, strike out ''$98,050,000'' and insert in lieu thereof ''$102,550,000''.

On page 408, in the table following line 4, in the item relating to Bremerton Puget Sound Naval Shipyard, Washington, strike out ''$9,470,000'' in the amount column and insert in lieu thereof ''$19,870,000''.

On page 410, in the table preceding line 1, add after the item relating to Norfolk Public Works Center, Virginia, the following new items:

Washington	Bangor Naval Submarine Base	141 units	$4,890,000
West Virginia	Naval Security Group Detachment, Sugar Grove	23 units	$3,590,000

On page 411, line 6, strike out ''$2,058,579,000'' and insert in lieu thereof ''$2,077,459,000''.

On page 411, line 9, strike out ''$389,259,000'' and insert in lieu thereof ''$399,659,000''.

On page 412, line 3, strike out ''$477,767,000'' and insert in lieu thereof ''$486,247,000''.

On page 415, in the table following line 18, in the item relating to Maxwell Air Force Base, Alabama, strike out ''$3,700,000'' in the amount column and insert in lieu thereof ''$5,200,000''.

On page 415, in the table following line 18, in the item relating to Eielson Air Force Base, Alaska, strike out ''$3,850,000'' in the amount column and insert in lieu thereof ''$7,850,000''.

On page 416, in the table preceding line 1, in the item relating to Mountain Home Air Force Base, Idaho, strike out ''$18,650,000'' in the amount column and insert in lieu thereof ''$25,350,000''.

On page 416, in the table preceding line 1, in the item relating to McGuire Air Force Base, New Jersey, strike out ''$9,200,000'' in the amount column and insert in lieu thereof ''$16,500,000''.

On page 416, in the table preceding line 1, insert after the item relating to Cannon Air Force Base, New Mexico, the following:

	Holloman Air Force Base.	$6,000,000

On page 416, in the table preceding line 1, insert after the item relating to Shaw Air Force Base, South Carolina, the following:

South Dakota ...	Ellsworth Air Force Base.	$7,800,000

On page 416, in the table preceding line 1, in the item relating to Hill Air Force Base, Utah, strike out ''$8,900,000'' in the amount column and insert in lieu thereof ''$12,600,000''.

On page 418, in the table preceding line 1, insert after the item relating to Nellis Air Force Base, Nevada, the following:

	Nellis Air Force Base.	57 units .	$6,000,000

On page 419, line 17, strike out ''$1,697,704,000'' and insert in lieu thereof ''$1,740,704,000''.

On page 419, line 21, strike out ''$473,116,000'' and insert in lieu thereof ''$510,116,000''.

On page 420, line 10, strike out ''$281,965,000'' and insert in lieu thereof ''$287,965,000''.

On page 421, in the table following line 10, in the matter relating to Defense Medical Facilities Offices, insert before the item relating to Luke Air Force Base, Arizona, the following:

	Maxwell Air Force Base, Alabama.	$10,000,000

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out ''$2,600,000'' in the amount column and insert in lieu thereof ''$8,100,000''.

On page 424, line 22, strike out ''$4,565,533,000'' and insert in lieu thereof ''$4,581,033,000''.

On page 424, line 25, strike out ''$300,644,000'' and insert in lieu thereof ''$316,144,000''.

On page 429, line 14, strike out ''$85,353,000'' and insert in lieu thereof ''$148,589,000''.

On page 429, line 15, strike out ''$44,613,000'' and insert in lieu thereof ''$79,895,000''.

On page 429, line 19, strike out ''$132,953,000'' and insert in lieu thereof ''$167,503,000''.

On page 429, line 22, strike out ''$31,982,000'' and insert in lieu thereof ''$35,132,000''.

Mr. THURMOND. Mr. President, I am pleased to be joined by Senator NUNN, the ranking member on the Senate Armed Services Committee, and Senators BURNS and REID, the chairman and ranking member of the Subcommittee on Military Construction and Senators BOND and FORD in sponsoring this amendment which authorizes an additional $228 million for construction projects which are currently appropriated in the military construction appropriations bill for 1996. The amendment would authorize an additional 46 projects to enhance the readiness of our Armed Forces and improve the living and working conditions of soldiers, sailors, airmen, and marines across the country.

Mr. President, last Friday, I spoke against an amendment to the military construction bill that would have reduced the funding in the bill by $300 million. I will not repeat all the arguments I propounded at that time, other than to say that all the services acknowledge they have a significant shortfall and backlog in the repair and maintenance of the facilities. The facts also indicate that in excess of 70 percent of the family and unaccompanied housing does not currently meet Department of Defense standards.

Mr. President, I ask unanimous consent that a list of the additional projects authorized be printed in the RECORD.

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

State/Country	Service	Installation name	Project title	(thousands)
Kentucky	Army	Ft. Campbell	Whole Barracks Renewal, ph I	10,000
Korea	.....do	Yongsan	Child Development Center	4,500
Total				14,500
Washington	Navy-FH	Bangor Naval Sub Base	141 Units	4,890
Do	Navy	Puget Sound Naval Ship	Physical Fitness Center	10,400
West Virginia	Navy-FH	Sugar Grove NSDG	23 Units	3,590
Total				18,800
Alabama	Air Force	Maxwell AFB	Computer Software Facility	1,500
Alaska	.....do	Eielson AFB	Boiler Rehabilitation	4,000
Idaho	.....do	Mountain Home FB	Base Civil Engineering Warehouse	1,800
Do	.....do	.....do	Avionics Shop	4,900
Nevada	Air Force-FH	Nellis AFB	57 Units	6,000
New Jersey	Air Force	McGuire AFB	Dormitory	7,300
New Mexico	.....do	Holloman AFB	Learning Center	6,000
South Dakota	.....do	Ellsworth AFB	Consolidated Administrative Support Complex	7,800
Utah	.....do	Hill Air Force Base	Depot Fire Protection	3,700
Total				43,000
Alabama	Defense Agencies	Maxwell AFB	Ambulatory Healthcare Center, phase I	10,000
North Carolina	.....do	Fort Bragg	SOF Barracks	5,500
Total				15,500
Arkansas	Army National Guard	Camp Robinson	Military Operations in Urban Trg Facility	2,853
Florida	.....do	Camp Blanding	Wastewater Treatment Plant, Phase II	5,300
Do	.....do	.....do	Water Distribution System Upgrade	4,200
Louisiana	.....do	Plaquemine	OMS rehabilitation/renovation	776
Do	.....do	Ruston	OMS	1,638
Maryland	.....do	Camp Frettard	.....do	2,700
Minnesota	.....do	Camp Ripley	CSMS, phh II	8,150
Mississippi	.....do	Camp Shelby	Multipurpose Range Complex, ph I	5,000
Missouri	.....do	Jefferson City	Multipurpose Baffle Range	2,236
Montana	.....do	Ft. Harrison	Training Site Support Facility	7,854
Nebraska	.....do	Hastings Training Range	Instructional Facility	761
Oregon	.....do	Camp Withycombe	CSMS	4,769
Do	.....do	Salem	Airfield Operations Building	2,972
Tennessee	.....do	Johnson City	OMS, AMSA & VMF	1,937
Utah	.....do	Camp Williams	Replace/Upgrade Portable Water Distrib. Syste	800
Wisconsin	.....do	West Bend	Army Aviatio Complex	5,235
Wyoming	.....do	Camp Guernsey	Utility Upgrade	6,055
Total				63,236
Kansas	Army Reserve	Witchita	HQ 89th ARCOM	8,389
Nevada	.....do	Las Vegas	Armed Forces Reserve Center/OMS	9,000
New Hampshire	.....do	Manchester	AFRC/AMSA/OMS	17,893
Total				35,282
Alaska	Air National Guard	Eielson AFB	Aircraft Engine Shop	2,550
Do	.....do	.....do	Base Engineer Maintenance Facility	4,400
Arkansas	.....do	Little Rock AFB	Base Supply Complex	4,800
Iowa	.....do	Sioux City Gateway AP	Upgrade Access Taxiway	750
Kansas	.....do	McConnell AFB	B–1 Fuel Maintenance Hangar	7,900
Missouri	.....do	Jefferson Barracks	Upgrade Sewer System	2,700
South Dakota	.....do	Joe Foss Field	Vehicle Maintenance and Storage Complex	4,400
Tennessee	.....do	McGhee Tyson Airport	Squadron Operations Facility	4,400

State/Country	Service	Installation name	Project title	(thousands)
Vermont	...do	Burlington Airport	Add/Alter Operations and Training Facility	2,650
Total				34,550
Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	3,150
				3,150
Grand Total				228,098

Mr. THURMOND. I further ask that because the Senate has previously approved these projects by an overwhelming vote of 84 to 10, we can agree to a time limit on the debate and a vote on this amendment.

Mr. NUNN. Mr. President, this is a military construction amendment which we have discussed. This amendment has been worked carefully on both sides of the aisle, with Senator THURMOND's staff and my staff and the staff of other members of the committee, and I am in favor of this amendment and certainly hope it will pass.

It is my understanding that each of these projects meet the committee criteria. Those criteria are that it has to be a part of the 5-year defense plan of the Department of Defense. So these are high-priority projects. They must be the highest priority in the State or the base in question. Each one of the projects must be executable in fiscal year 1996. It must be consistent with the BRAC process and they must be mission essential.

So this is a list of projects for which the appropriators have already appropriated the money. It fits within the 602(b) funding allocation, and this would make the authorization committee and the Appropriations Committee in sync as I understand it. So I think that this amendment should be accepted. I hope it will be accepted.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I understand the distinguished Senator from Arizona [Mr. MCCAIN] will be in in a little bit to speak against this amendment. I wanted to make that announcement now.

Mr. BINGAMAN. Mr. President, I just wanted to clarify, if I could, exactly what the amendment is and then make a short statement.

Am I correct, if I could address a question to the chairman or ranking member, either one, this amendment brings up the amount of funds authorized for military construction to the level that we decided to appropriate to last week in the appropriations bill? Is that essentially what is being done here?

Mr. THURMOND. Mr. President, that is correct.

Mr. BINGAMAN. Am I also correct that the level of funding for military construction this year in this bill, the 1996 authorization bill as requested by the administration, was about $2 billion over what was requested and appropriated in the 1995 bill?

Mr. THURMOND. That is correct.

Mr. BINGAMAN. Am I also correct that what we are essentially doing here is authorizing what the House has already appropriated, or the House appropriation/authorization provides, and that is about $500 million more than the administration request?

Mr. THURMOND. They appropriated $500 million. We are only appropriating here about $300 million.

Mr. BINGAMAN. We are going above the administration's request by this amount, is that correct?

Mr. THURMOND. Correct.

Mr. BINGAMAN. I appreciate the Senator's responses very much.

Mr. President, this is the same vote we cast last week where I indicated my opposition to adding additional money. I think the figures we had last week were that we were adding $474 million to what was requested by the administration, and in addition another $300 million. I tried to persuade my colleagues to not add the additional $300 million and was unsuccessful. We had a vote on it.

I understand that the Senate supports the amendment that the Senator from South Carolina is offering here, and I will not ask for a rollcall vote, but I would like the record to show that I oppose the amendment and have me recorded in opposition at the time this is voted by voice.

Mr. THURMOND. Mr. President, Senator MCCAIN I believe is ready now.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, it is with disappointment that I come to the floor. I do not know where my colleagues have been lately. I do not know if they have been seeing what is being written in the newspapers and editorials all over America about spending too much money on unneeded projects out of defense dollars.

You know what we are running the danger of here? We are running the danger of losing support for defense spending if we keep this up, if we keep spending money on things that we do not need.

If the chairman and the distinguished ranking member of this committee can find me one military leader, one military leader that would come over and say this $228 million is a priority, I would like to meet that person. What they will say, if you ask the military leaders what they need the money for, they will say they need it for depot maintenance; they will say they need it for force modernization, they need it for readiness, more ammunition. I can give you 20 things, 20 priorities that rank above more military construction.

My colleague from New Mexico last week tried to stop additional military construction money. We got a total of 17 votes, or was it 19? I do not remember. Seventeen votes. It is a little embarrassing to lose a vote by that much. But this is wrong. This is wrong.

I do not understand who we think we are kidding here. We have 54,000 young men, military families today on food stamps—on food stamps—and we are going to build more MilCon. Before the subcommittee, of which I am the Chair, the outgoing Commandant of the Marine Corps said the following. He said, yes, we want our military families to live in good housing, but I do not want the widow of a Marine living in a good house when we come to tell her that her husband has been killed because we did not supply him with the right equipment.

That is what the Commandant of the Marine Corps said. What he was saying was that they have a higher priority, they have a number of higher priorities than additional MilCon.

The Senate appropriators added a great deal already, $200 million, in response to the request of the Secretary of Defense that we improve the standard of living and the military housing situation for both married and unmarried military personnel. And we did that. And they were pleased.

Then we added another $125 million in the markup. Now we are adding another $228 million. I guess my question to the chairman and ranking member is, how much is enough? How much is enough? If I sound frustrated by this, it is because I continuously talk to people in the military who say to me: What are you guys doing adding all this MilCon money? I get that from captains and lieutenants and majors and lieutenant commanders. They say, why is it—we have a depot maintenance backlog of 3 and 4 years, and yet you guys keep adding MilCon money.

I have been around this body long enough to know, Mr. President, where the votes lie.

I have been around this body to know that we would probably get another 17 votes if a recorded vote on this was called for. And I do not particularly feel like putting the body through this drill. But I want to tell you, Mr. President, I want to tell you in all sincerity, more and more and more stories are coming out about defense pork. And the confidence and commitment of the American people for us to spend money on defense where it is truly needed is getting less and less and less. So, I guess—I do not know if the ranking member can answer, the distinguished Senator from Georgia. I would like to

ask him, How much is enough? How much MilCon money is enough? But I guess there is not any answer because there may not be enough. Because if there is another billion or couple million, we will probably put it in MilCon.

So I want to strongly object to this. I think it is wrong. I think that there are other priorities. Those have been made clear time after time by our military leaders. And we are making a serious mistake because the time is going to come when we really need to spend some money on defense or some project and we will have lost the confidence of the American people in our ability to spend those funds wisely.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I hope that my colleague from Arizona will understand that there are some of us that just sincerely disagree with him—and I will be glad to yield to the Senator—that we disagree and sincerely disagree. And so I hope that somehow or other we can look at the defense of our country in another light.

Now, this MilCon, as I understand it, met the criteria of the mission essential. It met the criteria of highest priority. And, Mr. President, one of the things we see as we downsize, we must support and improve the position of our Reserve, our National Guard. We have 66 Members of this Senate that are members of the National Guard Caucus. When we go back home we see the 130–H's and see them in Panama or Somalia or Bosnia and those places. Those are the National Guard. Those are the ones we want to train. These are the people in this MilCon that we are trying to support. So we are trying to strengthen the National Guard and give them the kind of training centers, the ranges, those things that would make them better military personnel.

And I understand that you do not want to go to a fine house and talk to a widow. But I also understand that if you are going to have quality personnel in the military, if you are going to continue to get, keep and recruit high-quality personnel, then we have to have a quality of life for the military personnel. And housing is one of the most important things that you can do.

And so, Mr. President, under this bill we have an appropriated amount. And we voted on that, 80-some-odd votes approving this particular amendment.

Now, we want to approve this amendment in the authorization part of the DOD bill. And I think it is only fair that we put it in the authorization now so that we can go on with supporting the quality of life of our military personnel, to strengthen the National Guard and the Reserve to meet our highest priority and mission essential. So I hope that we will vigorously support this amendment as I believe and sincerely believe it is in our best interest in the defense of our country.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am glad that we are using the criteria that we established in the Readiness Subcommittee on the Armed Services Committee over the last couple of years, the criteria for setting the ground rules for how we move forward on items like this. I must, however, join my friends, Senator MCCAIN and Senator BINGAMAN, in their concerns about what we are doing. I recognize fully that we did vote for the appropriations bill last week that had these things in it, but it was done on the contingency, as I understand it, that we pass the authorization. Senator BINGAMAN disapproved of it then and wanted to move that money out of that appropriations bill and into contingency operations. And I supported that amendment of his.

Now we have $228 million we seem to have found here. It seems to me that that money would be better spent for what Secretary of Defense Perry has called one of his highest priorities; that is, getting the money to pay for Bosnia and Iraq and the other operations that we have going all around the world. So it would lessen the amount they would have to come up in the supplemental one of these days.

The criteria that were established says that if an item is on the FYDP, the 5-year defense plan, that we can move it forward. But one of the hurdles that would have to be jumped would be that one of having it on the 5-year defense plan. As I understand it, all of these items that are on the proposal for the $228 million expenditure do comply with those criteria being on that plan.

However, to me, we have so many other things that we are contending with on the defense budget this year. We have depot maintenance that is required. We are shortchanging that. We are shortchanging military housing. We are shortchanging a lot of other things and, in effect, moving these items forward to a higher priority than some of those items. We are moving things forward on what was going to be taken care of somewhere out in the 5-year defense plan.

We are moving it forward basically because some Members want these things in their districts, as I see it. And I can appreciate that. I have no quarrel with people wanting things in their particular districts or their particular States. But I just think that we are getting our priorities a little bit out of line when we move things forward on that 5-year defense plan and move them ahead of other requirements that I think are much more pressing than most of the things that this $228 million would be spent for.

So I appreciate the fact that we are using the criteria that has been established. I do not think we are setting our priorities right, though, when we move this $228 million ahead of some of the other priorities where money is more desperately needed in the defense budget than for these items. I realize they have already been put through the appropriations process. But I think they are wrong. And I would follow my colleagues earlier and ask that, if this is to be passed on a voice vote—I am not asking for a rollcall vote on this; I do not believe that has been done—but I would follow the lead of Senator BINGAMAN and say, if there is to be a voice vote, I wish to be recorded against it. I know that will be probably a losing effort. But I think that we have to stand up on some of these things. We have established a pattern in the Armed Services Committee of opposing some of these things the last couple of years. And I would want to do the same thing here even though we did pass the appropriations bill a week or so ago. So I would ask that, if there is a voice vote on this, that I be recorded in opposition.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I would just like to point out to the Senator from Ohio—and I appreciate his leadership in this area and his remarks—that there are a number of these projects that are family housing projects. There are a number of these projects that are barracks. That was one of the high priorities that was mentioned. That is one of the things we talked about. There are three of these projects that are day-care centers and fitness centers. We are talking about high-quality, priority projects. None of these have been drawn out of the air. As I understand it, all of them are on the 5-year priority list for the defense plan.

I think people ought to understand, as we hear this talk about waste and so forth, that the reason the military construction add-ons are having to occur here is because the administration itself has requested a whole lot less money in military construction over the last couple of years because the BRAC process was going on. We now know what happened in BRAC. We did not know that, the administration did not know that, when they submitted their defense budget this year or last year. So that defense request, that is going to be the measurement.

If anything is going to be labeled waste that goes over the administration request in military construction, I think that is really a misleading kind of portrayal, because the BRAC process was ongoing when the administration put the budget together. They did not request a number of projects that are now high-priority projects. An awful lot of this money is going to barracks and to housing and to daycare, and to quality-of-life projects. We have one project on here, for instance, in Joe Foss Field in South Dakota, a World War II facility, a vehicle maintenance and storage complex. It is of World War II vintage. And it does not meet the

fire and safety standards. It is in violation.

So I think people ought to be very careful and look at this on a project-by-project basis. I know the Senator from Ohio has done that, or will do that. But an awful lot of this effort here goes directly to the very areas that are a priority.

Mr. GLENN. Will the Senator yield?

Mr. NUNN. Yes.

Mr. GLENN. I do not quarrel with the fact that some of the funding in this goes to MilCon projects that are good and under the 5-year plan would be fine. But if we found $228 million to spend, it seems to me if we want to spend that on MilCon projects, we should have gone back to the Defense Department and said, where do you need it most, where are the worst barracks, where are the people living in the most intolerable conditions, and let them prioritize where the greatest needs are.

I submit most of these items were placed back on this agenda and moved ahead on the 5-year plan because of a personal interest of a particular Senator, and this was not done on a priority basis where the greatest needs are in the military. That is my objection to it.

I know that we followed some of the criteria on the 5-year defense plan that we used as one of our criteria. I think if we can find this kind of money, it should be put to use in places where the Pentagon says they need it most, not just in those areas where the Members were getting something back for their particular States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I want to thank my ranking minority member on the subcommittee because we worked together on this. I want to assure the Senators, not only did we follow the criteria, but the suggestions of the different services that appeared before our committee. This is where they wanted housing built. This is where they wanted the construction.

We increased family housing $111 million, in family housing alone, and this touches every service. There is no one service, but these were the high priority units requested by each of the services. We have a total deficit of 273,000 units which are inadequate or entirely unavailable.

When we went to the all-volunteer Army, in all the services, we changed our relationship with our military personnel.

As my friend from Arizona pointed out, he is hearing from captains and lieutenants about the construction, ''Why are we getting this money?'' I will tell you that there is not a lot of it that is going into officer's quarters. If you will look at where this money is going, it is going to the enlisted personnel. We have a deficit of barrack spaces. We are 161,000 units short of that.

Then Dr. Perry, when we talked to him, the Secretary of Defense, said, ''I have a new housing initiative, but give me a little money and I can lever in the private sector.''

He wants a pilot program on that to see if it will work on off-base housing for some of our married personnel. We gave that to Dr. Perry because it is very high on his priority list.

He said maybe we can double the availability of housing that we have. So when I say that my friend from Nevada and I, when we had the hearings and our staffs got together—and there has been nobody better to work with on this committee in trying to prioritize what we do with this money than Senator REID—we know that the BRAC has taken a lot more money out of MilCon than we first thought it ever would, because of the environmental cleanup. We are not through that yet. In fact, we do not really know what the bottom line is going to be on that or what the cost is going to be before these bases that are being closed and bases are being realigned, before those bases become available and can be moved into the private sector, because right now they have no value to us at all until we complete the mission of environmental cleanup.

So when we look at the totality of what we have, the dollars are very well invested and all meet the criteria that was set forth by the Armed Services Committee.

I want to thank the Armed Services Committee, because they have done an excellent job in setting priorities on this particular piece of legislation.

I thank the Chair, and I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the kind comments of the chairman of the subcommittee, the junior Senator from Montana.

I support this amendment that has been offered by the chairman of the Armed Services Committee. Mr. President, this conforms the military construction projects in the authorization bill to those already approved by the Senate in the military construction appropriations bill. I am a cosponsor of this amendment and hope the Senate will support it as strongly as it did, an identical provision, by a vote of 77 to 18 a week or so ago when we considered the military construction appropriations bill.

Mr. President, these projects are critical, worthy, well-scrubbed, quality-of-life projects which are needed in this era of an all-volunteer force. The chairman of the subcommittee very well outlined how our military force has changed. We depend much more today than we did 5 years ago, 10 years ago on a Reserve and Guard component, as we should. Any suggestion, as indicated by the senior Senator from Ohio in his remarks just a short time ago, that military housing is shortchanged is certainly true. That is what we are trying to rectify partially in this bill, and this amendment will allow us to do that.

Military housing has been shortchanged. I agree with the Senator from Ohio. We built many homes for the military during the Second World War. Those homes were to last for 5 years, 10 years at the most. People are still living in them after 50 years.

In many places, the military cannot live in the houses provided. No. 1, some of them are so bad they cannot live in them with their families, and at other times they just do not exist. So they have to live off base. Because housing is so expensive, they have to go on food stamps. One out of every 10 of our military is on food stamps. Why? Because housing is so outrageously expensive, they have no choice.

What the chairman of the subcommittee did and the ranking member is try to do a little bit to solve that problem—dormitories, barracks where single military can live. We did not go for officer's quarters. We looked to the enlisted men, what we could do to help the enlisted men and women of this country live a little better.

There is a tremendous backlog. We only do a little bit, but that little bit will help those people concerned.

I have to say, Mr. President, if you are in the military and you want to live and live decently, you are really more concerned about that than some new weapons system. If we are going to have a strong military, one of the things we must have are people who feel good about being in the military; they have a decent place to live.

So I strongly endorse the remarks made by the chairman of the Military Construction Subcommittee, the distinguished Senator from Montana, my friend, Mr. BURNS. He has done a great job on this subcommittee.

As he has said, each project meets strict criteria. First, these projects are all mission essential.

Second, each of these projects has already been programmed in the Department's outyear budget.

Third, a construction site has been selected for each of these projects, not by members of the subcommittee, not by members of the committee, but by the military.

Fourth, each project is considered by the base commander as their highest priority, not a priority, but their highest priority.

And fifth, each of these projects can be awarded in this 1996 fiscal year.

As I have said on the floor in the past, I do not think anyone would consider the chairman of the Armed Services Committee, the senior Senator from South Carolina, as a big spender. I have never heard the senior Senator from South Carolina referred to as a big spender. I do not know of anyone in the history of the U.S. Senate that has gained a stronger reputation for watching how the money of this country is spent than the Senator from South Carolina, the sponsor of this amendment. And probably running a close

second is the Senator from Georgia, the senior Senator from Georgia, the ranking member, formerly the chairman of this full committee. The senior Senator from Georgia, on all issues, not only military issues, watches where the pennies are spent.

Well, Mr. President, during the floor action to approve the military construction bill, we heard from both cochairmen of the National Guard Caucus. We heard from Senator BOND of Missouri today and then we heard from Senator FORD of Kentucky. Their statements reflect the degree to which the active services tend to protect their own. The Pentagon always looks out for their own and not very often do they look out for the guard and reserve. That is an obligation traditionally that we have had, and I do not shirk that responsibility. Their statements, I repeat, reflect the degree that the active services tend to protect their own, neglecting adequately to consider and promote the National Guard and Reserve components. The active services can, therefore, budget their forces in the active force request and they traditionally underfund the guard and reserve. This year is no different. That is not the way it should be, but that is the way it is.

The guard and reserve deserve more than what the Pentagon and administration requested in this budget and in budgets in the past. When the going gets tough and there is a potential crisis on the horizon, the guard and reserve are called. I recently received a call from my friend who is a major in the Nevada National Guard. This man left his business during the gulf crisis to serve his country for 1 year. He was a combat veteran from Vietnam. He wanted to go to combat again in Iraq. They would not let him do it. They needed his service in the Pentagon. He has now been asked to go to Germany because he is an expert in something they need. That is what the guard and reserve is all about. They deserve more than what the administration and Pentagon requested in this budget. My friend, Maj. Evan Wallot, is debating in his own mind whether he is going to go to Germany. We in Congress are traditionally forced into the position of putting the priorities into a better balance—I am glad we have done that—which means adding needed funds to projects in the guard and reserve. These funds are for nothing lavish.

The amendment helps emphasize the importance of housing for our military families. This amendment replaces housing that suffers. Some places have suffered more than 50 years of neglect; they were built around the Second World War as temporary structures, built just for that war era.

It was not for the Second World War, not for Korea, not for Vietnam, not the cold war, or for Iraq, not for Haiti. Although that Second World War is long since gone, our military personnel continue to survive in these outdated residences. These projects are not budget busters. Each Senator should understand that the Military Construction Subcommittee was totally within our 602(b) allocation. Every penny was within the 602(b) allocation. It is just this simple. The committee evaluates rather than the Pentagon.

The budget requested by the Department of Defense has been, once again, as in past years, neglected, and I use that word pointedly to address the military construction needs of the National Guard. It is $182 million for guard and reserve military construction, as compared to $574 million appropriated just last year. When approved, this amendment will authorize 20 percent less than last year, some $452 million.

Once again, I emphasize this amendment addresses the long, overlooked quality of life initiative, particularly, Mr. President, in family housing and barracks, the initiative making up nearly one-third of the total military construction authorization. I repeat, as the senior Senator from Ohio said, military housing is usually shortchanged. We recognize that. That is why a third of what we are talking about here goes to military housing.

Mr. President, these programs are wasteful. The chairman of the full committee has sponsored this amendment and has come here to say that these that these projects are important. We must do a better job with the persons defending our country. We must recognize the necessity of the total bill and the effect of this amendment will help to authorize its completion.

Mr. COATS. The Senator from Arizona and I have joined together on a number of items. This is an area where we happen to disagree.

Mr. NUNN. If the Senator will yield, I thank my friend from Nevada for his leadership in this military construction area and for his remarks on the floor, and also my friend from Montana, chairman of that subcommittee. They have done a splendid job, and we have enjoyed working with them.

Mr. COATS. Mr. President, some time ago, I contacted the Department of Defense raising my concerns about the status of military housing. As chairman of the Personnel Subcommittee and someone that is charged with looking out for the quality of life of our military personnel, survey after survey, inquiry after inquiry, letter after letter kept raising the issue of the quality, or lack thereof, of military housing, both family housing and single soldier housing. And so I contacted the Department of Defense, and they confirmed my worse suspicions and gave me information that, frankly, was far worse than what I thought I would hear. That is, that military housing is in a deplorable State.

Much of the housing is more than 30 years old. It has suffered from lack of adequate maintenance and repair because funds have been diverted to other uses. Whenever there is a crunch on the utilization or need for funds, it seems like housing has always been pushed aside to be dealt with next year.

The Secretary of Defense saw that problem in his travels around the world in talking with troops, commanders, and others, and he identified this as a priority and has testified before our committee that this is one of his top priorities. He has articulately drawn the link between quality of life and readiness, and he has displayed for us and outlined for us the very sad state of military housing throughout our military. It has been neglected.

We have young men and women who are committing a career to service for this country, who are given the very best of training; they are given the very best of leadership that this country can offer; they are given the very best of equipment to operate and to utilize that this country can produce. We are attracting some of the very best people that our institutions are graduating to the services today. But when it comes to providing for their living conditions, they are given not the best, not anywhere close to the best, but some of the worst housing you can find in any of our cities across the country.

I have personally visited a number of barracks and a number of family housing units and a number of different bases. These are facilities that do not begin to measure up to minimum standards that we would expect. Some of the statistics are stunning: 60,000 Air Force housing units do not measure up to contemporary standards, and they are probably the best of the services; 75 percent of the Army's family housing does not even meet Department of Defense standards.

I just want to inform my colleagues that Department of Defense standards are not standards that you normally find outside of the military. They are lower; they are smaller in square footage; they require less in terms of quality construction than what is normally found.

I think it is a disgrace that we are putting some of our military people in some of the kind of housing that we find in our military bases.

Nearly 85 percent of the Army's barracks—facilities that house single sailors and soldiers and Air Force and marines—80 to 85 percent of the Army's barracks do not meet current Department of Defense standards. So we have a huge backlog of dilapidated housing in which we are putting our Army families and putting our system military people.

We have leaking roofs, air conditioners that do not work. We have latrine facilities that do not begin to meet the needs of those living in the units. Four shower heads, usually two that are not working, for about 60 to 65 soldiers. We have toilets that do not flush. We have mold that is rotting away the tile and rotting away some of the walls. We have windows that do not provide adequate seals. We have rooms that are of such small square footage

that the military personnel cannot begin to put their stereo, their TV, or just a basic dresser drawer to put their clothes in.

We are looking at a program here that is going to take a number of years, at least a decade, to begin to bring the facilities up to standard.

When we have been able to come up with some additional funds, I think one of the top priorities for those funds needs to be adequate housing for our military personnel.

I cannot speak to the portion of the military construction budget that goes to fund other items. I know we have infrastructure and other maintenance problems throughout the military. I cannot speak to that, but I can speak to the portion that goes to the housing.

I am pleased that the committee has designated this as a priority. I am pleased they have adopted the criteria established by the Senate Armed Services Committee for evaluating these needs. I have had a number of discussions with the chairman of the MilCon Appropriations Subcommittee, and he has outlined for me that they have faithfully followed the criteria and the recommendations to try to get at some of the worst housing on a priority basis.

To the extent that we can accelerate some funding for this crucial area, I think we ought to do that. I am supportive of this particular effort. There is a housing initiative that has been undertaken by the Department. We granted some new authority for that to the Department of Defense.

Passage of this authorization bill and acceptable conference of the item will provide the Department of Defense with needed new authority to privatize some of this construction and maintenance effort, rebuilding efforts, and renovation effort. That is necessary if we are ever going to provide the kind of housing on a decent timetable for our military personnel.

The combination of the military construction funds that are utilized now for building new and renovating military family housing and barracks housing and the initiative that has been undertaken by the Department of Defense with both the inside task force group and an outside task force group headed by former Secretary of the Army John Marsh, a two-pronged effort to try to deal with a very significant problem that exists today in our armed services.

We have directed considerable funds to a number of tactical systems, to modernization, to readiness. If we had more, we could direct more. We wish we had more.

We cannot continue to defer the construction of housing and the renovation of housing for our military personnel and claim that we are providing the necessary quality of life for themselves and their families, that will attract the kind of people we want for our military. We cannot continue to do that. We are forfeiting the future.

We have postponed this now for more than a decade. It is time we undertook this project. I am thankful for the work by the chairman and the ranking member of the Appropriations Subcommittee. I hope that we can successfully move this forward as we attempt to finalize the legislation on this effort.

I yield the floor.

Mr. THURMOND. Mr. President, I just want to remind the Senate that the House has already passed $500 million for these facilities. In this amendment we are asking only for $228 million. The defense appropriations has approved this amount already.

We are ready to vote.

The PRESIDING OFFICER. Is there further discussion? If there is no further discussion, the question is on agreeing to amendment numbered 2084, offered by the Senator from South Carolina.

The amendment (No. 2084) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. COATS. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2085

(Purpose: To exclude the Associate Director of Central Intelligence for Military Support from grade limitations applicable to members of the Armed Forces)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], proposes an amendment numbered 2085.

Mr. NUNN. 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:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

''(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.''.

Mr. NUNN. This amendment to the National Security Act of 1947 provides, in the event neither the director or deputy director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of associate director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officers authorized for the Armed Force of which such officer is a member.

Mr. President, the law now provides that a commissioned officer of the Armed Forces appointed as either the Director or Deputy Director of the Central Intelligence Agency shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which such officer is a member.

At the present time, neither the Director nor Deputy Director of the CIA is a commissioned officer. At the same time, an important new position of Associate Director of the CIA for Military Support is being created. The incumbent of the new position, who will be a three-star admiral, will serve as the principal advisor to the Director and Deputy Director of the CIA on military issues, with particular emphasis on Intelligence Community support for military forces and operations. This will include serving as liaison between the Intelligence Community and senior military officers of the Joint Staff and the unified combatant commands; evaluating the adequacy of intelligence support for all military purposes, including operations, training, and weapons acquisition; reviewing intelligence resources in the light of military needs; representing the Director of Central Intelligence on various boards and interagency groups established for crises and issues that potentially involve the deployment of U.S. military forces; and serving as the Director's principal liaison with foreign military organizations.

This new position will be of critical importance under the circumstances when, as now, neither the Director nor Deputy Director of CIA are commissioned officers. However, because of Congressionally mandated grade limitations, the Navy, which will be providing the 3-star officer for this position, does not have a 3-star number available and has had to borrow a number from the Army. The Army will need that number in a couple of months.

This amendment, by enabling the assignment of a three-star officer without counting against that officer's Armed Force, would facilitate the performance of this critically important function at times when, as at present, neither the Director nor Deputy Director of CIA is a commissioned officer.

What this amendment does, since there is no military officer either as director or deputy director, it simply shifts over and allows this exemption on counting against the officers in the military services to apply to the new position, which is the associate director for military matters.

This is a new position. It will carry out the spirit of what we had done in the past with this exemption.

I believe this amendment is acceptable to both sides. I hope it would be supported.

Mr. THURMOND. Mr. President, we have no objection to this amendment. It will make it possible for one qualified service military officer to be assigned to the CIA without counting against the limit on senior officers within the Department of Defense.

I join the distinguished Senator from Georgia in supporting this amendment and urge its adoption.

The PRESIDING OFFICER. If there is no further discussion, the question is on agreeing to the amendment numbered 2085, offered by the Senator from Georgia.

The amendment (No. 2085) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. THURMOND. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2086

(Purpose: To authorize a land conveyance, Naval Surface Warfare Center, Memphis, TN)

Mr. THURMOND. Mr. President, on behalf of Senator Thompson, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, proposes an amendment numbered 2086.

Mr. THURMOND. 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:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) exceeds the fair market value of the real property conveyed under subsection (a), provide the United States such addition consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States of America and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

Mr. THURMOND. The committee has reviewed the amendment. It provides for the exchange of property at fair market value, which ensures that the Federal Government is fully compensated.

The amendment appears to be in the best interest of the Navy and the communities.

I recommend approval of the amendment.

Mr. NUNN. Mr. President, this amendment is supported by the Department of Navy.

I have a letter dated July 28 from the principal deputy of the Department of Navy, Office of the Assistant Secretary, and I ask it be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, July 28, 1995.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: Based on the inquiries from your staff, this is to advise you that the Department of the Navy would support the proposed legislation pertaining to a proposed land agreement involving the Naval Surface Warfare Center, Memphis Detachment and Memphis and Shelby County Port Commission. The property is located at Presidents Island, Memphis, Tennessee.

The proposed legislation will provide a buffer zone between the river and the Cavitation Channel facility, which will increase mission efficiency. In addition, the Navy has no immediate need for the crane which if transferred to the Ports Authority will be maintained in operable condition and available for our use in the future if required.

If I may be of further assistance, please do not hesitate to call.

Sincerely,

CHERYL KANDARAS,
Principal Deputy.

Mr. THOMPSON. Mr. President, this amendment will allow a transfer of property between the U.S. Navy and the Port of Memphis, TN. The Navy will receive 100 acres of land to act as both a security and acoustic buffer zone for its Naval Service Warfare Center in Memphis. In return, the port will obtain from the Navy a 1,250-ton stiff leg derrick crane. The crane will give the port a facility to load and offload specialty cargo. In fact, no other port in the Central United States will have such lifting capabilities. This will be a great benefit for recruitment of future industry to Memphis and Shelby County.

This is something the Navy wants and the Port of Memphis and others in the community want. Local officials say it will bring new industry and more jobs to the Memphis area. As this is beneficial for both sides and there are no new costs involved, I urge adoption of this amendment.

Mr. NUNN. I urge approval of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2086) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of August 2, 1995, the following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 714. An act to establish the Medewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on August 2, 1995 he had presented to the President of the United States, the following enrolled bill:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1267. A communication from the President of the United States, transmitting, pursuant to law, the report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC–1268. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, the summary report and compliance annexes to the ACDA annual report for calendar year 1995; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–262. A petition from a citizen of the State of Missouri relative to National Cemeteries; to the Committee on Veterans' Affairs.

POM–263. A resolution adopted by the TLWH Association of Retired Commissioned Officers of the Armed Forces of the Philippines relative to the proposed ''Filipino Veterans' Equity Act of 1994''; to the Committee on Veterans' Affairs.

POM–264. A concurrent resolution adopted by the House of the General Assembly of the State of Indiana; to the Committee on Veterans' Affairs.

''HOUSE RESOLUTION NO. 75

''Whereas, over 27,619 Hoosiers have given their lives for their country in World War I, World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf Conflict, and over 37,510 Hoosiers remain living with service-connected disabilities from injuries inflicted on them while they were serving their country;

''Whereas, those servicemen and servicewomen who have chosen to make a career of defending their country are integral to the success of our military forces throughout the world;

''Whereas, currently disabled veterans receive compensation proportionate to the severity of their injuries; and, military retirees, who have served at least 20 years, accrue retirement pay based on longevity;

''Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to eliminate an antiquated inequity which still exists in the federal law applicable to retired career service personnel who also receive service-related disability benefits;

''Whereas, under the 19th century law, these disabled career service personnel are denied concurrent receipt of full retirement pay and disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation benefits;

''Whereas, this discrimination unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism and loyalty to their country. It, in effect, requires them to pay for their own disability compensation benefits;

''Whereas, many retirees actually returned to active duty to service in Operation Desert Storm and returned home disabled; but, when these loyal Guardsmen and Reservists arrive back home, they were not eligible to receive both VA disability and retirement pay;

''Whereas, no such inequity applies to retired Congress-persons, Federal civil service job-holders, or other retirees who are receiving service-related disability benefits;

''Whereas, America's career service-personnel's commitment to their country—in pursuit of national and international goals—must be matched by their own county's allegiance to them for those sacrifices; and

''Whereas, a statutory change is required to correct this injustice: Now, therefore, be it

''Resolved by the House of Representatives of the General Assembly of the State of Indiana:

''Section 1. That the General Assembly of the State of Indiana urges the United States Congress to amend the United States Code relating to the computation of retired pay to permit full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits.

''Section 2. That the Principal Clerk of the House of Representatives shall send certified copies of this resolution to the presiding officers and the majority and minority leaders of both houses of the Congress of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the Congress of the United States, to the President of the United States, to the Secretary of Defense, and to each member of the Indiana Congressional delegation.''

POM–265. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

''RESOLUTION

''Whereas, the Massachusetts House of Representatives urges the Congress of the United States to retain veterans benefits at their present level of funding; and

''Whereas, the Republican house budget resolution calls for a twenty-seven billion dollar cut in VA programs and a three billion dollar cut in disability compensation payments, while the Republican Senate Budget Resolution calls for a cut of thirty-two billion in VA programs and a six billion cut in disability compensation payments; and

''Whereas, these cuts include placing a cap on the disability compensation for veterans suffering from post traumatic stress disorder, as well as a permanent reduction in the ''COLA'' (cost of living adjustment) for recipients of the Montgomery GI bill; and

''Whereas, House Republicans have also proposed a freeze on veteran medical care that will hold funding at current levels for the next seven years and this would mean that veterans would lose twenty-four billion toward their health care, and as a result an estimated four and one-half million veterans would be denied care entirely; and

''Whereas, further proposals call for the closing of thirty-five to four hundred and twelve VA medical facilities, effectively eliminating the convenience of traveling to a VA medical facility close to home for severally disabled veterans and as for the remaining VA medical facilities, they face a proposed one billion cut in funding for improvements of existing hospitals; and

''Whereas, the proposal to cut the fifty million that was appropriated last year to hire VA benefits officers will discourage veterans from filing new compensation claims; and

''Whereas, many of these veterans and widows of veterans are in their sixties and seventies living on fixed incomes, and they can ill-afford these lengthy delays in having their claims resolved; Therefore be it

''Resolved, That the Massachusetts House of Representatives urges the Congress of the United States to retain veterans benefits at their present level of funding; and be it further

''Resolved, That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of congress and to the Members thereof from the Commonwealth.''

POM–266. A concurrent resolution adopted by the Legislature of the State of Louisiana; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

''A CONCURRENT RESOLUTION NO. 842

''Whereas, the Highway Trust Fund, the Aviation Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund are wholly user financed and do not contribute one dime to the federal deficit; and

''Whereas, currently a thirty-three billion dollar cash balance, including eighteen and one-half billion dollars of which is unobligated balance, is languishing in these trust fund accounts through an accounting measure designed to mask the actual size of the federal deficit and federal spending in other areas; and

''Whereas, every time a motorist puts gas into the tank of a motor vehicle or a traveler buys an airline ticket user fees are paid into the Highway and Aviation Trust Funds; and

''Whereas, Congress imposed these fees and other taxes with the assurance to the American public that they would be spent on infrastructure improvements; and

''Whereas, economists agree that investment in infrastructure helps productivity, creates jobs, and is essential for economic growth; and

''Whereas, infrastructure spending is the one area that has widespread public support and actually provides a return on taxpayer investment; and

''Whereas, by combining these trust funds with the federal General Fund Budget, these trust fund balances have accrued at the expense of billions of dollars in productivity and safety; and

''Whereas, House Resolution 842, known as the ''Truth in Budgeting Act,'' will remove these trust funds from the General Fund Budget and, by doing so, will restore integrity to the trust funds which are user financed, self-supporting, and directed to specific needs and will restore integrity to the General Fund Budget: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United

States to approve House Resolution 842, and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional delegation.''

POM–267. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Appropriations.

''JOINT RESOLUTION NO. 41

''Whereas, the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, Reno, Nevada, was not included in the federal administration's budget for fiscal year 1995–1996, beginning on October 1, 1995; and

''Whereas, the closing of this Unit will have severe impacts on the management and restoration of rangelands in Nevada and adjacent intermountain states; and

''Whereas, this Unit has been consistently rated as one of the most productive in the nation per dollar spent per scientist, which is attributed to the frugal, appropriate and productive use of federal money; and

''Whereas, Nevada receives less than 1 percent of the federal money expended for agricultural research in the western states; and

''Whereas, the Conservation Biology of Rangelands Research Unit's research on both preventing wildfires and restoring burned vegetation is essential to this state because wildfires cost the residents of the State of Nevada millions of dollars annually for suppression, and for loss of livestock, wildlife, habitat, watershed cover, private property and on occasion the loss of human lives; and

''Whereas, the Unit's research on the replacement of, and biological suppression of, cheatgrass has great ecological and economic significance to Nevada because cheatgrass has increased in dominance from less than 1 percent to nearly 25 percent on 19,000,000 acres of sagebrush rangelands during the last 30 years, with the invasion greatly increasing the chances of ignition, rate of spread and the length of the wildfire season; and

''Whereas, this unit is the only research organization conducting weed control experiments in Nevada, with a major role in weed control of tall whitetop (Lepidium latifolium), potentially the most biologically and economically devasting weed ever to invade Nevada's meadows and croplands; and

''Whereas, the Unit's research on adapted plant material, seedbed preparation and seeding technology for arid and disturbed lands is important to Nevada because mining reclamation is critical to the mining industry, which in turn is critical to the economy of Nevada; and

''Whereas, the Unit's research in general is critically important to Nevada because it provides a communications link between the users of Nevada's wildlands and the concerned environmental, scientific community and because maintenance of biological diversity is a major scientific and environmental issue in Nevada; and

''Whereas, without the Conservation Biology of Rangelands Research Unit, Nevada would become the only significant agricultural state that does not have an Agricultural Research Service research unit; and

''Whereas, there are no existing research units capable of filling the loss created by closing the Nevada unit: Now, therefore, be it

''Resolved by the Assembly and Senate of the State of Nevada, jointly, That the members of the 68th session of the Nevada Legislature urge the Secretary of Agriculture to maintain funding in the fiscal year beginning on October 1, 1995, for the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, in the State of Nevada; and be it further

''Resolved, That Congress is hereby urged to appropriate money for the fiscal year beginning on October 1, 1995, for the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, in the State of Nevada; and be it further

''Resolved, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Agriculture, the Chairmen of the Senate Committee on Appropriations, the Subcommittee on Agriculture, Rural Development and Related Agencies of the Senate Committee on Appropriations, the House Appropriations Committee and the House Subcommittee on Agricultural Appropriations and each member of the Nevada Congressional Delegation; and be it further

''Resolved, That this resolution becomes effective upon passage and approval.''

POM–268. A resolution adopted by the Greater Homestead/Florida City Chamber of Commerce of the City of Homestead, Florida relative to Homestead Air Reserve Base; to the Committee on Armed Services.

POM–269. A resolution adopted by the City and County of Denver, Colorado relative to securities; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

John Raymond Garamendi, of California, to be Deputy Secretary of the Interior.

Charles B. Curtis, of Maryland, to be Deputy Secretary of Energy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Jeanne R. Ferst, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 1102. A bill to amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts; to the Committee on Armed Services.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1103. A bill to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan; to the Committee on Finance.

By Mr. ROTH:

S. 1104. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Finance.

S. 1105. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1106. A bill to amend the Internal Revenue Code of 1986 to provide the same insurance reserve treatment to financial guaranty insurance as applies to mortgage guaranty insurance, lease guaranty insurance, and tax-exempt bond insurance; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. PRESSLER):

S. 1107. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SMITH:

S. 1108. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

By Mr. CAMPBELL:

S. 1109. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project, Colorado, to the Ute Water Conservancy District and the Collbran Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1110. A bill to establish guidelines for the designation of National Heritage Areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 1112. A bill to increase the integrity of the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1113. A bill to reduce gun trafficking by prohibiting bulk purchases of hand guns; to the Committee on Judiciary.

By Mr. LEAHY:

S. 1114. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the food stamp program through the elimination of food stamp coupons and the use of electronic benefits transfer systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 1102. A bill to amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts.

DEPARTMENT OF DEFENSE CONTRACTS LEGISLATION

Mrs. BOXER. Mr. President, I rise to introduce legislation that will cap taxpayer reimbursement for the salaries of defense contractor executives at $250,000 per year. This legislation will permanently extend the temporary CAP established in the Fiscal Year 1995 Defense Appropriations Act. I am very pleased to be joined in this effort by the Senator from Iowa [Mr. GRASSLEY].

I began investigating this issue after hearing reports of multi-million-dollar bonuses awarded as a result of the Lockheed-Martin Marietta merger. As a result of that merger, $92 million in bonuses will be awarded—$31 million of which will be paid by the taxpayers.

I think it is wrong that corporate executives make so much money at a time when their employees are struggling just to make ends meet. What makes it even worse in this case is that these multi-million-dollar bonuses were given as a reward for a business deal resulting in 12,000 layoffs nationwide.

So the taxpayers buy rich executives $31 million worth of champagne and caviar, while laid-off defense workers struggle just to feed their families. I think the defense industry employees—in California and across the Nation—are the ones who deserve a bonus. The CEO's and multimillionaire executives are doing just fine.

As I investigated this issue further, I discovered that the problem was not limited to mergers or bonuses. Top defense industry executives routinely earn more than $1 million per year—sometimes even more than $5 million. And the taxpayers pick up most of the tab.

This legislation sets a $250,000 maximum for compensation that is reimbursable by the taxpayers. It applies to all forms of compensation including bonuses and salary.

It is important to understand that my bill sets no limit on the compensation that an executive can receive. That is an issue best left to the stockholders and directors of each company. If the stockholders believe that the Lockheed-Martin merger was such a fine business decision that they want to award their CEO a $9 million bonus—or for that matter a $90 million bonus—that is fine with me. All my legislation would do is stop them from passing the check to the taxpayers.

My legislation would add ''excessive compensation''—defined as all pay over $250,000 in any fiscal year—to an existing list of expenses that cannot be reimbursed by the taxpayers. Under current law, the Pentagon cannot reimburse contractors for expenses ranging from small items such as concert tickets and alcoholic beverages to large items, like golden parachutes and stock option plans. My legislation would add compensation in excess of $250,000 to this list.

Congress has studied this issue for a number of years and has noted with increasing concern that executive compensation seems to be spiraling out of control. In last year's DoD appropriations bill, Congress placed a 1-year $250,000 cap on executive compensation. This legislation takes the next logical step—making that cap permanent.

I think this legislation addresses the issue fairly and responsibly. I hope my colleagues will support this bill.

I ask unanimous consent that the full text of the bill be inserted in the RECORD.

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

S. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF DEFENSE CONTRACTOR PERSONNEL PROHIBITED.

Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

''(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $250,000.''.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1103. A bill to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan; to the Committee on Finance.

DAYTON AREA HEALTH PLAN LEGISLATION

● Mr. GLENN. Mr. President, today, Senator DEWINE and I are introducing legislation which is necessary for the continued operation of the Dayton Area Health Plan.

The Dayton Area Health Plan is a mandatory managed care plan for 24,000 Medicaid recipients in Montgomery County, OH, which has been operating very successfully for over 6 years. It emphasizes preventive care and has developed two programs—Baby's Birth Right and Neighbors in Touch—to increase the use of prenatal and after-delivery care. In partnership with the Dayton School Board, it brings HealthChek physical exams to schoolchildren in Dayton.

Last fall, the Dayton Area Health Plan became the first Medicaid HMO in Ohio to publish a quality score card which assesses the plan's performance in the important areas of access to care, preventive care, success of medical care, consumer satisfaction, operational efficiencies, and quality assurance survey scores.

The Dayton Area Health Plan is operating under a waiver of the Federal 75/25 enrollment mix requirement for HMO's—a requirement that for every three Medicaid enrollees a plan must have one non-Medicaid enrollee. The current waiver expires at the end of the year, and the legislation we are introducing today extends it until December 31, 1999. This legislation is supported by the Ohio Department of Human Services, which received a waiver of the 75/25 enrollment mix requirement for HMO's participating in OhioCare, an 1115 Medicaid waiver program. However, the implementation of OhioCare has been delayed due to concerns about the level of Federal Medicaid funding for fiscal year 1996 and beyond.

The Dayton Area Health Plan has widespread community support and has been increasingly successful in providing high-quality, cost-effective care to Medicaid recipients in Montgomery County, OH. I urge my colleagues to support this legislation which extends the plan's waiver for 4 years.●

By Mr. ROTH:

S. 1104. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Finance.

By Mr. ROTH:

S. 1105. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise to introduce two temporary duty suspension bills. It is my understanding that they are noncontroversial. I am introducing these on behalf of AgrEvo, a company located in my home State of Delaware, because they will help improve the company's overall competitive posture by lowering its costs of doing business.

While I recognize that it is exceedingly difficult to enact temporary duty suspensions, the administration has authority to proclaim certain tariff reductions in the context of additional progress in the WTO to harmonize chemical tariffs at lower levels. I urge the administration to achieve such progress, particularly through expanding the participation of other countries in the WTO's chemical tariff harmonization agreement. This would allow the administration to address growing demands for new duty suspensions on chemical products by utilizing existing tariff proclamation authority.

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

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSURANCE RESERVE RULES FOR FINANCIAL GUARANTY INSURANCE.

(a) IN GENERAL.—Section 832(e)(6) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''or a company which writes financial guaranty insurance'' after ''section 103'' in the first sentence, and

(2) in the second sentence—

(A) by inserting ''and to financial guaranty insurance'' after ''section 103,'',

(B) by inserting ''financial guaranty insurance or'' after ''in the case of'', and

(C) by inserting ''such financial guaranty or'' after ''revenues related to''.

(b) CONFORMING AMENDMENT.—The heading for section 832(e)(6) of such Code is amended by inserting ''; FINANCIAL GUARANTY INSURANCE'' after ''OBLIGATIONS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1106. A bill to amend the Internal Revenue Code of 1986 to provide the same insurance reserve treatment to financial guaranty insurance as applies to mortgage guaranty insurance, lease guaranty insurance, and tax-exempt bond insurance; to the Committee on Finance.

THE FINANCIAL GUARANTY INSURANCE ACT OF 1995

● Mr. D'AMATO. Mr. President, today my distinguished colleague, Senator MOYNIHAN, and I are introducing legislation to amend Section 832(e) of the Internal Revenue Code to extend the scope of its provisions to general financial guaranty insurance.

Financial guaranty insurance, commonly called bond insurance, is an insurance contract that guarantees timely payment of principal and interest when due. The bond insurance contract generally provides that, in the event of a default by an insured issuer, principal and interest will be paid to the bond holder as originally scheduled.

Originally enacted in 1967, currently, section 832(e) applies to underwriters of mortgage guaranty insurance, lease guaranty insurance, and state and local tax-exempt bond insurance. Congress enacted section 832(e) to alleviate the significant drain on insurance providers' working capital that State financial regulations place on those firms. Under section 832(e), a company writing mortgage guaranty insurance, lease guaranty insurance and tax-exempt bond insurance may deduct, for Federal income tax purposes, amounts required by state law to be set aside in a reserve for losses resulting from adverse economic cycles. The deduction cannot exceed the lesser of, first, the company's taxable income or, second, 50 percent of the premiums earned on such guaranty contracts during the taxable year.

Further, the deduction is available only to the extent that the taxpayer purchases non-interest-bearing tax and loss bonds equal to the tax savings attributable to the deduction. The taxpayer insurance company may redeem such bonds only as and when it restores to income the associated deduction for reserves. Reserves are restored to income as and when they are applied, according to state regulations, to cover losses, or to the extent that the company has a net operating loss in some subsequent year. In addition, the reserve deduction taken in any particular year must be fully restored to income by the end of the 10th subsequent year. For the tax-exempt bond insurance, this period is increased to 20 years.

Mr. President, our proposed legislation would expand the scope of section 832(e) to include general financial guaranty insurance. This reflects the fact that the guaranty industry has expanded, and now provides other insurance guaranty instruments not offered at the time section 832(e) was enacted. These new guaranties are regulated by the same State financial regulations that apply to insurance guaranties currently covered by section 832(e); producing the same extraordinary tax burden that existed for earlier guaranty insurance instruments. Thus, the proposed legislation constitutes a sensible modification of the code to reflect new forms of bond insurance, and does so in a way which both Congress and Treasury have previously found acceptable.

This bill would allow those insurance companies which are writing lease guarantee insurance and insurance guaranteeing the debt service of municipal bond issues, for example, obligations the interest on which is excludable from gross income under section 103 of the Code, to deduct additions to contingency reserves in accordance with the current treatment of such additions for mortgage guaranty insurance under section 832(e).

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

By Mr. DASCHLE (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. PRESSLER):

S. 1107. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Labor and Human Resources.

THE RETIREE CONTINUATION COVERAGE ACT OF 1995

Mr. DASCHLE. Mr. President, in March I introduced a bill to address a serious problem brought to my attention by the retirees of the John Morrell meatpacking plant in Sioux Falls. Unfortunately, the situation has deteriorated in recent months and I feel that a new bill is needed to address the issues raised by this incident and to protect future retirees from being placed in a similar predicament.

Last January more than 3,000 retirees of the Morrell Co. in Sioux Falls and around the country found out that their health benefits were being terminated by their former employer.

With just a week's notice, these retirees, many of whom had accepted lower pensions in return for the promise of lifetime health benefits, were suddenly faced with the prospect of losing the benefits that they had assumed would be available for them and their spouses during their retirement years.

The bill I introduced in March would have required employers to continue to provide retiree health benefits while a cancellation of coverage was being challenged in court. However, the Supreme Court recently refused to hear the Morrell case, leaving this group no possibility of a judicial remedy for their problems.

Meanwhile, thousands of retirees and their families are left stranded without health coverage.

I am introducing a bill today to allow early retirees and their dependents who lost their health benefits to purchase continuing group insurance coverage until they become eligible for Medicare.

This would not prohibit employers from modifying their retiree health plans to implement cost-savings measures, such as utilization review or managed care. But it would protect retirees from suddenly losing their employer-sponsored health benefits.

This legislation simply extends COBRA coverage to early retirees and their dependents whose employer-sponsored health care benefits are terminated or substantially reduced. There would be no direct cost to the employer.

COBRA currently requires employers to offer temporary continuing health coverage for employees who leave their jobs. The employee is responsible for the entire cost of the premium, but is allowed to remain in the group policy, thus benefiting from lower group rates. This legislation would extend the COBRA law to cover early retirees and their families, until they are eligible for Medicare.

This bill would help secure health coverage for the most vulnerable retirees, at no cost to the Federal Government. It simply allows those workers who may not be able to purchase coverage elsewhere to take advantage of their former employer's lower group insurance rate.

These retirees deserve this kind of health security.

Workers often give up larger pensions and other benefits in exchange for health benefits. It never occurs to these employees that their benefits could be taken away, with no increase in their pensions or other benefits to compensate for the loss.

Early retirees have often been with the same company for decades, perhaps all of their adult lives. They rightfully believe that a company they help build will reward their loyalty, honesty and hard work.

When these hard-working people abruptly lose their health coverage, they suddenly have to worry that high medical costs will impoverish them or force them to rely on their children or the Government for financial help. Each day without insurance they live in fear of illness and injury.

In this particular case, Morrell retirees received a simple, yet unexpected, letter stating their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later. The benefits being terminated, the letter said, included all hospital, major medical and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell did give them the option of paying for their own coverage for up to 1 year, for many that is simply not

enough time. For example, if a retiree leaves the company at age 59, he or she will not be eligible for Medicare for 6 years; the original offer from the company could have left him or her without coverage for 5 years.

This bill will help many Morrell retirees; but there are thousands of other workers who could also benefit from this legislation. A 1994 Foster-Higgins report found that two-thirds of American companies surveyed had plans to reduce retiree health benefits or to shift more costs to retirees in the coming years, and 2 percent said that they were actually eliminating benefits altogether.

The presence of preexisting conditions can make it impossible for elderly Americans to purchase health insurance; insurers may refuse to enroll people who they expect to be heavy users or they may price the policies so that they are simply unaffordable. Consequently, early retirees with medical conditions, such as heart disease and diabetes, need to be continuously covered until they become eligible for Medicare.

This bill is not a cure, but it is a step in the right direction. It will help secure coverage for early retirees who cannot afford to buy an individual insurance policy. Under this legislation, Morrell retirees could be paying a premium of $500 a month per couple. While this is a lot of money for retirees on limited incomes, it is substantially less than if they purchased coverage on their own. And, of course, many are currently unable to purchase insurance at any price.

As I have said repeatedly, the long-run solution is comprehensive health reform that guarantees every American citizen—and every American employer—access to affordable health care.

I have fought over the years for comprehensive health reform and was deeply disappointed when the 103d Congress was unable to pass legislation addressing some of our health care system's most serious problems. If we had passed health reform, the Morrell retirees I have spoken about today would not face this loss of their health benefits.

Clearly, the problems we talked about in last year's health reform debate did not solve themselves when the session ended.

But some of these problems, like the one the Morrell retirees face, cannot wait for the long-run.

I hope we can pass this measure expeditiously, to help alleviate the harshest aspects of the injustice created by the Morrell Co. decision to eliminate retiree health coverage, and so that others are helped as they face the problem Morrell retirees are grappling with today.

Mr. President, I ask unanimous consent that the full 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. 1107

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 ''Retiree Continuation Coverage Act of 1995''.

SEC. 2. EXTENSION OF COBRA CONTINUATION COVERAGE.

(a) PUBLIC HEALTH SERVICE ACT.—

(1) PERIOD OF COVERAGE.—Section 2202(2)(A) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)) is amended by adding at the end thereof the following new clause:

''(v) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A RETIREE GROUP HEALTH PLAN.—In the case of an event described in section 2203(6), the date on which such covered qualified beneficiary becomes entitled to benefits under title XVIII of the Social Security Act.''.

(2) QUALIFYING EVENT.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by adding at the end thereof the following new paragraph:

''(6) The substantial reduction or elimination of group health coverage as a result of plan changes or termination with respect to a qualified beneficiary described in section 2208(3)(A).''.

(3) NOTICE.—Section 2206 of the Public Health Service Act (42 U.S.C. 300bb–6) is amended—

(A) in paragraph (2), by striking ''or (4)'' and inserting ''(4), or (6)''; and

(B) in paragraph (4)(A), by striking ''or (4)'' and inserting ''(4), or (6)''.

(4) DEFINITION.—Section 2208(3) of the Public Health Service Act (42 U.S.C. 300bb–8(3)) is amended by adding at the end thereof the following new subparagraph:

''(C) SPECIAL RULE FOR RETIREES.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' includes a covered employee who had retired on or before the date of substantial reduction or elimination of coverage and any other individual who, on the day before such qualifying event, is a beneficiary under the plan—

''(i) as the spouse of the covered employee;

''(ii) as the dependent child of the covered employee; or

''(iii) as the surviving spouse of the covered employee.''.

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) PERIOD OF COVERAGE.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended by adding at the end thereof the following new clause:

''(vi) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A GROUP HEALTH PLAN COVERING RETIREES, SPOUSES AND DEPENDENTS.—In the case of an event described in section 603(7), the date on which such covered qualified beneficiary employee becomes entitled to benefits under title XVIII of the Social Security Act.''.

(2) QUALIFYING EVENT.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by adding at the end thereof the following new paragraph:

''(7) The substantial reduction or elimination of group health plan coverage as a result of plan changes or termination with respect to a qualified beneficiary described in section 607(3)(C).''.

(3) NOTICE.—Section 606(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166) is amended—

(A) in paragraph (2), by striking ''or (6)'' and inserting ''(6), or (7)''; and

(B) in paragraph (4)(A), by striking ''or (6)'' and inserting ''(6), or (7)''.

(4) DEFINITION.—Section 607(3)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(2)) is amended by striking ''603(6)'' and inserting ''603(6) or 603(7)''.

(c) INTERNAL REVENUE CODE OF 1986.—

(1) PERIOD OF COVERAGE.—Section 4980B(f)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subclause:

''(vi) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A RETIREE GROUP HEALTH PLAN.—In the case of an event described in paragraph (3)(G), the date on which such covered qualified beneficiary becomes entitled to benefits under title XVIII of the Social Security Act.''.

(2) QUALIFYING EVENT.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subparagraph:

''(G) The substantial reduction or elimination of group health coverage as a result of plan changes or termination with respect to a qualified beneficiary described in subsection (g)(1)(D).''.

(3) NOTICE.—Section 4980B(f)(6) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (B), by striking ''or (F)'' and inserting ''(F), or (G)''; and

(B) in subparagraph (D)(i), by striking ''or (F)'' and inserting ''(F), or (G)''.

(4) DEFINITION.—Section 4980B(g)(1)(D) of the Internal Revenue Code of 1986 is amended by striking ''(f)(3)(F)'' and inserting ''(f)(3)(F) or (f)(3)(G)''.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect as if enacted on January 1, 1995.

By Mr. SMITH:

S. 1108. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

THE TAXPAYER DEBT BUY-DOWN ACT

● Mr. SMITH. Mr. President, today I am reintroducing the Taxpayer Debt Buy-Down Act. The proposal is specifically designed to give taxpayers an unprecedented role in the budget process and provide a mechanism for an annual national referendum on Federal spending. If Congress fails to reign in Federal spending, this bill allows the taxpayers of America to speak out every April 15.

The proposal would amend the IRS Code to allow taxpayers the opportunity to voluntarily designate up to 10 percent of their income tax liability for the purpose of debt reduction. All moneys designated would be placed in a national debt reduction fund established in the Department of the Treasury, and used to retire the public debt, except obligations held by the Social Security trust fund, the civil service, and military retirement funds.

On October 1, the Treasury Department would be required to estimate the amount designated through the checkoff. Congress would then have until September 30 of the following year to make the necessary cuts in Federal spending. The Debt Buy-Down Act does not micromanage the spending cuts. Congress retains complete authority to cut any Federal spending program it deems appropriate.

To coordinate this measure and the efforts to balance the budget, the checkoff will apply only if the amount designated is greater than the cuts that Congress has already implemented. For example, if Congress passes a reconciliation bill this year that designates cuts of $50 billion in 1998, and the checkoff in 1998 totals $60 billion, the $50 billion will count toward the checkoff and only an additional $10 billion will need to be cut.

If Congress failed to enact spending reductions to meet the amount designated by the taxpayers, an across-the-board sequester would occur of all accounts except the Social Security retirement benefits, interest of the debt, deposit insurance accounts and contractual obligations of the Federal Government. If Congress enacted only half of the necessary cuts, the sequester would ensure the other half. The Debt Buy-Down account would hold Congress's feet to the fire.

All spending cuts required by the act would be permanent—the cuts would permanently reduce the spending baseline. For example, if $1 billion of cuts are required and Congress eliminates a $1 billion program in the Department of Energy, that program would be gone forever. If Congress later decided that they needed the program, they would be required to cut $1 billion elsewhere. Although nothing in the legislation would prohibit Congress from increasing taxes, tax increases could not be used to substitute for the spending reductions designated by taxpayers.

Mr. President, we cannot allow the current talk about balanced budgets to deter us from our ultimate goal—elimination of the $4.9 trillion national debt. Yes, we must balance the budget first, and this proposal serves as a friendly enforcement mechanism to do just that. Balancing the budget, however, does not guarantee that we will begin to buy down our national debt. If our budget is balanced by the year 2002 as required by the congressional budget resolution, what happens next?

Under current law, the answer is: nothing. There is no requirement that Congress begin to attack the debt problem. This bill would change that. The American people would be allowed to tell us exactly how much debt reduction they believe is necessary and Congress would be required to act. That is the way our system of government is supposed to work.

Mr. President, the Taxpayer Debt Buy-Down Act was endorsed by then-President Bush at the 1992 Republican Convention. The House companion legislation, H.R. 429, is sponsored by Congressman BOB WALKER, and passed the House earlier this year as part of the Contract With America.

The legislation is supported by the National Federation of Independent Business [NFIB], Americans for a Balanced Budget, Americans for Tax Reform, The American Legislative Exchange Council [ALEC], The Council for Citizens Against Government Waste, Association of Concerned Taxpayers for a Fair and Simple Tax, the Institute for the Research on the Economics of Taxation [IRET], the National Taxpayers Union [NTU], and the U.S. Business and Industrial Council.

I urge my colleagues to support the Taxpayer Debt Buy-Down Act. It is an innovative proposal that makes ''We the People'' an integral part of the Federal budget process.●

By Mr. CAMPBELL:

S. 1109. A bill to direct the Secretary of the Interior to convey the Collbran reclamation project, Colorado, to the Ute Water Conservancy District and the Collbran Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

THE COLLBRAN RECLAMATION PROJECT LEGISLATION

● Mr. CAMPBELL. Mr. President, today I am joined by my colleague from Colorado, Senator BROWN, in introducing legislation to transfer the Collbran project from the Federal Government to its real owners—the people who have paid for and own the water produced by this project.

This legislation will complete the repayment to the American people the amounts owed by the users of this project. Because this legislation involves a substantial payment from the Collbran and Ute Water Conservancy Districts to the Federal Treasury, this legislation helps us reduce the Federal deficit by a small, but important, amount.

Millions of people live, work, and play in Colorado and the other Western States. People are drawn to the rural areas of the West because these communities offer an attractive mix of economic opportunity and access to world-class natural resources. This high quality of life would not exist if it were not for the water and power provided from Federal reclamation projects constructed under the 1902 Reclamation Act.

The original vision of the Reclamation Act was that Congress would facilitate the construction of locally sponsored and locally controlled projects. Congress achieved this result by providing financing for these projects, subject to the requirement that a local entity repay the Federal investment in the irrigation portion of the project, and that power users in the West repay the remaining costs of the project.

Congress explicitly stated the water rights for reclamation projects were to be obtained in accordance with State law, and Federal courts have consistently ruled that the real owners of the water from reclamation projects are the people who put the water to beneficial use. The important point is that Federal ownership of these projects was always for the purpose of ensuring that the Federal investment was repaid; the Federal partnership in reclamation of the west was never intended to perpetuate Federal control over the use of land and water at the local level.

Water from reclamation projects allowed the development of irrigated agriculture, which provides an important complement to other industries such as mining, recreation, and tourism. Power from reclamation projects was and is an important part of extending the benefits of electricity beyond cities to people in the country. In short, the Reclamation Act has achieved its primary goal—the development of healthy and stable communities throughout the West.

While there is a continuing obligation to honor previous Federal commitments to complete reclamation projects, it is now time to reassess the Federal involvement in those projects which have been completed. In particular, the Federal Government should not be spending scarce resources on the operation and maintenance of projects when the project beneficiaries have or will repay all of their financial obligations to the United States. In these cases, the Federal Government should transfer the project to the local beneficiaries, subject to the requirement that the project continue to be operated for the purposes for which it was authorized.

The Collbran project meets these criteria. The project was authorized in 1952 for agricultural and municipal purposes, and included a power component. The project provides an important water supply for irrigated lands in the Collbran Conservancy District. In addition, the water released from the project provides an important domestic water supply for over 55,000 people in the Grand Valley served by the Ute Water Conservancy District. This legislation requires the districts to pay the net present value of the revenues which the United States would otherwise receive from the project, plus a premium of $2,000,000 and a significant contribution to promote additional protection for the Colorado River ecosystem.

The Federal goals of the project have been attained. It is now appropriate to transfer the project to the districts, with the United States retaining only its commitment to the State of Colorado on recreational facilities. This legislation not only establishes a good precedent for transfer of projects to reduce the Federal debt, but also fulfills the original vision of the 1902 Reclamation Act by ensuring that the project will continue to be used to benefit the people and communities for whom it was built.●

By Mr. CAMPBELL:

S. 1110. A bill to establish guidelines for the designation of national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL HERITAGE ACT OF 1995

● Mr. CAMPBELL. Mr. President, I introduce the National Heritage Act of 1995.

Today, most of my colleagues are aware that the opportunity to create

new park units is most difficult in light of the current condition of the National Park System. The Park Service, facing a 37-year backlog in construction funding, a 25-year backlog for land acquisition, and a shortfall of over $846 million for park operation and management, is clearly in trouble.

However, these difficulties are compounded by the growing popularity in Congress to recognize and designate important areas of our country for inclusion in the National Park System. Over the last 10 years alone, Congress has designated over 30 new units of the Park System. These new additions, while meritorious, have added significantly to this huge backlog of funding facing the agency.

It is well known that when you create a new unit, limited fiscal and human resources must be taken away from existing park units. Unfunded and poorly managed parks will only contribute to the continued erosion of the existing Park System. As a result, it can be fairly stated that in our current system new additions can actually hinder rather than enhance the Park Service System.

I am aware of approximately 110 areas, some of which have already been introduced in Congress, that may be suitable for inclusion into the Park System as heritage areas. I know of eight areas in my own State of Colorado, that may deserve recognition. However, under the current system, the National Park Service may not be able to afford any new area, no matter how deserved it may be.

Thus, the question of how to lighten this overwhelming load on the Park Service, while maintaining Congress' ability to recognize and protect precious areas of our country's heritage is before us.

I believe that my legislation will provide the solutions to this problem. National heritage areas can be created and established as an alternative to the traditional National Park Service designation. This can be accomplished in a very cost effective and efficient method, without creating unnecessary Federal management and expense to the taxpayer.

My bill, when enacted, will encourage appropriate partnerships among Federal agencies, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage these important resources.

This bill will authorize the Secretary of the Interior to provide technical assistance and limited grants to State and local governments and private nonprofit organizations, to study and promote the potential for conserving, maintaining, and interpreting these areas for the benefit of all Americans—now and in the future.

In addition, this legislation would direct the Secretary of the Interior to set the standards by which areas may be eligible and designated as national heritage areas.

Mr. President, most important, this legislation, when enacted, will empower individuals, groups, and organizations to be true partners with the Federal Government. By giving the groups the decisionmaking authority, as well as a share of the fiscal responsibility, they will be able to maintain local control and ultimate oversight of the very areas they work so hard to save. Who better to manage our natural and cultural heritage, than those who are already going above and beyond their duties as Americans to preserve, restore, and protect these wonderful areas.

Mr. President, I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD for the benefit of my colleagues.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—NATIONAL HERITAGE ACT OF 1995

Section 1 entitles the Act the ''National Heritage Act of 1995''.

Section 2 sets forth Congressional findings.

Section 3 states the purposes of the Act.

Section 4 defines terms used in the Act.

Section 5(a) establishes a National Heritage Areas Partnership Program within the Department of the Interior to promote nationally distinctive natural, historic, scenic, and cultural resources and to provide opportunities for conservation, education, and recreation through recognition of and assistance to areas containing such resources.

Subsection (b) authorizes the Secretary of the Interior (the ''Secretary'' as used in this Act) (1) to evaluate areas nominated under this Act for designation as National Heritage Areas according to criteria established in subsection (c) below, (2) to advise State and local governments and other entities regarding suitable methods of recognizing and conserving thematically and geographically linked natural, historic, and cultural resources and recreational opportunities, and (3) to make grants to units of government and nonprofit organizations to prepare feasibility studies, compacts, and management plans.

Subsection (c) lists the eligibility criteria for designation as a National Heritage Area.

Subparagraph (1) states that the area shall be an assemblage of natural, historic, cultural, or recreational resources that represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use and that such resources are best managed as such an assemblage, through partnerships among public and private entities.

Subparagraph (2) states that the area shall reflect traditions, customs, beliefs, or folklife, or some combination thereof, that are a valuable part of the story of the Nation.

Subparagraph (3) states that the area shall provide outstanding opportunities to conserve natural, cultural, historic, or recreational features, or some combination thereof.

Subparagraph (4) states that the area shall provide outstanding recreational and educational opportunities.

Subparagraph (5) states that the area shall have an identifiable theme or themes, and resource important to the theme(s) shall retain integrity that will support interpretation.

Subparagraph (6) states that residents, nonprofit organizations, other entities, and governments within the proposed area shall demonstrate support for designation of the area and appropriate management of the area.

Subparagraph (7) requires that the principal organization and units of government supporting the designation be willing to enter into partnership agreements to implement the compact for the area.

Subparagraph (8) requires the compact to be consistent with continued economic viability in the affected communities.

Subparagraph (9) requires the consent of local governments and notification of the Secretary for inclusion of private property within the boundaries of the area.

Subsection (d) states that designation of an area may only be made by an Act of Congress, and requires that certain conditions be met prior to designation. An entity requesting designation must submit a feasibility study and compact, and a statement of support from the governor of each state in which the proposed area lies. The Secretary must approve the compact and submit it and the feasibility study to Congress, along with the Secretary's recommendation.

Section 6 describes the feasibility studies, compacts, and management plans.

Subsection (a)(1) requires that each feasibility study be prepared with public involvement and include a description of resources and an assessment of their quality, integrity, and public accessibility, the themes represented by such resources, an assessment of impacts on potential partners, units of government and others, boundary description, and identification of a possible management entity for the area if designated.

Subparagraph (2) requires that compacts include a delineation of boundaries for the area, goals and objectives for the area, identification of the management entity, a list of initial partners in developing and implementing a plan for the area and statement of each entity's financial commitment and a description of the role of the State(s) in which the proposed National Heritage Area is located. This subsection requires public participation in development of the compact and a reasonable time table for actions noted in such compact.

Subparagraph (3) describes the plan for a proposed area. Such plan must take into consideration existing Federal, State, county, and local plans and include public participation. The plan shall specify existing and potential funding sources for the conservation, management, and development of the area. The plan will also include a resource inventory, policy recommendations for managing resources within the area, an implementation program for the plan by the management entity specified in the compact, an analysis of Federal, State, and local program coordination, and an interpretive plan for the National Heritage Area.

Subsection (b) requires the Secretary to approve or disapprove a compact within 90 days of receipt and directs the Secretary to provide written justification for disapproval of a compact to the submitter.

Section 7(a) outlines the duties of the management entity for a National Heritage Area. Duties include development of a heritage plan to be submitted to the Secretary within three years of designation. This section directs the management entity to give priority to implementation of actions, goals, and policies set forth in the compact and management plan for the area. The management entity is directed to consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the geographic area in developing and implementing the plan, and requires quarterly public meetings regarding plan implementation.

Section (b) states that eligibility for technical assistance is suspended if a plan regarding a National Heritage Area is not submitted in accordance with the above provisions.

Subsection (c) prohibits the management entity for a National Heritage Area from using federal funding to acquire real property or interest in real property.

Subsection (d) states that a management entity is eligible to receive technical assistance funding for 7 years following area designation.

Section 8(a) states that National Heritage Area designation continues indefinitely unless the Secretary determines that the area no longer meets the criteria in section 5(c), the parties to the compact are not in compliance with the terms of the compact, the management entity has not made reasonable and appropriate progress in developing or implementing the management plan, or the use, condition, or development of the area is incompatible with the criteria in section 5(c) or with the compact. If such determination is made, the Secretary is directed to notify Congress with a recommendation for designation withdrawal.

Subsection (b) requires the Secretary to hold a public hearing within the area before recommending designation withdrawal.

Subsection (c) states that withdrawal of National Heritage Area designation shall become final 90 legislative days after the Secretary submits notification to Congress.

Section 9(a) outlines the duties and authorities of the Secretary. The Secretary may provide technical assistance and grants to units of government and private nonprofit organizations for feasibility studies, compacts and management plan development and implementation. The Secretary is prohibited from requiring recipients, as a condition of awarding technical assistance, to enact or modify land use restrictions. This subsection directs the Secretary to investigate, study, and monitor the welfare of all National Heritage Areas whose eligibility for technical assistance under this Act has expired and directs the Secretary to report on the condition of such areas to Congress.

Subsection (b) states that other Federal entities conducting activities directly affecting any National Heritage Area shall consider the potential effects of such activities on the plan for the area and requires consultation with the State containing the area.

Section 10 states that this Act does not affect any authority of Federal, State, or local governments to regulate land use, nor does this Act grant zoning or land use powers to any management entity for a National Heritage Area.

Section 11 is a fishing and hunting savings clause.

Section 12 authorizes an appropriation of not more than $8,000,000 annually for technical assistance and grants as outlined in section 9(a), and states that technical assistance and grants under this Act for a feasibility study, compact, or management plan may not exceed 75 percent of the cost for such study, compact, or plan. This section also places a total funding limit of $1,000,000 for each National Heritage Area, with an annual limit of $150,000 for a National Heritage Area for a fiscal year.

Section 13 states that the authorities contained in this Act shall expire on September 30 of the 15th fiscal year beginning after the date of enactment of this Act.

Section 14 requires the Secretary to submit a report of the status of the National Heritage Areas Program to Congress every 5 years.

Section 15 is a savings clause, preserving existing authorities contained in any law that designates an individual National Heritage Area or Corridor prior to enactment of this Act.●

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on Labor and Human Resources.

THE BIOTECHNOLOGY PATENT PROTECTION ACT OF 1995

Mr HATCH. Mr. President, today, I rise with Senator KENNEDY to introduce the Biotechnology Patent Protection Act of 1995, S. 1111. This bill is similar to legislation which passed the Senate last year, and is identical to a measure reported by the House Judiciary Committee on June 7.

It is abundantly clear that the current patent law is not adequate to protect our creative American inventors who are on the cutting edge of scientific experimentation. Through biotechnological research, for example, scientists are using recombinant processes to mass-produce proteins that are useful as human therapeutics.

The potential for unfair foreign competition, however, threatens the capital base of the biotechnology research industry. Clearly, without a protected end product that can be sold or marketed, there is little incentive to invest millions of dollars in biotechnology research.

The Hatch-Kennedy legislation extends patent protection in biotechnology cases to the process if there is a patentable starting product, offering the biotechnology research industry valuable and needed protection.

Specifically, the Biotechnology Patent Protection Act modifies the test for obtaining a process patent by clarifying *In Re Durden*, 763 F. 2d 1406 (Fed. Cir. 1985).

In Durden, the Federal circuit held that the use of a novel and nonobvious starting material with a known chemical process, producing a new and nonobvious product, does not render the process itself patentable. The erroneous application of Durden, a nonbiotechnology process patent case, to biotechnology process patent cases has led to devastating results for the biotechnology industry.

Under the current Patent Code, an inventor may hold a patent and still be unable to bar the importation of a product made abroad with the use of the patented material, if the inventor has been unable to obtain patent protection for the process of using such material.

The biotechnology field is particularly vulnerable to abuse under Unfortunately, the naturally occurring human protein was extremely difficult to obtain or produce.

Amgen scientists, using recombinant DNA technology and molecular biology, were able to produce an erythropoietin product, for the first time ever. Amgen was able to obtain a patent for the gene encoding and for the host cell, but not for the process of making the product, or for the final product.

With knowledge of Amgen's development, Chugai, a Japanese company, began manufacturing a similar protein in Japan using the patented recombinant host cell. Since the process of placing genes in host cells is prior art, thus unpatentable, and the end product is a previously known human protein, thus unpatentable, Amgen was without any recourse under our patent law when Chugai imported the erythropoietin product.

The proposed legislation would extend patent protection to the process of making new and nonobvious products. Thus, if a process makes or uses a patentable material, the process, too, will be patentable. The fact that the steps in the process, or most of the materials in the process are otherwise known in the art should not make a difference. Obviousness should be determined with regard to the subject matter as a whole, as the current Patent Code suggests.

S. 1111 will also make our patent law consistent, at least in the field of biotechnology, with the patent examination standards now practiced by the European and Japanese patent offices. American technology and research has been exploited by the legal loophole that can no longer be tolerated.

This bill is identical in substance to last year's Senate legislation, with one exception. This year's bill changes the definition of ''biotechnological process'' to include the wide range of technologies currently used by the biotechnology industry. New subparagraph 102(b)(3)(A) has been rewritten to cover the enhanced expression of a gene product—via the addition of promoter genes—and gene deletion and inhibition.

We were very disappointed when the Senate bill, which passed last year, died in the House Judiciary Committee. The House version of the bill introduced last year was drafted to address issues broader than biotechnology industry, due to then Chairman Hughes' insistence that the measure not be industry specific, an approach which was not acceptable to the Senate.

This Congress, CARLOS MOORHEAD, chairman of the Courts and Intellectual Property Subcommittee, has shown great leadership in sponsoring the narrower version, which was reported by the Judiciary Committee June 7. The bill we introduce today is identical to the House-reported measure.

Mr. President, the Hatch-Kennedy biotechnology process patent bill will restore fairness to inventors, promote and protect investment in biotechnology research, and eliminate the foreign piracy of our intellectual property. We commend this measure to our colleagues' attention.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1113. A bill to reduce gun trafficking by prohibiting bulk purchases of

hand guns; to the Committee on the Judiciary.

THE ANTI-GUN TRAFFICKING ACT

● Mr. LAUTENBERG. Mr. President, today Senator SIMON and I are introducing legislation, the Anti-Gun Trafficking Act, to reduce interstate gun trafficking by prohibiting bulk purchases of handguns. The bill generally would prohibit the purchase of more than one handgun during any 30-day period.

Mr. President, the United States is suffering from an epidemic of gun violence. Tens of thousands of Americans die every year because of guns, and no communities are safe. Reducing the violence must be a top national priority,

Mr. President, my State of New Jersey has adopted strict controls on guns. We have banned assault weapons, and we have established strict permitting requirements for handgun purchases. Yet the effectiveness of these restrictions is substantially reduced because the controls in other States are far less strict.

Unfortunately, many criminals are making bulk purchases of handguns in States with weak firearm laws and transporting them to other States with tougher laws, like New Jersey. This has helped spread the plague of gun violence nationwide, and there is little that any one State can do about it.

A few years ago, the State of Virginia enacted legislation that was designed to prevent gunrunners from buying large quantities of handguns in Virginia for export to other States. Under the legislation, handgun purchases were limited to one per month.

The Virginia statute has proved very effective in controlling gun trafficking from Virginia. A study by the Center to Prevent Handgun Violence found that for guns purchased after the law's effective date, there was a 65-percent reduction in the likelihood that a gun traced back to the Southeast from the Northeast corridor would have originated in Virginia.

Mr. President, Virginia's experience suggests that a ban on bulk purchases can substantially reduce gunrunning. However, to truly be effective, such a limit must be enacted nationwide. Otherwise, gunrunners simply will move their operations to other States.

The legislation I am introducing today proposes such a nationwide limit.

Under the legislation, an individual other than a licensed firearms dealer generally would be prohibited from purchasing more than one handgun in any 30-day period. Similarly, the bill would make it unlawful for any dealer, importer, or manufacturer to transfer a handgun to any individual who has received a handgun within the last 30 days. Violators would be subject to a fine of up to $5,000 and a prison sentence of up to 1 year.

The legislation would provide an exception in the rare case where a second handgun purchase is necessary because of a threat to the life of the individual or of any member of the individual's household.

Mr. President, I do not claim that this bill will end all handgun violence. However, it is a reasonable and modest step in the right direction. I also would note that President Clinton has endorsed the adoption of a once-a-month handgun purchase limit.

I hope my colleagues will support the legislation.

I ask unanimous consent that a copy of the legislation be printed in the RECORD along with other related materials.

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

S. 1113

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 ''Anti-Gun Trafficking Act of 1995''.

SEC. 2. MULTIPLE HANDGUN TRANSFER PROHIBITION.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(y)(1)(A)(i) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer—

''(I) during any 30-day period, to transfer 2 or more handguns to an individual who is not licensed under section 923; or

''(II) to transfer a handgun to an individual who is not licensed under section 923 and who received a handgun during the 30-day period ending on the date of the transfer.

''(ii) It shall be unlawful for any individual who is not licensed under section 923 to receive 2 or more handguns during any 30-day period.

''(iii) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to transfer a handgun to an individual who is not licensed under section 923, unless, after the most recent proposal of the transfer by the individual, the transferor has—

''(I) received from the individual a statement of the individual containing the information described in paragraph (3);

''(II) verified the identification of the individual by examining the identification document presented; and

''(III) within 1 day after the individual furnishes the statement, provided a copy of the statement to the chief law enforcement officer of the place of residence of the individual.

''(B) Subparagraph (A) shall not apply to the transfer of a handgun to, or the receipt of a handgun by, an individual who has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the individual during the 10-day period ending on the date of the transfer or receipt, which states that the individual requires access to a handgun because of a threat to the life of the individual or of any member of the household of the individual.

''(2) Paragraph (1) shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

''(3) The statement referred to in paragraph (1)(A)(iii)(I) shall contain only—

''(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual and a description of the identification used;

''(B) a statement that the individual—

''(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

''(ii) is not a fugitive from justice;

''(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

''(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

''(v) is not an alien who is illegally or unlawfully in the United States;

''(vi) has not been discharged from the Armed Forces under dishonorable conditions;

''(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

''(viii) has not received a handgun during the 30-day period ending on the date of the statement; and

''(ix) is not subject to a court order that—

''(I) restrains the individual from harassing, stalking, or threatening an intimate partner of the individual or child of such intimate partner or of the individual, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;

''(II) was issued after a hearing of which the individual received actual notice, and at which the individual had the opportunity to participate; and

''(III)(aa) includes a finding that the individual represents a credible threat to the physical safety of such intimate partner or child; or

''(bb) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

''(C) the date the statement is made; and

''(D) notice that the individual intends to obtain a handgun from the transferor.

''(4) Any transferor of a handgun who, after the transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

''(A) the chief law enforcement officer of the place of business of the transferor; and

''(B) the chief law enforcement officer of the place of residence of the transferee.

''(5) Any transferor who receives information, not otherwise available to the public, with respect to an individual in a report under this subsection shall not disclose such information except to the individual, to law enforcement authorities, or pursuant to the direction of a court of law.

''(6) In the case of a handgun transfer to which paragraph (1)(A) applies—

''(A) the transferor shall retain—

''(i) the copy of the statement of the transferee with respect to the transfer; and

''(ii) evidence that the transferor has complied with paragraph (1)(A)(iii)(III) with respect to the statement; and

''(B) the chief law enforcement officer to whom a copy of a statement is sent pursuant to paragraph (1)(A)(iii)(III) shall retain the copy for at least 30 calendar days after the date the statement was made.

''(7) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

''(8) This subsection shall not apply to the sale of a firearm in the circumstances described in subsection (c).

''(9) The Secretary shall take necessary actions to assure that the provisions of this

subsection are published and disseminated to dealers and to the public.''.

(b) PENALTY.—Section 924(a) of such title is amended by redesignating the 2nd paragraph (5) as paragraph (6) and by adding at the end the following:

''(7) Whoever knowingly violates section 922(y) shall be fined not more than $5,000, imprisoned for not more than 1 year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to conduct engaged in 90 or more days after the date of the enactment of this Act.

[From the Washington Post, Mar. 10, 1993]

VIRGINIA ON GUNS: PLEASE COPY

Virginia's new handgun law won't produce a cease-fire across the state, nor will the Old Dominion benefit the most from the state's one-handgun-a-month limit on most purchasers. But what it should do—and can do—is more important. As the supporters were saying all along, the gunrunners up and down the East Coast won't have it so easy anymore. It was the state's reputation as the favorite stop-and-shop outlet for concealable weapons along the Atlantic Seaboard that propelled such strong bipartisan votes in Richmond. And it is those votes that should now signal Congress that a federal copy of the Virginia law would be politically possible and immensely popular.

For sure, the NRA will be all over Capitol Hill, warning that one handgun a month is just a cover for total disarmament of every peace-loving, government-fearing individual. That's what the lobbyists said in Richmond, but Republicans and Democrats—gun owners as well as those who wouldn't touch a firearm—didn't buy it. The lawmakers heard their constituents calling for reasonable ways to curb traffic in weapons that most people don't stockpile. They read polls showing intense public concern about the ease with which guns could be bought and resold in huge quantities for evil purposes. The legislators also learned that they could infuriate the NRA leaders, enact this measure and survive politically—with strong support from every major law enforcement organization in the country.

Now Virginia's delegation in Congress should spread the word that a federal version of this law would curb the trafficking of handguns that crosses state lines from coast to coast. With this reasonable purchase limit—and with passage of the Brady bill to establish a workable waiting period—America, like Virginia, might begin to shake its reputation as a global arsenal for criminals. The climate is right.

[From the New York Times, Feb. 4, 1993]

ONE GUN PER MONTH

Effective gun control requires national laws because so many firearms used in urban crime are smuggled across state lines. The latest proposal growing out of concern over gun trafficking in Virginia is simple and potentially powerful: Limit purchases of handguns by an individual to one per month.

Virginia's Governor, Douglas Wilder, has been pushing a one-gun-per-month bill for his state because it has become a source for illegal gun smuggling on the East Coast. Dealers from New York City, where local laws sharply restrict access to guns, drive to Virginia and fill the trunks of their cars with weapons purchased in stores with the help of local residents. Then they haul the guns back to New York and sell them illegally on the street at huge markups.

Since it wouldn't pay to travel back and forth for one gun at a time, limiting purchases to one per month could quickly put the smugglers out of business in Virginia.

But why put them out of business only there? Closing down the pipeline from Virginia will most likely result only in new ones opening elsewhere. After South Carolina enacted such a law in 1975, it ceased to be a crime gun supermarket. Smugglers apparently shifted much of their business to Virginia and Florida.

A Federal law imposing the limit for all states would shut down all the potential pipelines at once. Representative Robert Torricelli of New Jersey has introduced a bill to do just that. Like the Virginia law, it imposes a one-gun-per-month limit with provisions for those few cases of people who lose a recently purchased gun and have urgent need to buy another.

The gun lobby is already screaming about intolerable trespass on individual and commercial freedom. Yet South Carolina's law had no detrimental effects; it simply limited interstate trafficking that had gotten out of hand.

Even the most avid collector isn't likely to want—or be able to afford—more than 12 handguns a year. Legitimate gun dealers don't base their success on multiple sales to individuals.

Some supporters of gun control worry that the Torricelli bill could distract from the Brady bill, which would impose a national five-day waiting period between purchase and delivery of a handgun. That bill remains important to reduce both interstate trafficking and crime in general.

But with gun crime out of control, why should the nation have to choose? Both measures merit early attention in Congress and the support of all Americans who favor a common-sense approach to public safety.

EVALUATING THE IMPACT OF VIRGINIA'S ONE-GUN-A-MONTH LAW

(By Douglas S. Weil, Sc.D., and Rebecca Knox, M.P.H., M.S.W., Center to Prevent Handgun Violence)

EXECUTIVE SUMMARY

Introduction

In response to a growing reputation as a principal supplier of firearms to the illegal market—particularly in the Northeastern United States—Virginia enacted a law (which was implemented July 1993) restricting handgun purchases to one per month per individual. The purpose of this study was to determine whether limiting handgun purchases to one per month is an effective way to disrupt the illegal movement of firearms across state lines.

Hypothesis

The hypothesis tested was that the odds of tracing a gun, originally acquired in the Southeast region of the United States, to a Virginia gun dealer, if it was recovered in a criminal investigation outside of the region, would be substantially lower for guns purchased after Virginia's one-gun-a-month law took effect, than for guns purchased prior to implementation of the law.

Methods

The principal analytic method used in this analysis was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a gun dealer in the other Southeastern states (as defined by the Bureau of Alcohol, Tobacco and Firearms (BATF)), for guns purchased prior to Virginia's one-gun-a-month law's effective date compared to guns purchased after the law was enacted. The data, including information about 17,082 guns traced to the Southeast, come from the firearms trace database compiled by the BATF.

Results

The hypothesis was substantiated by the data. The odds of tracing a gun, originally acquired in the Southeast region, to a Virginia gun dealer, and not to a gun dealer in another Southeastern state, were substantially lower for firearms purchased after Virginia's one-gun-a-month law took effect, than for firearms purchased prior to implementation of the law.

Specifically, for guns recovered: Anywhere in the United States (including Virginia), the odds were reduced by 36%; in the Northeast Corridor (NJ, NY, CT, RI, MA), the odds were reduced by 66%; in New York, the odds were reduced by 71%; in New Jersey, the odds were reduced by 57%; and in Massachusetts, the odds were reduced by 72%.

Conclusion

Most gun control policies currently advocated in the United States (e.g., licensing, registration and one-gun-a-month) could be described as efforts to limit the supply of guns available in the illegal market. This study provides persuasive evidence that restricting handgun purchases to one per month per individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

INTRODUCTION

In July 1993, a Virginia law limiting handgun purchases by an individual to one gun in a thirty day period took effect.[1] Prior to the one-gun-a-month law, individuals were able to purchase an unlimited number of handguns from licensed dealers.

The law was passed in response to Virginia's growing reputation as a principal supplier of guns to the illegal market in the Northeastern United States.[2] Statistics from the Bureau of Alcohol, Tobacco, and Firearms (BATF) provided evidence of the magnitude of gun trafficking from Virginia. The BATF reported that 41% of a sample of guns seized in New York City in 1991 were traced to Virginia gun dealers.[3] Virginia has long been a primary out-of-state source of recovered crime guns traced in Washington, D.C.[4] and Boston.[5]

Virginia is not the only out-of-state source of firearms illegally trafficked along the Eastern Seaboard. In fact, the BATF has identified the illegal movement of firearms from states in the Southeast northward to states along Interstate 95 (sometimes referred to as the ''Iron Pipeline''[6]), as one of three principal gun trafficking routes in the country.[7] The same BATF report that identified Virginia as the principal out-of-state source of guns used in crime in New York City noted that a high percentage of recovered guns also came from Florida and Georgia. Together, the three states accounted for 65% of all successfully traced firearms in New York City. Investigators also found that 25% successfully traced firearms recovered in Baltimore were originally purchased in the Southeastern United States.[8]

Interstate gun trafficking occurs, in part, because of the disparity in state laws governing gun sales. As a result, the ''street price'' of firearms in localities with restrictive gun laws is significantly greater than the retail price for the same guns purchased in states where laws are less stringent. For example, low quality, easily concealable guns like the Raven Arms MP–25, the Davis P–38 and the Bryco Arms J–22 which retail less than $100 can net street prices between $300 and $600.[9] The ability to buy many guns at a retail price to be sold elsewhere at a higher street price suggests that the purchase of multiple firearms in a single transaction is an integral part of the profit motive which supports the illegal market.

The objective behind Virginia's passage of the one-gun-a-month law was to undermine

---

Footnotes at end of study.

the economic incentive created by the disparities in gun laws among the states—an objective supported by historical evidence. In 1975, South Carolina limited purchases of firearms to one gun in a thirty day period. Prior to enactment of the law, South Carolina was a primary out-of-state source of guns used in crime in New York City. After the passage of the law, South Carolina was no longer a primary source of guns for New York City.[10]

PURPOSE OF THE STUDY

The objective of this study was to assess the effect of Virginia's one-gun-a-month law on gun trafficking patterns, particularly along the ''Iron Pipeline.''

DATA

The data[11] used in the analysis come from the firearms trace database compiled by the Bureau of Alcohol, Tobacco and Firearms (BATF). Law enforcement agencies can request that the BATF trace a gun which has been recovered in connection with a criminal investigation. BATF staff at the National Tracing Center (NTC) contact the manufacturer of the firearm to identify which wholesaler or retail dealer received the gun. NTC staff then contact each consecutive dealer who acquired the firearm until the gun is either traced to the most recent owner or, until the gun can be traced no further. There is no requirement that records of gun transfer be maintained by non-gun dealers who sell a firearm. Consequently, the tracing process often ends with the first retail sale of the gun.

As part of the tracing process, information is collected on several variables including the location of the gun dealer or dealers who have handled the gun (by state and region); when the gun was purchased; when and where the trace was initiated; and, the manufacturer, model and caliber of the firearm being traced.

The firearms trace database contained in excess of a half million records pertaining to approximately 295,000 firearms (9/89 through 3/95). The database contains more records than firearms because two or more traces can be of the same gun, as part of the same criminal investigation. Multiple traces of a particular gun is an indication that the weapon was transferred from federally licensed firearms dealer to another dealer before it was sold to a non-licensed individual. Since 1990, the number of traces conducted each year has more than doubled to approximately 85,000 in 1994.

METHODS

The principal analytic method used in the study was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a dealer in the other Southeastern states (as defined by the BATF), for guns purchased prior to Virginia's one-gun-a-month law's effect date compared to guns purchased after the law was enacted.

In other words, the data were classified by two criteria: (1) where the gun was purchased (from a gun dealer in Virginia or from a dealer in another state in the Southeast region of the country), and (2) when a traced firearm was purchased (before or after implementation of the Virginia law). The odds ratio was calculated by comparing the odds of a gun being traced to a gun dealer in the state of Virginia relative to a dealer in another part of this region, for guns purchased prior to the law's implementation and for guns purchased after the law took effect.

The Southeast region was identified as the comparison group for Virginia because the region has long been identified as a principal source of out-of-state firearms for the Easter Seaboard.[7] In addition to Virginia, the Southeast region includes North and South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee. Only guns traced to a dealer in the Southeast region were incorporated into the analysis.

The BATF no longer traces firearms manufactured prior to 1985 without being specifically requested to do so. Results are reported in this analysis only for guns purchased since January 1985. However, a sensitivity analysis was conducted incorporating data for all firearms for which date of purchase information was available. The results of the analysis were essentially unchanged by the sensitivity analysis; the conclusions would not change.

The period studied for which there is data after implementation of the law was 20 months long. Consequently, the possibility that seasonal variation in gun trafficking patterns could have effected the results of the analysis was studied. A sensitivity analysis was conducted excluding guns purchased more than one full year after the Virginia law took effect. The results of the sensitivity analysis were not significantly different from those of the principal analysis; the conclusions would not change.

Date of purchase information was not available for all guns in the firearms trace data set. The distribution of guns traced to the Southeast region (to gun dealers in Virginia relative to the rest of the region) is similar for the subset of data for which date of purchase information was available (24%), and the subset for which date of purchase information was not available (21%).

The Virginia law pertains to acquisition of handguns by individuals who are not federally licensed firearms dealers. Therefore, the origin of a gun which had been transferred from a dealer in one state to a dealer in a second state was considered to be the last dealer's location. In other words, if a firearm was transferred by a dealer in Georgia to a dealer in Virginia, who then sold the gun to an individual who was not a licensed dealer, the gun would be considered a Virginia gun.

Odds ratios were estimated for traces initiated: (1) anywhere in the United States; (2) the Northeast corridor taken as whole (New Jersey, New York, Connecticut, Rhode Island and Massachusetts); and, (3) for each of the Northeast states individually considered. For each iteration, the hypothesis being tested remained the same, and was that: the odds of a gun, purchased after enactment of Virginia's one-gun-a-month law, being traced to a Virginia gun dealer relative to a gun dealer in another part of the Southeast, were significantly lower than for guns purchased prior to enactment of the law.

A significant reduction in the odds would provide evidence that the Virginia law effectively helped to reduce gun trafficking from the state.

RESULTS

The date a gun was purchased and the date the trace request was made was available for 55,856 (19%) of the guns in the database. Of these guns, 17,082 (30.6%) were traced to a dealer located in the Southeast region. Approximately one in four guns (24%) traced to the Southeast were traced to a Virginia gun dealer.

Cross-tabulations indicate that there is an association between when a firearm was acquired (before or after the Virginia law went into effect) and where it was obtained (either from a Virginia gun dealer or a gun dealer in another state located in the Southeast). Twenty-sever percent of all guns purchased prior to passage of the one-gun-a-month law (including guns recovered in Virginia), which were traced to a gun dealer in the Southeast, were acquired from a Virginia gun dealer. Only 19% of guns purchased after the law went into effect and similarly traced to a dealer in the Southeast were acquired in Virginia. In other words, there was a 36% reduction in the likelihood that a traced gun from anywhere in the nation was acquired in Virginia relative to another Southeastern state, for firearms purchased after the one-gun-a-month law took effect compared to guns purchased prior to enactment of the law (Odds Ratio=0.64; $p<0.0001$) (Table 1).

The magnitude of the association between when a gun was purchased and where it was acquired was greater when the analysis focused on gun traces initiated in the Northeast corridor of the United States (New Jersey, New York, Connecticut, Rhode Island or Massachusetts). For gun traces originating in the Northeast, there was a 66% reduction in the likelihood that a gun would be traced to Virginia relative to a gun dealer elsewhere in the Southeast for guns purchased after the one-gun-a-month law took effect when compared to guns purchased prior to law's effective date (OR=0.34;$p<0.0001$).

Even stronger associations were identified for gun traces initiated in individual states—specifically for traces of guns recovered in New York and Massachusetts. Among the guns from the Southeast recovered in New York, 38% purchased prior to implementation of the Virginia law were traced to Virginia gun dealers compared to 15% of guns from the Southeast which were purchased after the law took effect (OR=0.29;$p<0.0001$). In Massachusetts, the percentages were 18 and 6 (OR=0.28;$p<0.32$). In other words, implementation of the law was associated with a 71% reduction in New York and a 72% reduction in Massachusetts in the likelihood that a traced gun originally purchased in the Southeast would be traced to a Virginia gun dealer as opposed to a dealer in another Southeastern state.

TABLE 1

[Estimated odds ratio that a firearm, purchased after implementation of the Virginia one-gun-a-month law, would be traced to a Virginia gun dealer relative to a gun dealer in another state in the southeastern region of the country compared to firearms purchased prior to the law.]

Firearms recovered in	Guns traced to dealer in	Guns purchased prior to law (%)	Guns purchased after law implemented (%)	Odds ratio (95% CI)	p-value
All states (n=14606)[1]	VA	27.0	19.0	0.64 (0.58–0.71)	<0.0001
	SE–VA[2]	73.0	81.0		
Northeast Corridor (NJ, NY, CT, RI, MA) (n=4088)	VA	34.8	15.5	0.34 (0.28–0.41)	<0.0001
	SE–VA	65.2	84.5		
NJ (n=729)	VA	28.7	17.7	0.53 (0.35–0.80)	=0.003
	SE–VA	71.3	82.3		

TABLE 1—Continued

[Estimated odds ratio that a firearm, purchased after implementation of the Virginia one-gun-a-month law, would be traced to a Virginia gun dealer relative to a gun dealer in another state in the southeastern region of the country compared to firearms purchased prior to the law.]

Firearms recovered in	Guns traced to dealer in	Guns purchased prior to law (%)	Guns purchased after law implemented (%)	Odds ratio (95% CI)	p-value
NY (n=2991)	VA	38.2	15.3	0.29 (0.23–0.36)	<0.0001
	SE–VA	61.8	84.7		
CT (n=53)	VA	34.1	33.3	0.96 (0.21–4.39)	=0.97
	SE–VA	65.9	66.7		
RI (n=14)	VA	7.1	[3]	[3] [3]	[3]
	SE–VA	92.9	[3]		
MA (n=301)	VA	18.0	5.9	0.28 (0.80–0.94)	=0.032
	SE–VA	82.0	94.1		

[1] n=number of guns traced to the Southeast. [2] SE–VA=all states of the Southeast except Virginia. [3] Not available.

COMMENT

In 1993, 1.1 million violent crimes were committed with handguns.[12] Studies show that anywhere from 30% to 43% of criminals identified the illegal market as the source of their last handgun.[13] The illegal market exists for several reasons: would-be criminals may be unable to buy handguns because prior criminal records disqualify them from over-the-counter purchases, or the gun laws in their states prevent them from obtaining a handgun quickly and easily. In addition, would-be criminals do not want to make over-the-counter purchases because the handgun eventually can be traced back to them.

Local and state legislative bodies have created a patchwork of weak and strong laws regulating handgun sales across the country. In some jurisdictions purchasers may need a permit to possess a handgun,[14] or may be required to wait before the transfer is allowed to go forward.[15] In other jurisdictions, however, there are now restrictions on the sale of handguns beyond the few imposed by federal law.[16] Consequently, the jurisdictions with ''weaker'' gun retail laws attract gun traffickers who buy firearms in these jurisdictions and transport their purchases illegally to areas with ''stronger'' regulation. The guns are then sold illegally on the street to ineligible buyers (e.g., felons or minors), or to people who want guns that cannot be traced back to them.

The BATF recently completed a study on gun trafficking in southern California where a 15-day waiting period applies. The study found that more than 30% of the guns recovered in crime in that region which could be traced back to a gun dealer came from outside California.[17] Almost a third of these out-of-state guns were sold initially by dealers in Nevada, Arizona, and Texas, where the most exacting rules concerning handgun sales are the minimum restrictions set forth in federal law.[18] The experience in New York city is the same. For example, the BATF reports that 66% of all the guns recovered in crime in that city in 1991 and traced by the Bureau were originally obtained in Virginia, Florida, Ohio and Texas—states with ''weak'' gun laws compared to New York.[19]

The ability to purchase large numbers of firearms, which have a much higher street value than their commercial price, enables gun traffickers to make enormous profits and keep their ''business'' costs to a minimum. For example, convicted gun runner Edward Daily ''hired'' several straw purchasers to buy approximately 150 handguns in Virginia and North Carolina. Daily traded the handguns in New York City for cash and drugs and reaped profits of $300 per gun on smaller caliber handguns and $600 per gun for more powerful assault pistols like the TEC–9 and MAC–11.[20]

In March 1991, Owen Francis, a Bronx, New York, resident, drove to Virginia and, without having to show proof of residency, obtained a Virginia driver's license. Within a short time, Francis had purchased five Davis Saturday Night Specials—the most common handgun traced to crime between 1990–1991, according to the BATF[21]—and returned to New York and sold the guns. Francis was arrested a few weeks later when he returned to Virginia to buy four more Davis handguns.[22]

High-volume multiple sales are common. The BATF field division for southern California recently reviewed over 5,700 instances of multiple sales. Almost 18% of these multiple sales involved individual purchases of three or more guns.[23] Theoretically, prohibiting multiple purchase transactions should be an effective policy means to disrupt established gun trafficking patterns while ultimately reducing the supply of firearms available in the illegal market. The effects of the Virginia one-gun-a-month law seem to support the theory.

The results of this study provide strong evidence that restricting purchases of handguns to one per month is an effective way to disrupt the illegal movement of guns across state lines. The analysis of the firearms trace database shows a strong, consistent pattern in which guns originally obtained in the Southeast are less likely to be recovered as part of a criminal investigation and traced back to Virginia if they were purchased after the Virginia law went into effect. There was a 65% reduction in the likelihood that a gun traced back to the Southeast would be traced to Virginia for guns recovered in the Northeast Corridor; a 70% reduction for guns recovered in either New York or Massachusetts; and, a 35% reduction for guns recovered anywhere in the United States.

While evidence generated from this study is strong, a change in the laws governing gun purchases in the other southeastern states (e.g., Florida or Georgia) which makes the laws in those states more permissive after July 1993 could provide an alternative explanation for the findings. A review of laws related to private gun ownership in the southeastern region revealed no relevant changes, though Georgia will move to an instant check system and preempt local gun laws effective January 1996.[24]

While there are many strengths of this analysis, there are some limitations. First, additional research is needed to clarify what, if any displacement effects were created by the Virginia law (i.e., to what extent, if any, do gun traffickers successfully shift their activities to the next most attractive state for acquiring firearms). Second, all types of firearms are included in the analysis even though the Virginia law only restricts the purchase of handguns. This potentially results in an underestimate of the effect of the law. Third, the BATF does not trace all firearms recovered as part of a criminal investigation, and, for the firearms traced, some information (e.g., date of purchase) is not always available. Though it is unlikely that there is a systematic bias in the origin of guns from the Southeast which are recovered outside of the region, or with respect to which guns from the Southeast are traced (a gun's origin and date of purchase are not known prior to the trace), such a bias could alter the results leading to an over- or under-estimation of the association between passage of the Virginia law and the relative likelihood of Virginia guns turning up in the tracing data.

CONCLUSION

Most gun control policies currently being advocated in the United States (e.g., licensing, registration, and one-gun-a-month) could, most fairly, be described as efforts to limit the supply of guns available in the illegal market. In other words, these are policies crafted to keep guns from proscribed individuals. Once enacted, however, it is important to demonstrate that they are effective. This study, which looks at the impact of Virginia's one-gun-a-month law, provides persuasive evidence that a prohibition on the acquisition of more than one handgun per month by an individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

ACKNOWLEDGEMENTS

This work was supported in part by the Overbrook Foundation and the Educational Foundation of America.

We thank David Hemenway, Ph.D. and Eric Rimm, Sc.D. of the Harvard School of Public Health for their assistance with the development of this report. We also thank Mark Polston, Rick Bielke, Richard Aborn, Dennis Henigan, Bob Walker, Diana Weil and James Willmuth for their comments.

FOOTNOTES

[1] ''Code of Virginia,'' Section 18.2–308.2:2(Q). Often referred to as ''one-gun-a-month.''

[2] Larson, Erik, ''Lethal Passage: How the Travels of a Single Handgun Expose the Roots of America's Gun Crisis'', Crown Publishers, Inc., New York, 1994, p. 104

[3] BATF memo, ''Firearm/Homicide Statistics,'' June 16, 1992.

[4] Edds, Margaret, ''The Pipeline to the Streets of New York,'' Virginian-Pilot, January 3, 1993: A9.

[5] Montgomery, Bill, ''Guns Bought in Georgia Arm Northern Criminals,'' Atlanta Constitution, October 11, 1993: A1, A4.

[6] Id.

[7] Personal communication with Joe Vince of the Bureau of Alcohol, Tobacco, and Firearms, July 18, 1995.

[8] BATF and the Baltimore Police Department, ''1994 Baltimore Trace Study'', 1994: Appendix X.

[9] Freedman, Alix, Wall Street Journal, February 28, 1992: A1, A6.

[10] BATF memo, ''Firearm/Homicide Statistics,'' June 16, 1992.

[11] Obtained by the Center to Prevent Handgun Violence through the Freedom of Information Act.

[12] United States Department of Justice, Bureau of Justice Statistics, ''Guns Used in Crime'', July 1995.

[13] Sheley, Joseph F and Wright, James D, ''Gun Acquisition and Possession in Selected Juvenile Samples,'' National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, December 1993: 6; Beck, Alan, ''Survey of State Prison Inmates, 1991,'' National Institute of Justice, Bureau of Justice Statistics, March 1993: 19.

[14] N.Y. Penal Law Section 265.01, 265.20(f)(3) (no handgun purchases without previously receiving a license to possess a handgun). New York City law grants great discretion to the police commissioner in determining whether to issue a license to possess. N.Y.C. Admin. Code Section 10–131.

[15] Cal. Penal Code, Section 12071(b)(3)(A) (15 day waiting period for delivery of firearm).

[16] For example, Georgia law places no additional restrictions on the sale of handguns beyond those established by federal law. In fact, as of January 1996, Georgia will prohibit local jurisdictions from regulating handguns sales.

[17] Bureau of Alcohol, Tobacco and Firearms, ''Sources of Crime Guns in Southern California,'' 1995: 21–22.

[18] Id.

[19] BATF memo, ''Firearms/Homicide Statistics,'' June 16, 1992. See also Edds, Margaret, ''The Pipeline to the Streets of New York,'' Virginian-Pilot, January 3, 1993 at A9 (describing Project Lead data).

[20] ''Federal Firearms Licensing: Hearing Before the Subcomm. on Crime and Criminal Justice of the Committee on the Judiciary House of Representatives.'' 103rd Cong., 1st Sess., 8–10 (June 17, 1993) (hereinafter ''Housing Hearing'').

[21] Freedman, Alix, ''Fire Power: Behind the Cheap Guns Flooding the Cities is a California Family,'' Wall Street Journal, Feb. 28, 1992: A1, A6.

[22] Thomas, Pierre, ''Virginia Driver's License Is Loophole for Guns'', Washington Post, January 20, 1992: A1.

[23] BATF. ''Sources of Crime Guns in Southern California,'' 1995: 16–17.

[24] Laws reviewed included one-gun-a-month, bans on weapons, background checks, waiting period, regulation of private sales, license to purchase, and registration of sales.●

By Mr. LEAHY:

S. 1114. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the Food Stamp Program through the elimination of food stamp coupons and the use of electronic benefits transfer systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD REDUCTION ACT OF 1995

Mr. LEAHY. Mr. President, I want to invite all Members to cosponsor legislation with me which will eliminate illegal trafficking in food stamp coupons by converting to electronic benefit transfer, often called EBT, systems. I may offer this bill as an amendment to welfare reform or as an amendment to the farm bill or the Reconciliation Act.

Under President Bush, USDA noted that ''the potential savings are enormous'' if EBT is used in the Food Stamp Program.

The bill is designed to save the States money. Issuing coupons is expensive to States. Some States mail coupons monthly and pay postage for which they receive only a partial Federal reimbursement. When coupons are lost or stolen in the mail, States are liable for some losses.

It also saves State money by requiring that USDA pay for purchasing EBT card readers to be put in stores. Under current law, States pay half those costs.

Some States issue coupons at State offices, which involves labor costs. Under the bill, USDA pays for the costs of the cards and recipients are responsible for replacements and much of the losses. The bill does not allow the Secretary of Agriculture to impose liability on States except for their own negligence or fraud, as under current law. Other welfare reform proposals allow the Secretary to impose liability on States consistent with this administration's views on regulation E. I disagree with that policy.

The Federal EBT task force estimates that the bill will also save Federal taxpayers around $400 million over the next 10 years.

Under current law, States are required to use coupons, with some exceptions. About 2.5 billion coupons per year are printed, mailed, shipped, issued to participants, counted, canceled, redeemed through the banking system by Treasury, shipped again, stored, and then destroyed. That cost can reach $60 million per year in Federal and State costs. Printing coupons alone costs USDA $35 million a year.

EBT does not just cut State and Federal costs. The inspector general of USDA testified that EBT ''can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers.''

The special agent in charge of the financial crimes division of the U.S. Secret Service testified that ''the EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant.''

Another Bush administration report determined that EBT promises ''a variety of Food Stamp Program improvements * * *. Program vulnerabilities to certain kinds of benefit loss and diversion can be reduced directly by EBT system features * * * [EBT] should facilitate investigation and prosecution of food stamp fraud.''

A more recent Office of Technology Assessment [OTA] report determined that a national EBT system might reduce food stamp fraud losses and benefit diversion by as much as 80 percent.

The bill is based on meetings with the U.S. Secret Service, the inspector general of USDA, the National Governors Association, the American Public Welfare Association, Consumers Union, the OTA, the Federal EBT task force, and the affected industries, and a full committee hearing last session of the Senate Agriculture Committee.

Perhaps nothing is totally fraud-proof, but EBT is clearly much better than the current system of paper coupons, and EBT under my bill will cut State costs. Let us be bold.

Under current law, 2.5 billion coupons are used once and then canceled—except for $1 coupons which may be used to make change. Would we consider it cost-efficient if all $5 bills, for example, could only be used once, then stored and destroyed?

EBT has an added benefit—it eliminates cash change. Under current law, food stamp recipients get cash change in food stamp transactions if the cash does not exceed $1 per purchase. That cash can be used for anything.

In conclusion, I am convinced that the single most important thing we can do to reduce fraud and State costs is to eliminate the use of coupons. I hope you will join with me in this effort.

The following is the summary of my EBT bill.

The bill alters the Food Stamp Act and requires that the Secretary of Agriculture no longer provide food stamp coupons to States within 3 years of enactment. In general, under current law States are required to use a coupon system.

Any Governor may grant his or her State an additional 2-year extension, and the Secretary can add another 6-month extension for a maximum of 5½ years.

At the end of that time period, coupons will no longer be provided to the State. Food benefits instead will be provided through electronic benefits transfer [EBT] or in the form of cash if authorized by the Food Stamp Act—for example, under a bill reported out the Senate Agriculture Committee by Senator LUGAR on June 14, 1995, States can cash out food stamp benefits as part of a wage supplementation program.

The bill is designed to piggy-back onto the current expansion of point-of-sale terminals found in many stores. The bill requires that stores, financial institutions and States take the lead in the conversion to EBT.

Under current law, States must pay for half the costs of the point-of-sale equipment put in stores, but USDA pays for 100 percent of the costs of printing coupons. Under Senator LEAHY's bill, USDA will pay for 100 percent of those equipment costs, and USDA will pay for 100 percent of the costs of the EBT cards.

My bill provides that regulation E will not apply to food stamp EBT transactions. Generally speaking, regulation E provides that credit card or debit card users are liable only up to the first $50 in unauthorized uses of lost or stolen debit cards—as long as such a loss is reported in a timely manner.

Under current law the State is considered the card issuer for food stamp EBT purposes. Regulation E has been a major impediment to implementation of EBT by States because States are liable for household fraud and nonhousehold member fraud.

While the risks are much lower for the Food Stamp Program than for debit cards—since EBT food cards only contain the balance of the unused food benefits rather than access to a bank account or a credit line, States are still worried about liability and oppose the application of regulation E rules.

Under my bill, USDA and the Federal Reserve Board are precluded from making States liable for losses associated with lost or stolen EBT cards—unless due to State fraud or negligence as under current law for coupons.

Under other welfare reform bills in the House and Senate, the Secretary of Agriculture would be allowed to impose additional liabilities on States for errors that should be charged to the recipient. For example, the Secretary could impose regulation E-type liabilities on States—although under these

bills the Federal Reserve Board would be barred from imposing those liabilities.

The bill specifically makes households liable for most EBT losses: however, they are not liable for losses after they report the loss or theft of the EBT card.

As under current law, States are liable for their own fraud and negligence losses.

The bill also provides that each recipient will be given a personal code number [PIN] to help prevent unauthorized use of the card.

Most of the liability provisions, unlike those in other welfare reform proposals, are based on the May 11, 1992, EBT steering committee report under the Bush administration which represents an outstanding analysis of the liability issue.

Under the bill, food stamp families will have to pay for replacement cards. However, once reported as lost or stolen, the old card will be voided, and a new card will be issued with the balance remaining.

The card holder will be responsible for any unauthorized purchases made between the time of loss and the household's reporting of the lost or stolen card. The card cannot be used without the PIN number. Households will be able to obtain transaction records, upon request, from the benefit issuer and that issuer will have to establish error resolution procedures as recommended by the 1992 EBT steering committee report.

Under the bill, USDA will no longer have to pay for the costs of printing, issuing, distributing, mailing and redeeming paper coupons—this costs between $50 million and $60 million a year.

Under the bill, in an effort to reduce the costs of implementing a nationwide EBT system, States and stores will look at the best way to maximize the use of existing point-of-sale terminals. They will follow technology, rather than lead technology.

The Federal EBT task force estimated that Federal costs could be reduced by $400 million under the proposed bill. I do not have an official CBO estimate yet.

Many stores now use or in the process of adding point-of-sale terminals which allow them to accept debit and credit cards. These systems can also be used for EBT.

Stores which choose not to invest in their own systems will receive reimbursements for point-of-sale card readers. USDA will pay for those costs.

If the store decides at a later date that it needs a commercial—debit or credit card—reader, the store will have to bear all the costs. In very rural areas, or in other situations such as house-to-house trade routes or farmers' markets, manual systems will be used and USDA will pay 100 percent of the costs of the equipment.

It is planned that this restriction—only Federal and State program readers paid for, with the upgrade at store expense—will encourage the largest possible number of stores to invest in their own point-of-sale equipment.

To the extent needed to cover costs of conversion to EBT, the Secretary is authorized to charge a transaction fee of up to 2 cents per EBT transaction—taken out of benefits. This provision is temporary. Households receiving the maximum benefit level—for that household size—may be charged a lower per transaction fee than other households.

While it is unfortunate that recipients have to be charged this fee they are much, much better off under an EBT system. In studies conducted regarding EBT projects participants have strongly supported its application.

In implementing the bill, the Secretary is required to consult with States, retail stores, the financial industry, the Federal EBT task force, the inspector general of USDA, the U.S. Secret Service, the National Governors Association, the Food Marketing Institute, and others.

In designing the bill we met with the Director of the Maryland EBT System, they have Statewide food stamp EBT, the National Governors Association, American Public Welfare Association, the Federal EBT task force, USDA Food and Consumer Services, Office of the inspector general of USDA, Food Marketing Institute, U.S. Secret Service, OMB, Treasury, Consumers Union, Public Voice for Food and Health Policy, the American Bankers Association, and representatives of retail stores.

I want to again invite each of you to cosponsor this legislation.

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

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the ''Food Stamp Fraud Reduction Act of 1995''.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) Roger Viadero, Inspector General of the United States Department of Agriculture (USDA), testified before Congress on February 1, 1995, that: ''For many years we have supported the implementation of the Electronic Benefits Transfer, commonly called EBT, of food stamp benefits as an alternative to paper coupons.... EBT also provides a useful tool in identifying potential retail store violators. EBT-generated records have enabled us to better monitor and analyze sales and benefit activity at authorized retailers....[I]t can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers.'';

(2) Robert Rasor, United States Secret Service, Special Agent in Charge of Financial Crimes Division, testified before Congress on February 1, 1995, that: ''The EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant.'';

(3) Allan Greenspan, Chairman of the Board of Governors, Federal Reserve System, has noted the ''importance of EBT for the food stamp program, and the potential advantages offered by EBT to government benefit program agencies, benefit recipients, and food retailers. (Indeed, EBT also would help reduce costs in the food stamp processing operations of the Federal Reserve System.)'';

(4) the Bush Administration strongly supported EBT for the food stamp program, including 1 report that noted ''The potential savings are enormous.'';

(5) in February 1991, a USDA publication noted that Secretary Yeutter proposed EBT as an element of the ''Department's strategy to reduce food stamp loss, theft, and trafficking.'';

(6) in March 1992, USDA noted: ''EBT reduces program vulnerability to some kinds of benefit diversion and provides an audit trail that facilitates efficient investigation and successful prosecution of fraudulent activity....Benefit diversions estimated for an EBT system are almost 80 percent less.'';

(7) in tests of EBT systems, USDA reported during the Bush Administration that: ''EBT also introduces new security features that reduce the chance for unauthorized use of one's benefits as a result of loss or theft....[R]etailer response to actual EBT operations is very positive in all operational EBT projects.'';

(8) retail stores, the financial services industry, and the States should take the lead in converting from food stamp coupons to an electronic benefits transfer system;

(9) in the findings of the report entitled ''Making Government Work'' regarding the electronic benefits transfer of food stamps and other government benefits, the Office of Technology Assessment found that—

(A) by eliminating cash change and more readily identifying those who illegally traffic in benefits, a nationwide electronic benefits transfer system might reduce levels of food stamp benefit diversion by as much as 80 percent;

(B) with use of proper security protections, electronic benefits transfer is likely to reduce theft and fraud, as well as reduce errors, paperwork, delays, and the stigma attached to food stamp coupons;

(C) electronic benefits transfer can yield significant cost savings to retailers, recipients, financial institutions, and government agencies; and

(D) recipients, retailers, financial institutions, and local program administrators who have tried electronic benefits transfer prefer electronic benefits transfer to coupons;

(10) the food stamp program prints more than 375,000,000 food stamp booklets per year, including 2,500,000,000 paper coupons;

(11) food stamp coupons (except for $1 coupons) are used once, and each 1 of the over 2,500,000,000 coupons per year is then counted, canceled, shipped, redeemed through the banking system by 10,000 commercial banks, 32 local Federal reserve banks, and the Secretary of the Treasury, stored, and destroyed;

(12) food stamp recipients can receive cash change in food stamp transactions if the cash does not exceed $1 per purchase; and

(13) the printing, distribution, handling, and redemption of coupons costs at least $60,000,000 per year.

SEC. 3. ELIMINATION OF FOOD STAMP COUPONS.

Section 4 (7 U.S.C. 2013) is amended by adding at the end the following:

''(d) ELIMINATION OF FOOD STAMP COUPONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, effective beginning on the date that is 3 years after the date of enactment of this subsection, the Secretary shall not provide any food stamp coupons to a State.

''(2) EXCEPTIONS.—

''(A) EXTENSION.—Paragraph (1) shall not apply to the extent that the chief executive officer of a State determines that an extension is necessary and so notifies the Secretary in writing, except that the extension shall not extend beyond 5 years after the date of enactment of this subsection.

''(B) WAIVER.—In addition to any extension under subparagraph (A), the Secretary may grant a waiver to a State to phase-in or delay implementation of electronic benefits transfer for good cause shown by the State, except that the waiver shall not extend for more than 6 months.

''(C) DISASTER RELIEF.—The Secretary may provide food stamp coupons for disaster relief under section 5(h).

''(3) EXPIRATION OF FOOD STAMP COUPONS.—Any food stamp coupon issued under this Act shall expire 6 years after the date of enactment of this Act.''.

SEC. 4. IMPLEMENTATION OF ELECTRONIC BENEFITS TRANSFER SYSTEMS.

Section 7 (7 U.S.C. 2016) is amended—

(1) in subsection (i)—

(A) by striking ''(i)(1)(A)'' and all that follows through the end of paragraph (1) and inserting the following:

''(i) PHASE-IN OF EBT SYSTEMS.—

''(1) IN GENERAL.—Each State agency is encouraged to implement an on-line or hybrid electronic benefits transfer system as soon as practicable after the date of enactment of the Food Stamp Fraud Reduction Act of 1995, under which household benefits determined under section 8(a) are issued electronically and accessed by household members at the point of sale.'';

(B) in paragraph (2)—

(i) by striking ''final regulations'' and all that follows through ''the approval of'' and inserting the following: ''regulations that establish standards for'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) through (H) as subparagraphs (A) through (G), respectively;

(C) in paragraph (3), by striking ''the Secretary shall not approve such a system unless—'' and inserting ''the State agency shall ensure that—''; and

(D) by striking paragraphs (5) and (6) and inserting the following:

''(5) CHARGING FOR ELECTRONIC BENEFITS TRANSFER CARD REPLACEMENT.—

''(A) IN GENERAL.—The Secretary shall reimburse a State agency for the costs of purchasing and issuing electronic benefits transfer cards.

''(B) REPLACEMENT CARDS.—The Secretary may charge a household through allotment reduction or otherwise for the cost of replacing a lost or stolen electronic benefits transfer card, unless the card was stolen by force or threat of force.''; and

(2) by adding at the end the following:

''(j) CONVERSION TO ELECTRONIC BENEFITS TRANSFER SYSTEMS.—

''(1) COORDINATION AND LAW ENFORCEMENT.—

''(A) CONVERSION.—The Secretary shall coordinate with, and assist, each State agency in the elimination of the use of food stamp coupons and the conversion to an electronic benefits transfer system.

''(B) STANDARD OPERATING RULES.—The Secretary shall inform each State of the generally accepted standard operating rules for carrying out subparagraph (A), based on—

''(i) commercial electronic funds transfer technology;

''(ii) the need to permit interstate operation and law enforcement monitoring; and

''(iii) the need to provide flexibility to States.

''(C) LAW ENFORCEMENT.—The Secretary, in consultation with the Inspector General of the United States Department of Agriculture and the United States Secret Service, shall advise each State of proper security features, good management techniques, and methods of deterring counterfeiting for carrying out subparagraph (A).

''(2) VOLUNTARY PURCHASE.—The Secretary shall encourage any retail food store to voluntarily purchase a point-of-sale terminal.

''(3) PAPER AND OTHER ALTERNATIVE TRANSACTIONS.—Beginning on the date of the implementation of an electronic benefits transfer system in a State, the Secretary shall permit the use of paper or other alternative systems for providing benefits to food stamp households in States that use special-need retail food stores.

''(4) STATE-PROVIDED EQUIPMENT.—

''(A) IN GENERAL.—A retail food store that does not have point-of-sale electronic benefits transfer equipment, and does not intend to obtain point-of-sale electronic benefits transfer equipment in the near future, shall be provided by a State agency with, or reimbursed for the costs of purchasing, 1 or more single-function point-of-sale terminals, which shall be used only for Federal or State assistance programs.

''(B) EQUIPMENT.—

''(i) OPERATING PRINCIPLES.—Equipment provided under this paragraph shall be capable of interstate operations and based on generally accepted commercial electronic benefits transfer operating principles that permit interstate law enforcement monitoring.

''(ii) MULTIPLE PROGRAMS.—Equipment provided under this paragraph shall be capable of providing a recipient with access to multiple Federal and State benefit programs.

''(C) VOUCHER BENEFITS TRANSFER EQUIPMENT.—A special-need retail food store that does not obtain, and does not intend to obtain in the near future, point-of-sale voucher benefits transfer equipment capable of taking an impression of data from an electronic benefits transfer card shall be provided by a State agency with, or reimbursed for the costs of purchasing, voucher benefits transfer equipment, which shall be used only for Federal or State assistance programs.

''(D) RETURN OF ELECTRONIC BENEFITS TRANSFER EQUIPMENT.—A retail food store may at any time return the equipment to the State and obtain equipment with funds of the store.

''(E) PRIOR SYSTEM.—If a State has implemented an electronic benefits transfer system prior to the date of enactment of the Food Stamp Fraud Reduction Act of 1995, the Secretary shall provide assistance to the State to bring the system into compliance with this Act.

''(F) NO CHARGE FOR ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary shall be responsible for all costs incurred in providing assistance under this paragraph.

''(5) APPLICABLE LAW.—

''(A) Disclosures, protections, responsibilities, and remedies established by the Federal Reserve Board under section 904 of the Electronic Fund Transfer Act (15 U.S.C. 1693b) shall not apply to benefits under this Act delivered through any electronic benefits transfer system.

''(B) Fraud and related activities which arise in connection with electronic benefit systems set forth in this Act shall be governed by section 1029 of title 18, United States Code, and other appropriate laws.

''(k) CONVERSION FUND.—

''(1) ESTABLISHMENT OF EBT CONVERSION ACCOUNT.—At the beginning of each fiscal year during the 10-year period beginning with the first full fiscal year following the date of enactment of this subsection, the Secretary shall place the funds made available under paragraph (2) into an account, to be known as the EBT conversion account. Funds in the account shall remain available until expended.

''(2) TRANSACTION FEE.—

''(A) IN GENERAL.—During the 10-year period beginning on the date of enactment of this subsection, the Secretary shall, to the extent necessary, impose a transaction fee of not more than 2 cents for each transaction made at a retail food store using an electronic benefits transfer card provided under the food stamp program, to be taken from the benefits of the household using the card. The Secretary may reduce the fee on a household receiving the maximum benefits available under the program.

''(B) FEES LIMITED TO USES.—A fee imposed under subparagraph (A) shall be in an amount not greater than is necessary to carry out the uses of the EBT conversion account in paragraph (3).

''(3) USE OF ACCOUNT.—The Secretary may use amounts in the EBT conversion account to—

''(A) provide funds to a State agency for—

''(i) the reasonable cost of purchasing and installing, or for the cost of reimbursing a retail food store for the cost of purchasing and installing, a single-function, inexpensive, point-of-sale terminal, to be used only for a Federal or States assistance programs, under rules and procedures prescribed by the Secretary; or

''(ii) the reasonable start-up cost of installing telephone equipment or connections for a single-function, point-of-sale terminal, to be used only for Federal or State programs, under rules and procedures prescribed by the Secretary;

''(B) pay for liabilities assumed by the Secretary under subsection (l);

''(C) pay other costs or liabilities related to the electronic benefits transfer system established under this Act that are incurred by the Secretary, a participating State, or a store that are—

''(i) required by this Act; or

''(ii) determined appropriate by the Secretary; or

''(D) expand and implement a nationwide program to monitor compliance with program rules related to retail food stores and the electronic delivery of benefits.

''(l) LIABILITY OR REPLACEMENTS FOR UNAUTHORIZED USE OF EBT CARDS OR LOST OR STOLEN EBT CARDS.—

''(1) IN GENERAL.—The Secretary shall require State agencies to advise any household participating in the food stamp program how to promptly report a lost, destroyed, damaged, improperly manufactured, dysfunctional, or stolen electronic benefits transfer card.

''(2) REGULATIONS.—The Secretary shall issue regulations providing that—

''(A) a household shall not receive any replacement for benefits lost due to the unauthorized use of an electronic benefits transfer card; and

''(B) a household shall not be liable for any amounts in excess of the benefits available to the household at the time of a loss or theft of an electronic benefits transfer card due to the unauthorized use of the card.

''(3) SPECIAL LOSSES.—(A) Notwithstanding paragraph (2), a household shall receive a replacement for any benefits lost if the loss was caused by—

''(i) force or the threat of force;

''(ii) unauthorized use of the card after the State agency receives notice that the card was lost or stolen; or

''(iii) a system error or malfunction, fraud, abuse, negligence, or mistake by the service provider, the card issuing agency, or the State agency, or an inaccurate execution of a transaction by the service provider.

''(B) With respect to losses described in clauses A (ii) and (iii) the State shall reimburse the Secretary.

''(m) SPECIAL RULE.—A State agency may require a household to explain the circumstances regarding each occasion that—

''(1) the household reports a lost or stolen electronic benefits transfer card; and

''(2) the card was used for an unauthorized transaction.

''(n) ESTABLISHMENT.—In carrying out this Act, the Secretary shall—

''(1) take into account the lead role of retail food stores, financial institutions, and States;

''(2) take into account the needs of law enforcement personnel and the need to permit and encourage further technological developments and scientific advances;

''(3) ensure that security is protected by appropriate means such as requiring that a personal identification number be issued with each electronic benefits transfer card to help protect the integrity of the program;

''(4) provide for—

''(A) recipient protection regarding privacy, ease of use, and access to and service in retail food stores;

''(B) financial accountability and the capability of the system to handle interstate operations and interstate monitoring by law enforcement agencies and the Inspector General of the Department of Agriculture;

''(C) rules prohibiting store participation unless any appropriate equipment necessary to permit households to purchase food with the benefits issued under the Food Stamp Act of 1977 is operational and reasonably available;

''(D) rules providing for monitoring and investigation by an authorized law enforcement agency or the Inspector General of the Department of Agriculture; and

''(E) rules providing for minimum standards; and

''(5) assign additional employees to investigate and adequately monitor compliance with program rules related to electronic benefits transfer systems and retail food store participation.

''(o) REQUESTS FOR STATEMENTS.—

''(1) IN GENERAL.—On the request of a household receiving electronic benefits transfer, the State, through a person issuing benefits to the household, shall provide a statement of electronic benefits transfer for the month preceding the request.

''(2) STATEMENT ITEMS.—A statement provided under paragraph (1) shall include—

''(A) opening and closing balances for the account for the statement period;

''(B) the date, the amount, and any fee charged for each transaction; and

''(C) an address and phone number that the household may use to make an inquiry regarding the account.

''(p) ERRORS.—

''(1) IN GENERAL.—Not later than 10 days after the date a household notifies a State agency of an alleged error, or the State agency discovers an alleged error, the State agency or a person issuing benefits to the household shall conduct an investigation of the alleged error.

''(2) CORRECTION.—If a State agency or person conducting an investigation under paragraph (1) determines that an error has been made, any account affected by the error shall be adjusted to correct the error not later than 1 day after the determination.

''(3) TEMPORARY CREDIT.—If an investigation under paragraph (1) of an error does not determine whether an error has occurred within 10 days after discovering or being notified of the alleged error, a household affected by the alleged error shall receive a temporary credit as though the investigation had determined that an error was made. The temporary credit shall be removed from the account on a determination whether the error occurred.

''(q) DEFINITIONS.—In this section:

''(1) RETAIL FOOD STORE.—The term 'retail food store' means a retail food store, a farmer's market, or a house-to-house trade route authorized to participate in the food stamp program.

''(2) SPECIAL-NEED RETAIL FOOD STORE.—The term 'special-need retail food store' means—

''(A) a retail food store located in a very rural area;

''(B) a retail food store without access to electricity or regular telephone service; or

''(C) a farmers' market or house-to-house trade route that is authorized to participate in the food stamp program.''.

SEC. 5. LEAD ROLE OF INDUSTRY AND STATES.

Section 17 (7 U.S.C. 2026) is amended by adding at the end the following:

''(m) LEAD ROLE OF INDUSTRY AND STATES.—The Secretary shall consult with the Secretary of the Treasury, the Secretary of Health and Human Services, the Inspector General of the United States Department of Agriculture, the United States Secret Service, the National Governor's Association, the American Bankers Association, the Food Marketing Institute, the National Association of Convenience Stores, the American Public Welfare Association, the financial services community, State agencies, and food advocates to obtain information helpful to retail stores, the financial services industry, and States in the conversion to electronic benefits transfer, including information regarding—

''(1) the degree to which an electronic benefits transfer system could be integrated with commercial networks;

''(2) the usefulness of appropriate electronic benefits transfer security features and local management controls, including features in an electronic benefits transfer card to deter counterfeiting of the card;

''(3) the use of laser scanner technology with electronic benefits transfer technology so that only eligible food items can be purchased by food stamp participants in stores that use scanners;

''(4) how to maximize technology that uses data available from an electronic benefits transfer system to identify fraud and allow law enforcement personnel to quickly identify or target a suspected or actual program violator;

''(5) means of ensuring the confidentiality of personal information in electronic benefits transfer systems and the applicability of section 552a of title 5, United States Code, to electronic benefits transfer systems;

''(6) the best approaches for maximizing the use of then current point-of-sale terminals and systems to reduce costs; and

''(7) the best approaches for maximizing the use of electronic benefits transfer systems for multiple Federal benefit programs so as to achieve the highest cost savings possible through the implementation of electronic benefits transfer systems.''.

SEC. 6. CONFORMING AMENDMENTS.

(a) Section 3 (42 U.S.C. 2012) is amended—

(1) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(2) in the first sentence of subsection (c), by striking ''authorization cards'' and inserting ''allotments'';

(3) in subsection (d), by striking ''the provisions of this Act'' and inserting ''sections 5(h) and 7(g)'';

(4) in subsection (e)—

(A) by striking ''Coupon issuer'' and inserting ''Benefit issuer''; and

(B) by striking ''coupons'' and inserting ''benefits'';

(5) in the last sentence of subsection (i), by striking ''coupons'' and inserting ''allotments''; and

(6) by adding at the end the following:

''(v) 'Electronic benefits transfer card' means a card issued to a household participating in the program that is used to purchase food.''.

(b) Section 4(a) of such Act (7 U.S.C. 2013(a)) is amended—

(1) in the first sentence, by inserting ''and the availability of funds made available under section 7'' after ''of this Act'';

(2) in the first and second sentences, by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons''; and

(3) by striking the third sentence and inserting the following new sentence: ''The Secretary, through the facilities of the Treasury of the United States, shall reimburse the stores for food purchases made with electronic benefits transfer cards or coupons provided under this Act.''.

(c) The first sentence of section 6(b)(1) of such Act (7 U.S.C. 2015(b)(1)) is amended—

(1) by striking ''coupons or authorization cards'' and inserting ''electronic benefits transfer cards, coupons, or authorization cards''; and

(2) in clauses (ii) and (iii), by inserting ''or electronic benefits transfer cards'' after ''coupons'' each place it appears.

(d) Section 7 of such Act (7 U.S.C. 2016) is amended—

(1) by striking the section heading and inserting the following new section heading:

''ISSUANCE AND USE OF ELECTRONIC BENEFITS TRANSFER CARDS OR COUPONS'';

(2) in subsection (a), by striking ''Coupons'' and all that follows through ''necessary, and'' and inserting ''Electronic benefits transfer cards or coupons'';

(3) in subsection (b), by striking ''Coupons'' and inserting ''Electronic benefits transfer cards'';

(4) in subsection (e), by striking ''coupons to coupon issuers'' and inserting ''benefits to benefit issuers'';

(5) in subsection (f)—

(A) by striking ''issuance of coupons'' and inserting ''issuance of electronic benefits transfer cards or coupons'';

(B) by striking ''coupon issuer'' and inserting ''electronic benefits transfer or coupon issuer''; and

(C) by striking ''coupons and allotments'' and inserting ''electronic benefits transfer cards, coupons, and allotments'';

(6) by striking subsections (g) and (h);

(7) by redesignating subsections (i) through (q) (as added by section 4) as subsections (g) through (o), respectively; and

(8) in subsection (j)(3)(B) (as added by section 4 and redesignated by paragraph (7)), by striking ''(l)'' and inserting ''(k)''.

(e) Section 8(b) of such Act (7 U.S.C. 2017(b)) is amended by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons''.

(f) Section 9 of such Act (7 U.S.C. 2018) is amended—

(1) in subsections (a) and (b), by striking ''coupons'' each place it appears and inserting ''coupons, or accept electronic benefits transfer cards,''; and

(2) in subsection (a)(1)(B), by striking ''coupon business'' and inserting ''electronic benefits transfer cards and coupon business''.

(g) Section 10 of such Act (7 U.S.C. 2019) is amended—

(1) by striking the section heading and inserting the following:

''REDEMPTION OF COUPONS OR ELECTRONIC BENEFITS TRANSFER CARDS'';

and

(2) in the first sentence—

(A) by inserting after ''provide for'' the following: ''the reimbursement of stores for program benefits provided and for'';

(B) by inserting after ''food coupons'' the following: ''or use their members' electronic benefits transfer cards''; and

(C) by striking the period at the end and inserting the following: '', unless the center, organization, institution, shelter, group living arrangement, or establishment is equipped with a point-of-sale device for the purpose of participating in the electronic benefits transfer system.''.

(h) Section 11 of such Act (7 U.S.C. 2020) is amended—

(1) in the first sentence of subsection (a), by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons,'';

(2) in subsection (e)—

(A) in paragraph (2)—

(i) by striking ''a coupon allotment'' and inserting ''an allotment''; and

(ii) by striking ''issuing coupons'' and inserting ''issuing electronic benefits transfer cards or coupons'';

(B) in paragraph (7), by striking ''coupon issuance'' and inserting ''electronic benefits transfer card or coupon issuance'';

(C) in paragraph (8)(C), by striking ''coupons'' and inserting ''benefits'';

(D) in paragraph (9), by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons'';

(E) in paragraph (11), by striking ''in the form of coupons'';

(F) in paragraph (16), by striking ''coupons'' and inserting ''electronic benefits transfer card or coupons'';

(G) in paragraph (17), by striking ''food stamps'' and inserting ''benefits'';

(H) in paragraph (21), by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons'';

(I) in paragraph (24), by striking ''coupons'' and inserting ''benefits''; and

(J) in paragraph (25), by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons'';

(3) in subsection (h), by striking ''face value of any coupon or coupons'' and inserting ''value of any benefits''; and

(4) in subsection (n)—

(A) by striking ''both coupons'' each place it appears and inserting ''benefits under this Act''; and

(B) by striking ''of coupons'' and inserting ''of benefits''.

(i) Section 12 of such Act (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3), by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons'';

(2) in subsection (d)—

(A) in the first sentence—

(i) by inserting after ''redeem coupons'' the following: ''and to accept electronic benefits transfer cards''; and

(ii) by striking ''value of coupons'' and inserting ''value of benefits and coupons''; and

(B) in the third sentence, by striking ''coupons'' each place it appears and inserting ''benefits''; and

(3) in the first sentence of subsection (f)—

(A) by inserting after ''to accept and redeem food coupons'' the following: ''electronic benefits transfer cards, or to accept and redeem food coupons,''; and

(B) by inserting before the period at the end the following: ''or program benefits''.

(j) Section 13 of such Act (7 U.S.C. 2022) is amended by striking ''coupons'' each place it appears '' and inserting ''benefits''.

(k) Section 15 of such Act (7 U.S.C. 2024) is amended—

(1) in subsection (a), by striking ''issuance or presentment for redemption'' and inserting ''issuance, presentment for redemption, or use of electronic benefits transfer cards or'';

(2) in the first sentence of subsection (b)(1)—

(A) by inserting after ''coupons, authorization cards,'' each place it appears the following: ''electronic benefits transfer cards,''; and

(B) by striking ''coupons or authorization cards'' each place it appears and inserting the following: ''coupons, authorization cards, or electronic benefits transfer cards'';

(3) in the first sentence of subsection (c)—

(A) by striking ''coupons'' and inserting ''a coupon or an electronic benefits transfer card''; and

(B) by striking ''such coupons are'' and inserting ''the payment or redemption is'';

(4) in subsection (d), by striking ''Coupons'' and inserting ''Benefits'';

(5) in subsection (e), by inserting ''or electronic benefits transfer card'' after ''coupon'';

(6) in subsection (f), by inserting ''or electronic benefits transfer card'' after ''coupon'';

(7) in the first sentence of subsection (g), by inserting after ''coupons, authorization cards,'' the following: ''electronic benefits transfer cards,''; and

(8) by adding at the end the following:

''(h) GOVERNING LAW.—Fraud and related activities related to electronic benefits transfer shall be governed by section 1029 of title 18, United States Code.''.

(l) Section 16 (7 U.S.C. 2025) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or electronic benefits transfer cards'' after ''coupons''; and

(B) in paragraph (3), by inserting after ''households'' the following: '', including the cost of providing equipment necessary for retail food stores to participate in an electronic benefits transfer system'';

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (g)(5) (as redesignated by paragraph (3))—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B);

(5) in subsection (h) (as redesignated by paragraph (3)), by striking paragraph (3); and

(6) by striking subsection (i) (as redesignated by paragraph (3)).

(m) Section 17 of such Act (7 U.S.C. 2026) is amended—

(1) in the last sentence of subsection (a)(2), by striking ''coupon'' and inserting ''benefit'';

(2) in subsection (b)(2), by striking the last sentence;

(3) in subsection (c), by striking the last sentence;

(4) in subsection (d)(1)(B), by striking ''coupons'' each place it appears and inserting ''benefits'';

(5) in subsection (e), by striking the last sentence;

(6) by striking subsection (f); and

(7) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(n) Section 21 of such Act (7 U.S.C. 2030) is amended—

(1) by striking ''coupons'' each place it appears (other than in subsections (b)(2)(A)(ii) and (d)) and inserting ''benefits'';

(2) in subsection (b)(2)(A)(ii), by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''Coupons'' and inserting ''Benefits''; and

(B) in paragraph (3), by striking ''in food coupons''.

(o) Section 22 of such Act (7 U.S.C. 2031) is amended—

(1) in subsection (b)—

(A) in paragraph (3)(D)—

(i) in clause (ii), by striking ''coupons'' and inserting ''benefits''; and

(ii) in clause (iii), by striking ''coupons'' and inserting ''electronic benefits transfer benefits'';

(B) in paragraph (9), by striking ''coupons'' and inserting ''benefits''; and

(C) in paragraph (10)(B)—

(i) in the second sentence of clause (i), by striking ''Food coupons'' and inserting ''Program benefits''; and

(ii) in clause (ii)—

(I) in the second sentence, by striking ''Food coupons'' and inserting ''Benefits''; and

(II) in the third sentence, by striking ''food coupons'' each place it appears and inserting ''benefits'';

(2) in subsection (d), by striking ''coupons'' each place it appears and inserting ''benefits'';

(3) in subsection (g)(1)(A), by striking ''coupon''; and

(4) in subsection (h), by striking ''food coupons'' and inserting ''benefits''.

(p) Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''electronic benefits transfer cards or'' before ''coupons having''.

(q) This section and the amendments made by this section shall become effective on the date that the Secretary of Agriculture implements an electronic benefits transfer system in accordance with section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) (as amended by this Act).

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. BENNETT, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 309, a bill to reform the concession policies of the National Park Service, and for other purposes.

S. 593

At the request of Mr. HATCH, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 593, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, and for other purposes.

S. 692

At the request of Mr. GREGG, the names of the Senator from Maine [Mr. COHEN] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 833

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], the Senator from Washington [Mr. GORTON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

KYL (AND INHOFE) AMENDMENT NO. 2077

Mr. KYL (for himself and Mr. INHOFE) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 371, below line 21, add the following:

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that ''[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.''.

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes ''. . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . .''.

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that ''[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.''.

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that ''. . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.''.

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that ''[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''.

(11) The end of Cold War has changed the strategic environmental facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that ''[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutural Assured Safety.''.

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballstic missile attack.

NUNN AMENDMENT NO. 2078

Mr. NUNN proposed an amendment to amendment No. 2077 proposed by Mr. KYL to the bill S. 1026, supra; as follows:

On page 5, beginning with ''attack,'' strike out all down through the end of the amendment and insert in lieu thereof the following: ''attack. It is the further sense of the Senate that frontline troops of the United States armed forces should be protected from missile attacks.

''(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

''(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

''(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the U.S. portion of the Corps SAM/MEADS program.

''(3) The Secretary shall provide a report on the study required under paragraph (3) to the congressional defense committees not later than March 1, 1996.

''(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

''(d) Section 234(c)(1) of this Act shall have no force or effect.''

BOXER AMENDMENT NO. 2079

Mrs. BOXER proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place, insert the following:

RELEVANT AGENCIES OR DEPARTMENTS.

SEC. . ETHICS HEARINGS.

The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee (1) has found, after a review of allegations of wrongdoing by a senator, that there is substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and (2) has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the Committee.

McCONNELL AMENDMENT NO. 2080

Mr. McCONNELL proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert:

(A) The Senate finds that:

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(B) Therefore, it is the Sense of the Senate that the Select Committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

SPECTER AMENDMENT NO. 2081

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after ''foreign or international tribunal'' the following: '', including criminal investigations conducted prior to formal accusation''.

(c) DEFINITIONS.—As used 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 Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by 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 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, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''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 INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''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.

FEINGOLD AMENDMENT NO. 2082

Mr. FEINGOLD proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive and in proposing new programs.

GRASSLEY AMENDMENT NO. 2083

Mr. GRASSLEY proposed an amendment to the bill S. 1026, supra; as follows:

On page 159, line 3, before the end quotation marks insert the following: ''The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.''.

THURMOND (AND OTHERS) AMENDMENT NO. 2084

Mr. THURMOND (for himself, Mr. BURNS, Mr. REID, Mr. FORD, Mr. BOND, and Mr. NUNN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 404, in the table following line 10, insert before the item relating to Fort Knox, Kentucky, the following project in Kentucky:

	Fort Campbell	$10,000,000

On page 405, in the table following line 2, insert after the item relating to Camp Stanley, Korea, the following:

	Yongsan	$4,500,000

On page 406, line 14, strike out ''$2,019,358,000'' and insert in lieu thereof ''$2,033,858,000''.

On page 406, line 17, strike out ''$396,380,000'' and insert in lieu thereof ''$406,380,000''.

On page 406, line 20, strike out ''$98,050,000'' and insert in lieu thereof ''$102,550,000''.

On page 408, in the table following line 4, in the item relating to Bremerton Puget Sound Naval Shipyard, Washington, strike out ''$9,470,000'' in the amount column and insert in lieu thereof ''$19,870,000''.

On page 410, in the table preceding line 1, add after the item relating to Norfolk Public Works Center, Virginia, the following new items:

Washington	Bangor Naval Submarine Base	141 units	$4,890,000
West Virginia	Naval Security Group Detachment, Sugar Grove	23 units	$3,590,000

On page 411, line 6, strike out ''$2,058,579,000'' and insert in lieu thereof ''$2,077,459,000''.

On page 411, line 9, strike out ''$389,259,000'' and insert in lieu thereof ''$399,659,000''.

On page 412, line 3, strike out ''$477,767,000'' and insert in lieu thereof ''$486,247,000''.

On page 415, in the table following line 18, in the item relating to Maxwell Air Force Base, Alabama, strike out ''$3,700,000'' in the amount column and insert in lieu thereof ''$5,200,000''.

On page 415, in the table following line 18, in the item relating to Eielson Air Force Base, Alaska, strike out ''$3,850,000'' in the amount column and insert in lieu thereof ''$7,850,000''.

On page 416, in the table preceding line 1, in the item relating to Mountain Home Air Force Base, Idaho, strike out ''$18,650,000'' in the amount column and insert in lieu thereof ''$25,350,000''.

On page 416, in the table preceding line 1, in the item relating to McGuire Air Force Base, New Jersey, strike out ''$9,200,000'' in the amount column and insert in lieu thereof ''$16,500,000''.

On page 416, in the table preceding line 1, insert after the item relating to Cannon Air Force Base, New Mexico, the following:

	Holloman Air Force Base.	$6,000,000

On page 416, in the table preceding line 1, insert after the item relating to Shaw Air Force Base, South Carolina, the following:

South Dakota ...	Ellsworth Air Force Base.	$7,800,000

On page 416, in the table preceding line 1, in the item relating to Hill Air Force Base, Utah, strike out ''$8,900,000'' in the amount column and insert in lieu thereof ''$12,600,000''.

On page 418, in the table preceding line 1, insert after the item relating to Nellis Air Force Base, Nevada, the following:

	Nellis Air Force Base.	57 units .	$6,000,000

On page 419, line 17, strike out ''$1,697,704,000'' and insert in lieu thereof ''$1,740,704,000''.

On page 419, line 21, strike out ''$473,116,000'' and insert in lieu thereof ''$510,116,000''.

On page 420, line 10, strike out ''$281,965,000'' and insert in lieu thereof ''$287,965,000''.

On page 421, in the table following line 10, in the matter relating to Defense Medical Facilities Offices, insert before the item relating to Luke Air Force Base, Arizona, the following:

	Maxwell Air Force Base, Alabama.	$10,000,000

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out ''$2,600,000'' in the amount column and insert in lieu thereof ''$8,100,000''.

On page 424, line 22, strike out ''$4,565,533,000'' and insert in lieu thereof ''$4,581,033,000''.

On page 424, line 25, strike out ''$300,644,000'' and insert in lieu thereof ''$316,144,000''.

On page 429, line 14, strike out ''$85,353,000'' and insert in lieu thereof ''$148,589,000''.

On page 429, line 15, strike out ''$44,613,000'' and insert in lieu thereof ''$79,895,000''.

On page 429, line 19, strike out ''$132,953,000'' and insert in lieu thereof ''$167,503,000''.

On page 429, line 22, strike out ''$31,982,000'' and insert in lieu thereof ''$35,132,000''.

NUNN AMENDMENT NO. 2085

Mr. NUNN propsed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

''(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.''.

THOMPSON AMENDMENT NO. 2086

Mr. THURMOND (for Mr. THOMPSON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) exceeds the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States of America and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that two field hearings have been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The purpose of the hearings will be to receive testimony on the proposed acreage limitation and water conservation rules and regulations issued by the Bureau of Reclamation, Department of the Interior on April 3, 1995.

The first hearing will take place on Monday, August 21, 1995, beginning at 9:30 a.m. in the cafeteria of the College of Southern Idaho, 315 Falls Avenue, Twin Falls, ID.

The second hearing will be held on Monday, August 21, 1995, beginning at 4 p.m. at the City Council Chamber, City of Riverton, 816 N. Federal Blvd., Riverton, WY.

Because of the limited time available for the hearings, witnesses may testify by invitation only. It will be necessary to place witnesses in panels and place time limits on the oral testimony. Witnesses testifying at the hearings are requested to bring 10 copies of their testimony with them on the day of the hearing. Please submit one copy of testimony in advance to the attention of James Beirne, Senior Counsel, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

Written statements may be submitted for the hearing record. It is necessary only to provide one copy of any material to be submitted for the record. If you would like to submit a statement for the record, please send one copy of the statement to the Subcommittee on Forests and Public Land Management, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding the hearings, please contact James Beirne, Senior Counsel, at (202) 224–2564 or Betty Nevitt, Staff Assistant, of the Committee staff at (202) 224–0765.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding

a markup on Wednesday, August 9, 1995, beginning at 9:30 a.m., in room 106 of the Dirksen Senate Office Building, on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, August 2, 1995, session of the Senate for the purpose of conducting a hearing on the future of the Federal Aviation Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 2, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9 a.m. The purpose of this hearing is 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.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 2, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9 a.m. The purpose of this meeting is to consider the nomination of John Garamendi to be Deputy Secretary of the Interior.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to conduct a business meeting to consider pending business Wednesday, August 2, at 10 a.m.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, August 2, at 9 a.m. on the following nominations:

Jacob Joseph Lew, Deputy Director of OMB;

Jerome A. Stricker, Member, Federal Retirement Thrift Investment Board;

Sheryl R. Marshall, Member, Federal Retirement Thrift Investment Board;

William H. LeBlanc III, Commissioner, Postal Rate Commission; and

Beth Susan Slavet, Merit System Protection Board.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, August 2, 1995, beginning at 9:30 a.m., in 485 of the Russell Senate Office Building on the implementation of P.L. 103–176, the Indian Tribal Justice Act.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, August 2, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, at 9:30 a.m. to hold an open hearing on Intelligence matters.

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

SELECT ON COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, August 2, 1995 at 9:30 a.m., to hold a hearing on ''Reauthorization of the Administrative Conference on the United States Court.''

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety be granted permission to conduct an oversight hearing Wednesday, August 2, at 2 p.m. on section 404 of the Clean Water Act.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights of the Committee on the Judiciary, be authorized to hold a business meeting during the session of the Senate on Wednesday, August 2, 1995, commencing at 2 p.m. to consider H.R. 660, the Older Americans Act.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, to conduct a hearing on the Dual Use Export Control Program.

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

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, to receive the Annual Report of the Postmaster General of the United States.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet Wednesday, August 2, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on the privatization of the Social Security Old Age and Survivors Insurance program.

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

ADDITIONAL STATEMENTS

STAFFING OF DOD OVERSEAS SCHOOLS

● Mr. HOLLINGS. Mr. President I call the attention of my colleagues to an educational matter that requires continued attention. Americans serving in the armed services who are stationed overseas usually depend on Department of Defense Dependents Schools to educate their children. It has been a matter of concern that these overseas schools do not provide the same level of educational services as schools on military installations in the United States. I ask to have printed in the RECORD the executive summary of a recent study providing hard numbers substantiating this concern. I hope Senators will consider the findings of this study as we draw down forces in Europe and as we provide for an appropriate quality of life for members of our Armed Forces stationed overseas.

The Executive summary follows:

DoDDS—A Staffing Dilemma

EXECUTIVE SUMMARY

The process of staffing the Department of Defense Dependents Schools has reached a point where it needs to be reviewed.

The schools are staffed in the classical, enrollment-based manner which serves as a model for the larger school districts. Applying this method to DoDDS, while giving a favorable appearance on a system-wide basis, does not address the demographics of DoDDS with its many small and medium-sized schools located far apart and in isolated locations.

This briefing document describes and compares the configuration of the schools in the United States and in DoDDS-Europe. It shows how the sizes of the schools in the United States vary in enrollment patterns from those in DoDDS–E. A sampling of programs and services found in Section 6 schools is included. These schools are for military dependents located on military installations in the United States, and are supervised by the Department of Defense Education Activity (DoDEA), the same Activity which supervises DoDDS. The Section 6 schools provide a full range of educational programs.

DoDDS, because of its staffing model is enrollment-ratio-driven, will not be able to provide the same programs or services to the students attending its schools as those attending the Section 6 schools. This staffing model needs to be altered to accommodate the unique character of DoDDS. DoDDS must staff its schools in a manner guaranteed to maintain its current level of excellence.

This paper recommends that a staffing freeze be put in place, retaining the current staff, except for those locations where the schools are closing or enrollment is projected to drop sharply based upon next school year's enrollment data. The retention of this level of staffing is estimated to require 400 positions DoDDS–E wide. Since there will be a cut in staffing, this means that 400 fewer positions would be cut. At a work-year rate of $60,000 each, this would amount to a dollar cost of $24,000,000.

For the staffing in the coming years, DoDDS has stated that a Staffing Task Force has been established to develop new staffing criteria. Until this Task Force reports its findings and recommendations, all staffing actions should be frozen at present levels, then modified using the guidance developed by the Task Force. Assuming that this Task Force will develop a staffing model based upon program needs, this action is strongly recommended.

The educational services delivered by DoDDS are an integral part of the Quality of Life Program as well as of Force Readiness. It is essential that what needs to be done to maintain the current high standard be done.

Until the end of the current school year, SY 94–95, the Department of Defense Dependents Schools (DoDDS) has provided the educational services and programs of a premier school system.

DoDDS has the potential and resources to be a truly world-class school system—the standard bearer of the United States in the arena of global education. As evidenced by the DoDDS Strategic Plan promulgated by Dr. Lillian Gonzalez, Director of DoDDS, DoDDS has made a determined commitment in this direction. However, will the current proposed staffing reductions allow DoDDS to reach this serious goal?

As part of its ''rightsizing'' goal, DoDDS-Europe is eliminating over 900 positions. Most of these positions will be at the school level. The core of DoDDS' staffing planning is its concept of the ''super teacher,'' a concept based on the belief that the classroom teachers can absorb program cuts back into their basic classroom instruction. In other words, DoDDS is relying on the ''super teacher'' to cover or provide all the services and programs which have been eliminated by the cuts in staffing. DoDDS teachers are arguably a cut above their stateside counterparts, but to demand that they fulfill these expectations on a regular basis is unrealistic—the average teacher doesn't have the skills to: maintain a full-scale modern computerized media center (library); provide quality curricular offerings in physical education, music, and art; conduct all remedial assistance for students who would ordinarily be provided with special help through Reading Improvement Specialists (RIS) and Compensatory Education Specialists (Comp Ed); mainstream and assist students in need of English as a Second Language (ESL); be ready to apply first aid and administer medication or diagnostic assistance for students with health needs (school nurse); and, assess and administer help to students who qualify for learning impairment assistance (Special Education for the Learning Impaired, teachers—SPED) or for school-wide enrichment (SWEP, a.k.a. TAG—talented and gifted, teachers).

While most classroom teachers have some skill in these areas, they are not specialists in these areas—to assume or assert that they are simply will not create the skills. Saying it doesn't make it so—no matter how often it is said.

Next year DoDDS schools will have fewer specialists, a higher Pupil Teacher Ration (PTR), and fewer options for students, if the cuts now proposed and currently being implemented are allowed to stand. This briefing paper will present statistics on the DoDDS Mediterranean (Med) district and DoDDS–Europe (DoDDS–E) as a whole. We have the necessary documentation on the schools in this district because the Overseas Federation of Teachers is the exclusive bargaining agent for the teachers in these schools. DoDDS Med District represents approximately 1/6 of the enrollment of the odds-E student enrollment. Our proposal, therefore, is based on projecting our data on a 1:6 ratio, so that we can reach a conclusion on what is needed for all of DoDDS–Europe

We point out that even though the Med district is unique in geographic terms (most of the schools are located on islands and peninsulas), it can still be used a ''bellwether'' for the other schools and DoDDS–E Districts. As the drawdown in northern Europe continues the school distributions in England, the Benelux, and Germany are going to look more and more like those in the Med District in terms of size and isolation by geographic distance.

What programs do American schools commonly have now? To obtain pertinent information, we looked at a random sampling of three school systems servicing American military dependents in the United States—the Section 6 Schools—which are managed by the Department of Defense Education Activity (DoDEA). DoDEA is also the supervisory activity of the DoDDS schools and is also directed by Dr. Lillian Gonzalez. These schools range in size from 262 students to 768 students. From a telephonic survey conducted on May 16–18, 1995, the information (enrollment data) gleaned is presented on Table 2, see Appendix no. 7.

In the Section 6 Schools surveyed, full services and programs are available to students in the elementary schools. Table 3, Appendix no. 8, shows the comparison of services available to students in schools of various sizes in DoDDS–E and to students in Section 6 Schools. Here it is quite evident that the majority (61.5%) of the DoDDS–E elementary schools do not enjoy the same program benefits as the students attending the Section 6 Schools. This condition is unacceptable.

DoDDS has attempted to retain some services and/or programs that fall below its staffing criteria by staffing ''half-teachers,'' Combining ''halves'' does not benefit any program—it simply assumes that one teacher will do two full jobs in half the time and does not recognize the implied reduction in quality that must result. In the Med District, six full-time librarian positions were cut to half-time positions; three full-time art positions were cut to half-time.

An example of this is the situation at Vicenza Elementary School. This school has an enrollment and projected enrollment of slightly under 50 students in grades 1-6. The total enrollment tops 500 with the inclusion of pre-school and kindergarten but those students are not included when applying the DoDDS staffing standards for most of the DoDDS specialists.

At Vicenza, the high school media specialist—highly trained in the new computer-run library / media center—is cut for next year to a half-teacher. The elementary art teacher-who runs an outstanding DoDDS art program, recognized this year by the Advisory Council on Dependents Education (ACDE)-is also cut for next year to a half teacher.

The principals of the high school and elementary school are pooling their work year slots to create a full teacher, who will have to spend half a day in the high school media center and half a day teaching elementary school art classes. Will services be equal to current levels? No. Without a doubt next year both programs will not have the same quality of education that is now provided.

The National Profile (Table 94), Appendix no. 3. shows for elementary schools in the United States that the majority or 53% are in the range of 400+ student enrollment; for the unit schools (K-12) in the United States, the majority or 58% are in the range of 200+ student enrollment; and for high schools in the United States the majority or 53.5% are in the range of 500+ student enrollment.

The current practice in the United States is to keep elementary schools to a medium size, but to consolidate them if they get too small. For high schools, the standard practice is to consolidate. Consolidation of secondary schools (high schools) allows for larger staff and more electives and advanced course options for students—a depth and breadth of offerings not available in smaller secondary schools.

The Section 6 Schools generally follow the same stafing pattern as that in the United States. See Appendix No. 7. Table of school enrollments for the sampled Section 6 Schools. See below:

TABLE 3. COMPARISON OF SERVICES/PROGRAMS AND ELEMENTARY SCHOOLS—SECTION 6 VS. DODDS–E

Full services provided	K–6—Camp Lejeune (aver. 398)	1–6—Dodds-E Schools (1–400)	K–6—Fort Bragg (aver. 496)	1–6—Dodds-E Schools (400–499)	K–6—Fort Campbell (aver. 720)	1–6—Dodds-E Schools (500–749)	1–6—Dodds-E Schools (over 750)
Pre-school MNCP	Yes	?	Yes	?	Yes	?	?
Kindergarten	Yes	.5/25 kids	Yes	.5/25 kids	Yes	.5/25 kids	.5/25 kids

TABLE 3. COMPARISON OF SERVICES/PROGRAMS AND ELEMENTARY SCHOOLS—SECTION 6 VS. DODDS–E—Continued

Full services provided	K–6—Camp Lejeune (aver. 398)	1–6—Dodds-E Schools (1–400)	K–6—Fort Bragg (aver. 496)	1–6—Dodds-E Schools (400–499)	K–6—Fort Campbell (aver. 720)	1–6—Dodds-E Schools (500–749)	1–6—Dodds-E Schools (over 750)
Art	Yes	No	Yes	No	Yes	No	Yes
Music	Yes	No	Yes	No	Yes	Yes	Yes
Physical Ed. (P.E.)	Yes	No	Yes	No	Yes	Yes	Yes
Guidance counselor	Yes	No	Yes	No	Yes	1/600 kids	Yes
Reading improvement specialist	Yes	No	Yes	No	No	Yes	Yes
Talented and gifted teacher	Yes	Yes	Yes	Yes	Yes	Yes	Yes
English as a second language	No	1/40 kids (weighted)	Yes	1/40 kids (weighted)	Yes	1/40 kids (weighted)	1/40 kids (weighted)
Compensatory Ed. (Comp. Ed.)	Yes	1/70 kids in program	No	1/70 kids in program	No	1/70 kids in program	1/70 kids in program
Librarian	Yes	.5/126–348 in 1/349–999 kids	Yes	Yes	Yes	Yes	Yes
School nurse	Yes	.5/350–499 kids	Yes	.5/350–498 kids	Yes	Yes	Yes
Special education services (learned impaired, etc.).	Full range available	Authorized only in weighted numbers	Full range available	Authorized only in weighted numbers	Full range available	(1)	(1)

* Refer to Dodds–E MPWR Branch Staffing Standards, SY 95/96 for fuller explanations. Section 6 Schools surveyed: Camp Lejeune, NC; Fort Bragg, NC; Fort Campbell, KY. 61.5% of DODDS–E Schools have under 400 students enrolled. 11% of DODDS–E Schools have between 400–500 students enrolled. 17% of DODDS–E Schools have between 500–800 students enrolled. 10% of DODDS–E Schools have over 800 students enrolled.

[1] Authorized only in weighted numbers.

Overseas, in DoDDS schools, the opposite occurs. This is shown in Table 1. Type and Size of DoDDS–E Schools, found in Appendix No. 4, Tables 4, 5, and 6 in conjunction with Table 1, show that:

for DoDDS elementary schools, a majority or 61.5% are in the range of under 400 student enrollment; for DoDDS unit schools (K–12), the majority or 58% are in the range of under 200 student enrollment; and,

for DoDDS high schools, the majority or 81% are in the range of under 500 student enrollment.

In particular, it should be noted that there are NO DoDDS high schools with more than 700 students, while U.S.-wide, over half of all American high schools have MORE than 1000 students.

The explanation for this phenomenon is quite simple. The bulk of the DoDDS–E schools are spread too far apart to allow for the consolidation that occurs in the United States. For example, in Turkey if the DoDDS schools there could be consolidated, it would make staffing easier. The distances of hundreds of miles which separate these schools prevent this. This is the rule in DoDDS, not the exception.

In effect, stateside schools can be visualized as an inverse pyramid, with the largest schools being the consolidated high schools, the smallest ones being the neighborhood elementary schools. It is clear that the sizes of the elementary schools in the United States are generally considerably larger than those in DoDDS. In the overseas schools however, the pyramid is bottom-heavy, positioned in its normal fashion, with most of the enrollment in elementary schools and a paucity of students in the age groups for upper grades (grades 7–12).

Overseas schools are often located at distances of 200 to 300 miles away from each other with no way to consolidate, which results in decreasing student populations as students move up through the grades.

If these smaller schools are staffed based purely and strictly upon enrollment requirements set forth in the Staffing Documents found in Appendix no. 1, can they offer the programs that are available in the sampled Section 6 Schools? Just because students are required to go to schools with smaller enrollments, is it appropriate that they have fewer educational opportunities than their stateside peers?

Certainly not. Parents, driven by perception and reality, who are required to bring dependents overseas to schools in these isolated areas will not be satisfied: They will refuse to enroll their children in schools that are not offering at least the same programs that are offered in the United States—in fact, the programs would have to be better to be a real inducement; word will spread that DoDDS is not providing quality education; the Quality of Life available will be degraded; military recruitment will suffer; and, there will be a resistance to overseas assignments.●

GLADYS MANSON HAUG ARNTZEN TURNS 100 YEARS OLD IN AUGUST

● Mr. GORTON. Mr. President, a very valued constituent of mine, E.P. ''Pete'' Paup, executive vice president of the Manson Construction and Engineering Co. in Seattle, WA, has brought to my attention that his mother-in-law will reach the age of 100 years on August 13, 1995. Pete has kindly shared with me the life story of this remarkable woman.

Gladys Angelica Christine Manson was born in the small community of Dockton on Maury Island in the young State of Washington, August 13, 1895. Her parents, Minnie Carlson Manson and Peter Manson, were Swedish immigrants who had moved to Dockton from Tacoma in 1893.

Peter was employed by the local drydocking company and became dockmaster in 1903. The year before, 1902, little Gladys held a lantern when her mother dug up a glass jar full of $20 gold pieces from a crawl space beneath their house. Because of the bank failures during the panic of 1893, the Mansons didn't trust their money to banks, so they hid it. The gold from the mason jar was used to purchase a steam donkey engine for a floating pile driver. Today, Manson Construction and Engineering Co. is a major Pacific coast marine construction and dredging contractor.

In 1910, Gladys was a member of Dockton Grade School's first graduating class, whereupon she entered Burton High School. In 1912 she moved to Seattle with her family and graduated from Lincoln High School in 1914. After graduation, Glady's entered the University of Washington and graduated in 1918 with a degree in music.

Gladys later taught music in Brooklyn, Seattle, and Roslyn, WA and spent 3 years as a district music supervisor in Kent, WA.

In 1924 she married Andrew J. Haug and had three children, Irving, Peter, and Andrea. Andrew Haug died in 1965. Later Glady's married Edward J. Arntzen, a retired professor from Western Washington University in Bellingham, WA. Edward passed away in 1971.

Gladys is an active member of Grace Lutheran Church in Bellevue, WA and is a member of the Lincoln High School Alumni Association. She has also been a member of both the Sons of Norway and the Swedish Club.

Gladys Manson Haug Arntzen will celebrate her 100th birthday at her daughter's home, on August 13, 1995. I invite the attention of all my colleagues to this tremendous story and great community contribution, and in doing so, I wish Gladys Manson Haug Arntzen the happiest of birthday celebrations on August 13.●

APPOINTING SAM FOWLER, CHIEF COUNSEL FOR THE MINORITY, COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JOHNSTON. Mr. President, today I would like to formally announce that I have named Sam Fowler the chief counsel for the minority on the Committee on Energy and Natural Resources. For several years Sam has been our counsel for the toughest issues and the person we turn to make sense of the most difficult assignments. I would like to recognize his importance to use with the title of chief counsel.

Sam follows in the footsteps of Mike Harvey, who has for two decades defined the role of chief counsel on this committee. Sam is cut from that same high quality cloth as Mike. I know that the committee's tradition of excellence in service to its members will be carried forward with Sam.

Sam is a graduate of the University of New Hampshire and the George Washington University Law School. He has served with the Smithsonian Institution, the Council on Environmental Quality, in private practice and with Mo Udall in the House of Representatives. Sam joined our staff in 1991. He has been invaluable, absolutely invaluable.

Sam's portfolio includes nuclear facility licensing, parliamentary procedure, the budget process, uranium enrichment, Russian reactor safety, cleanup of Department of Energy nuclear weapons production sites, alternative fuels, automobile fuel efficiency, low-level nuclear waste disposal, health effects of electromagnetic fields, the National Environmental Policy Act, constitution law, nominations, Government organization, Senate and committee standing rules and ethics issues. In addition, Sam can

take on anything else you can assign to him.

Sam is also our resident historian, defender of Thomas Jefferson, source of quotes that elucidate the wisdom of Winston Churchill and repository or precedents established in the Senate, the House of Representatives and the English Parliament. He is a partisan of good clear prose, a lover of poetry and our committee's best legislative draftsman. I cannot imagine the Energy and Natural Resources Committee without him. I am glad to call him my chief counsel.●

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF MACKINAC STATE PARK

Mr. LEVIN. Mr. President, I rise today to commemorate the 100th anniversary of the founding of Mackinac Island State Park. From the island's beginnings as a fort fought over by the French, British, and Americans, to the peaceful calm of a historical vacation spot enjoyed by many, Mackinac Island State Park and the waters surrounding it are a rich and important part of our Nation's frontier and exploratory history.

Mackinac Island State Park became Michigan's first State park in 1895 after its transfer to the State from the Federal Government, ending its 20-year tenure as the Nation's second national park. The Mackinac Island State Park Commission was founded in 1895 to supervise the Mackinac Island State Park, including the 14 historic buildings comprising Fort Mackinac, which were built by the British Army in the late 18th century.

In 1904, the commission took on the administration of the site of Colonial Michilimackinac, established by the French in 1715 in Mackinac City and later dismantled and moved to Mackinac Island by the British. The area had been a fur-trade community, full of life and color. In 1975, the water-powered sawmill and 625-acre nature park known as Mill Creek were added to the land overseen by the commission. Mill Creek is located southeast of Mackinac City on the shore of Lake Huron. Over the years, the acquisition of land by the commission has led to a beautiful State park consisting of 1,800 acres and enjoyed by more than 800,000 visitors each year.

Mackinac Island State Park is dear to the hearts of many Michigan residents and visitors alike. The smell of Mackinac Island fudge brings childhood memories back to many a visitor while the clip-clop of horse hooves and the ring of bicycle bells on the automobile-free island recalls a by-gone time.

Mackinac Island State Park is a vital part of Michigan's history. It is home to the State's oldest known building still standing and the longest porch in the world, located at the opulent Grand Hotel. I know many people in Michigan and around the world will join me in celebrating the jewel of the Great Lakes in the commemoration of its 100 spectacular years.

LOWER MILITARY SPENDING YIELDS HIGHER GROWTH

● Mr. SIMON. Mr. President, I refer to my colleagues an article from the July 15 issue of The Economist. The article discusses the economic impact of reduced military spending in light of worldwide declines in defense budgets over the last decade. While the impact of such a peace dividend is difficult to calculate, the article brings up an interesting point:

> In the long run, most economists think that lower defense spending should stimulate growth. One reason for this is that cash can be switched from defense to more productive areas such as education. A second is that smaller military budgets should lead to lower overall government spending, hence lower borrowing than would otherwise have been the case. As a result, interest rates should be lower, stimulating private investment.

The article also refers to a recent IMF study which finds a clear relationship between lower military spending and increased economic growth. It concludes that a 2-percent per capita rise in GDP will result from the decreased spending worldwide in the late 1980's. Its authors also estimate that if global military spending is reduced to 2 percent of GDP—the United States currently spends 3.9 percent—the dividend will eventually lead to a rise in GDP per head of 20 percent.

I bring this to light as we consider increasing military spending by $7 billion, while making deep cuts in education, job training, health, and programs for the poor. Already, our Nation spends more on the military than the next eight largest militaries combined. It is a mistake to turn back against global trends to a course which, in the long run, will lead to lower growth and hurt our international competitiveness.

This Congress skewed priorities of spending more on the military and less on social investment will nullify the dividend we hope to reap through balancing the budget and lowering interest rates. Simply put, investment in a B–2 bomber creates a plane that sits there incurring operating costs, but investment in a child's education creates opportunity, productivity, and long-lasting benefits to society.

I ask that the article be printed in the RECORD.

The article follows:

[From the Economist, July 15, 1995]

FEWER BANGS, MORE BUCKS—SINCE THE END OF THE COLD WAR, MILITARY SPENDING HAS DECLINED IN MOST COUNTRIES, YET THE PROMISED ''PEACE DIVIDEND'' IS PROVING ELUSIVE

Francis Fukuyama, an American political analyst, claimed in 1989 that the collapse of communism heralded the end of history. Few believed him, but many looked forward to the end of at least one aspect of the cold war: high defence spending. No longer would countries waste precious resources building tanks and bombs. Instead, they could use the cash for more rewarding activities: higher social spending, more capital investment or increased aid to the world's poor. Was this optimism warranted?

That overall defence spending has fallen is uncontested. According to the United Nations' latest World Economic and Social Survey, world military expenditure decreased at an average rate of 7.2% a year between 1988 and 1993. The biggest declines came in former Warsaw Pact countries, where defence spending fell by an average of over 22% a year. In America, it fell by 4.4% a year (though the Republican Congress is planning to stem this decline). The cuts are not as steep as some had hoped; but the share of CDP devoted to military spending has fallen everywhere (see chart).

Assessing the economic impact is harder. One crude notion is to calculate what countries would have spent on defence without the cuts. A previous UN report in 1994 suggested that had governments maintained their defence budgets in real terms from 1988 to 1994, global defence spending would have been $933 billion higher than it was. That suggests a peace dividend of almost $1 trillion. But such a calculation is flawed: 1987 was a year of high defence spending; had another base year been chosen, the dividend would probably be lower. More important, the sums fail to take into account the broader economic impact of reduced defence spending.

As with any big reduction in public spending, defence cuts tend to reduce economic activity in the short term. That may cause unemployment to rise, particularly in regions where defence-related industries are heavily concentrated. Between 1988 and 1992, for instance, the increase in the unemployment rates of the four American states that are most dependent on defence spending—Connecticut, Virginia, Massachusetts and California—was some two-and-a-half times greater than that in the rest of the country. Such regional effects often make defence cuts politically awkward.

In the long run, however, most economists think that lower defence spending should stimulate growth. One reason for this is that cash can be switched from defence to more productive areas such as education. A second is that smaller military budgets should lead to lower overall government spending, and hence lower borrowing, than would otherwise have been the case. As a result, interest rates should be lower, stimulating private investment. Some economists also argue that lower defence spending will result in fewer distortions in an economy. They point in particular to anti-competitive mechanisms that often feature in military contracts or the trade preferences given to military imports.

But big defence budgets can also have positive side-effects. In countries such as South Korea and Israel, spin-offs from military research and development have helped to foster expertise in civilian high-technology industries. In poor countries with low levels of education and skills, military training might be a good way to improve the educational standard of the workforce. During the cold war some poor countries also relied on the rival superpowers not just for military assistance, but also for other aid. If their erstwhile benefactors cut this aid along with military support, it might leave them with fewer resources overall.

Until recently, there has been little conclusive evidence about the long-run economic impact of lower defence spending. This is partly due to the difficulty of getting

comparable data, and to the problem of separating short-term from long-term consequences. But in a recent working paper[1] Malcolm Knight, an economist at the IMF, and two colleagues, use a long-run growth model and sophisticated econometric techniques to measure the effect of military spending on growth in 79 countries between 1971 and 1985. They find a clear correlation between lower outlays and higher growth.

The authors then simulate what the long-run effects of the decline in military spending of the late 1980s are likely to be. Unsurprisingly, they are positive. Industrial countries, for instance, can expect a long-run absolute increase in GDP per head of 2% from the spending cuts that occurred up to 1990.

DELAYED PAYMENT

Mr. Knight and his fellow authors then try to estimate what the long-run effects of further cuts in world defence spending might be. They assume that global defence spending is reduced to under 2% of GDP (the current level in Latin America, the region with the world's lowest defence spending). If industrialised countries achieve such a target, the authors expect an eventual increase in their GDP per head of 20%. In other regions, such as Eastern Europe, the effects will be even greater. However, it will take a long time for these benefits to work through. Even after 50 years, for instance, the improvement in the level of GDP per head in rich countries would have reached only 13.2%.

Unfortunately, the model does not explain whether this increase would be attributable to more productive public investment, or to lower interest rates. In practice, the cuts in military spending since the 1980s appear to have been used to keep overall public spending under control. This means that the clearest long-term economic benefit from the end of the cold war is likely to come from lower interest rates—unless, of course, public spending rises for other reasons.

For those defence employees faced with the sack, it may be scant comfort to hear about the long-term gains to the economy that accompany fewer military bases. But, providing that governments keep public spending in check, the world will indeed benefit from a substantial peace dividend—even though it will not produce the immediate pay-off that optimists were hoping for.●

[1] "The Peace Dividend: Military Spending Cuts and Economic Growth". By Malcolm Knight, Norman Loayza and Delano Villanueva. IMF, May 1995.

ORDER OF BUSINESS

THE SITUATION IN BOSNIA

Mr. LIEBERMAN. Mr. President, last week the Senate sent a clear message to President Clinton and to our allies that the illegal and immoral arms embargo on the Bosnian Government should be lifted so that the Government and people of the Republic of Bosnia and Herzegovina can exercise their right to defend themselves and their homes. While we wait for the lifting to occur, the people of Bosnia remain under siege—with suffering, death and destruction an intrinsic part of everyday life.

I am particularly concerned by the tragic developments in the Bihac region of Bosnia. While NATO threatens tough action in response to attacks on Gorazde—a threat I hope NATO will actually act on—the attacks on the Bihac safe area continue. These are coordinated attacks by the Bosnian Serbs, the Krajina Serbs from Croatia, and even renegade Moslems who have sided with the Serbs. These are concerted attacks which, like so much of the fighting in Bosnia, include direct targeting of heavy weapons against the civilian population. These are inhumane attacks accompanied by efforts to deny food and water to the Bosnians in Bihac who are surrounded by Serbs.

The fall of Bihac—another U.N. safe haven—would result in more human tragedy, more ethnic cleansing, more refugees forced from their homes. But the consequences of the fall of Bihac would go well beyond the immediate tragedy for the Bosnians in the region.

The fall of Bihac would fundamentally change the strategic balance in Bosnia and Croatia to favor victory for the Serbs and the establishment of a greater Serbia. The establishment of a greater Serbia with no place for Bosnians and Croats of other races and other religions clearly remains the objective of the Serbs in Belgrade, Pale and Knin alike. For the fall of Bihac would free up Bosnian Serb and Krajina Serb troops to continue their campaign of terror elsewhere in Bosnia and Croatia.

The Croatian Government, recognizing these strategic as well as humanitarian implications, has agreed with the Bosnian Government to come to the aid of Bihac. This may lead to a wider war with renewed fighting in Croatia.

But the fall of Bihac will become imminent, and this safe area dependent on Croatian intervention, if the United Nations forces and NATO fail to protect the Bosnian people of the Bihac region. The United Nations Security Council has declared Bihac a safe haven, but UNPROFOR has failed to keep it safe. NATO has declared Bihac a heavy weapons exclusion zone, but NATO has not carried out airstrikes to enforce that exclusion zone. The dual key arrangement under which the United Nations has denied NATO the authority to eliminate the missile threat to NATO aircraft has increased the likelihood that Bihac will not be protected. The United Nations Security Council has declared Bosnia a no-fly zone, but NATO aircraft have not been able to prevent Krajina Serb jets from bombing Bihac, because United Nations and NATO rules don't allow NATO to pursue these planes into Croatian airspace or to hit them on the ground. We need to eliminate these rules and the dual key arrangements which stand in the way of effective action.

Mr. President, the United Nations and NATO failed to protect Srebrenica. The United Nations and NATO failed to protect Zepa.

The United Nations and NATO must not fail again in Gorazde. They must not fail in Bihac, Tuzla, Sarajevo or other areas where Bosnian civilians come under attack. The international community must not fail the people of Bosnia.

Mr. President, last week an important voice spoke out against the international failure to halt atrocities in Bosnia. Former Polish Prime Minister Mazowiecki resigned his position as the United Nations human rights investigator for the former Yugoslavia to protest the United Nation's inaction to address the human rights violations he reported and the United Nation's failure to protect the United Nations-declared safe havens of Srebrenica and Zepa.

Allow me to read a few passages from Mazowiecki's letter of resignation, since his words are surely more eloquent than mine:

> One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders.
>
> Human rights violations continue blatantly. There are constant blockages of the delivery of humanitarian aid. The civilian population is shelled remorselessly and the blue helmets and representatives of humanitarian organizations are dying.
>
> Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual.

Mr. President, these are not the words of a partisan spokesman. These are the words of a statesman who has devoted years to impartially investigating human rights abuses for the United Nations. I hope that President Clinton, the U.N. Secretary General, the NATO Secretary General and other world leaders will hear these words and will heed them.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay. The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, August 1, stood at $4,954,700,676,689.14 or $18,808.12 for every man, woman, and child in America on a per capita basis.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, while driving to the Capitol this morning, I fell to thinking about what a calamity it would be if, all of a sudden, the hosiery manufacturing business in America were to shut down. How many jobs would be lost? How would the economy be affected? How would our country's trade balance with other countries be affected? And how many grandchildren would have to think of something else to put under the tree for Grandpa next Christmas?

None of the above is an idle question, Mr. President, and I bring up the subject because next week will mark the 24th annual observance of National Hosiery Week. So, beginning Monday, August 7, will be a time to pay our respects to a great American example of free enterprise, the hosiery manufacturers of our Nation.

Now, regarding some of the questions I posed at the outset of these remarks: Last year, 1994, the U.S. hosiery industry made significant increases in exports. To be precise, shipments overseas increased 34 per cent to 240 million pairs of socks and stockings. Total U.S. production totaled 362 million dozen pairs—or, if you want to break it down, the total production comes to four billion 394 million pairs of hosiery. A mind-boggling number, indeed.

We are blessed with a great many hosiery manufacturers in North Carolina, Mr. President. All of these companies are good corporate citizens—and the men and women employed in the hosiery industry are fine hard-working Americans. I am told that there are 455 hosiery plans in America, employing more than 65,000 people. Together these companies and these workers added more than $6 billion to the U.S. economy.

But, Mr. President, it is in the many smaller communities where the hosiery industry makes its most significant contribution, because it is there that these companies constitute a large part of the local economy. In so many cases, a hosiery company is the major employer in the area, providing good, stable jobs for its employees.

Mr. President, I think it was Dizzy Dean who once remarked that ''braggin' ain't braggin', if you can prove it.'' Well, I can prove why National Hosiery Week is of special importance to me—it is because North Carolina is the leading textile and hosiery State in the Nation, generating more than half of the total U.S. hosiery production. I am proud of the leadership of the hosiery industry and the fine quality of life that it has provided for over 40,000 people.

On behalf of my fellow North Carolinians, I extend my sincere congratulations and best wishes to the hosiery industry and to its many thousands of employees for their outstanding contribution to our State and Nation.

MEASURE PLACED ON THE CALENDAR—H.R 714

Mr. COATS. Mr. President, I ask unanimous consent that H.R. 714, a bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, be placed on the calendar.

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

ORDERS FOR THURSDAY, AUGUST 3, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Thursday, August 3, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 1026, the Department of Defense authorization bill, with Senator DORGAN to be recognized as under the previous order.

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

PROGRAM

Mr. COATS. Mr. President, for the information of all Senators, the Senate will resume the Department of Defense authorization bill at 9 a.m. tomorrow morning. At that time, Senator DORGAN is to be recognized to offer an amendment regarding national missile defense. That amendment has a 90-minute time limitation, therefore Senators should be aware that, if all debate time is used, a rollcall vote can be expected at approximately 10:30 a.m. tomorrow morning.

RECESS UNTIL 9 A.M. TOMORROW

MR. COATS. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:26 p.m., recessed until Thursday, August 3, 1995, at 9 a.m.

EXTENSIONS OF REMARKS

CONGRATULATIONS, RON RUHLAND

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BARCIA. Mr. Speaker, I rise today to offer my heartiest congratulations to Mr. Ron Ruhland on his appointment to the Michigan State Waterways Commission. Governor Engler could not have made a finer choice.

As a Member whose district includes more shoreline than most entire States, and with a district that includes a significant number of lakes, bays, and rivers, I have a great interest in waterways issues. The development and maintenance of harbors, channels, and docking and launching facilities is vital to thousands of people throughout my district. It is one of the key reasons why I sought membership on the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee.

Ron Ruhland understands the waterways in Michigan's 5th Congressional District. Living so close to the area and continuing to enjoy the waterways himself, he has first-hand knowledge of the benefits and needs of our water resources. He is also an accomplished sailor and boatsman for 35 years, and serves as vice commodore of the Saginaw Bay Yacht Club.

As one of the seven members of the Michigan State Waterways Commission, many of us are looking to Ron to being a strong advocate for our needs. His reputation as a successful and innovative business owner, and a thoughtful Commissioner on both the Bay County Board of Commissioners and the Bay County Planning and Zoning Commission, make everyone who knows him confident that he will be a positive and active influence on the Waterways Commission.

I look forward to working with Ron in a partnership to maintain and improve Michigan's waterway resources for our residents and our many, many visitors. I urge you, Mr. Speaker, and all of our colleagues in wishing Mr. Ron Ruhland the very best as he undertakes this new and most important task.

TRIBUTE TO THE HONORABLE THOMAS E. MORGAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HAMILTON. Mr. Speaker, it is with sadness that I bring to the attention of my colleagues the passing of Thomas E. Morgan, former Member of Congress from the State of Pennsylvania and former chairman of the Committee on Foreign Affairs, who died yesterday in his native Pennsylvania at the age of 88.

Doc Morgan served this institution with distinction for 32 years, beginning in 1944. For most of his career he was the only practicing physician serving in the U.S. Congress.

For 17 years from 1959 to 1976, Morgan was the able chairman of the Foreign Affairs Committee—renamed the Committee on International Relations during the 94th Congress. His stewardship was the longest of any chairman in the committee's history.

Doc Morgan presided over crucial debates on foreign assistance, arms control, the Cuba missile crisis, the Vietnam war, and relations with the Soviet Union. He led U.S. delegations to international meetings and parliamentary conclaves, and advised several Presidents and Secretaries of State.

Yet Doc Morgan never dwelt on his foreign policy expertise or the role he played in Washington's foreign policy deliberations. He simply referred to himself as a country doctor. He never lost his sense of humor. He never lost touch with his patients, whom he continued to see after he came to Congress. His priority in Congress remained the same throughout his career: to improve economic conditions for his southwestern Pennsylvania constituents.

The son of a Welsh coal miner, Doc Morgan remained close to his Monongahela River Valley roots his entire life. He returned to Pennsylvania upon his retirement but played a key role as chairman of the Permanent Joint Board on Defense—United States and Canada.

Our prayers and sympathy go to Doc Morgan's wife, Winifred, to his daughter, Marianne, and to other members of his family. They can be proud of his many accomplishments and of his dedicated service to his Nation. It was my distinct honor and privilege to work with Doc Morgan. He served his constituents, State and Nation with extraordinary distinction. He set a marvelous example of public service for all of us.

SALUTING FREEDOM FLIGHT AMERICA

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BONILLA. Mr. Speaker, this year, the 50th anniversary of the end of World War II, we have much to be thankful for. As Americans, we are blessed to live in the greatest and most free Nation in the history of mankind. The freedom we enjoy today is the result of the sacrifices of millions of Americans during that war 50 years ago.

Not only must we honor those who sacrificed for our freedom, we must never forget the titanic global battle to protect freedom. On August 2 and 3 the people of El Paso will be honoring our great victory in a truly remarkable fashion when Freedom Flight America arrives.

Freedom Flight America is a coast to coast Journey featuring hundreds of World War II vintage aircraft. Some of the aircraft that won the war—DC–3's, T–6s, F–4U Corsairs and P–51 mustangs—will be on view. This remarkable display will entertain and educate the people of El Paso on the role of American airpower in the defeat of global tyranny. I salute the organizers of the event and extend my support for this undertaking.

God bless our airmen, young and old, present and departed and God bless America.

TELECOM BILL IS PRO-COMPETITION, PRO-JOBS AND PRO-CONSUMER

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. TAYLOR of North Carolina. Mr. Speaker, this week—perhaps as early as tommorow—the House is expected to consider sweeping telecommunications legislation, H.R. 1555. This landmark regulatory reform bill will offer countless benefits to American consumers and open telecommunications markets to competition by eliminating layers of burdensome Federal regulations.

I would like to include an editorial from Friday's Washington Times for the RECORD. It sets out the reasons why the long distance carriers withdrew their support for H.R. 1555. I hope that my colleagues will read this article, and I urge them to vote in favor of the bill with the manager's amendment.

[From the Washington Times, July 28, 1995]

WHO'S AFRAID OF THE BABY BELLS?

Up for a vote next week in the House is the long-awaited and hard-fought telecommunications legislation. Accordingly, the AT&T, MCI and Sprint coalition got down to the serious business of retail politics yesterday, busing and training thousands of their employees into the Capitol to flood members' offices and to demand that the telecom bill be changed to their advantage. Happily, that is not likely to happen.

the bill, as it originally emerged from Rep. Thomas Bliley's House Commerce Committee, was packed full of the long-distance companies' druthers. The package of goodies for AT&T, MCI and Sprint posed a big enough threat to competition that the Republican leadership had a talk with Mr. Bliley, who agreed that when the bill comes up for a vote next week he will offer what is known as a ''Manager's amendment'' stripping the legislation of the provisions expected to hobble the Baby Bells. With Mr. Bliley offering the amendment, it is expected to pass easily, which is why the long-distance coalition put the full-court press on yesterday.

For all the complexities of the bill, the basic issue dividing the Baby Bells from the long-distance group is fairly simple. Marketing studies done by both camps show that the big prize goes to whoever is first at offering consumers simple, complete phone service. Phone customers are tired of having separate bills and companies for local and long distance, and would sign up with the first

company to offer inexpensive combined service. All the jockeying between the Bells and the long-distance firms is about determining who will get the first shot at combining local and long-distance plans.

The provisions that AT&T et al. succeeded in working into the original committee bill, H.R. 1555, would have placed a series of hazards and roadblocks in the way of the Bell companies, while leaving their path to the market wide open.

The most important of these was the requirement that a local Bell company have a ''facilities-based'' competitor in its market before being allowed to compete in the long-distance market. In other words, the local company would be blocked from offering long-distance service until some other company had come into its market and built a physical network of wires comparable to the network the local Bell already has in place. In practice, that would be a very, very long time.

Since the legislation also requires the Bells to sell time on their own networks to the long-distance companies at a discount so the time can be resold as part of a local and long-distance package. AT&T, MCI and Sprint would have no reason to build local networks of their own. They would have been able to use the Bell local networks to get into the local service business, while at the same time keeping the Bells from competing with them in the Long-distance business.

The Bells successfully fought that provision, arguing that the market should be opened for everybody all at the same time. So too a slew of other provisions that would also have hindered the Bells' entrance into the long-distance market. That entry is feared by a long-distance industry that appears to have a very cozy environment going for itself.

For all the television ads touting the cutthroat competition among AT&T, MCI and Sprint, it turns out that basic long-distance rates have been going up for the last couple of years, by more than 5 percent a year. More disturbing still, the big three companies, which account for more than 95 percent of the long-distance market, have raised their prices in lock step. This is a happenstance that will likely end once the various Baby Bells are able to bring a new round of competition into the long-distance market.

As for the long-distance companies' argument that the Bells will be able to use their ''monopoly'' position to dominate the market, it is a little hard to see how a financial behemoth like AT&T is going to be intimidated by a regional phone company. Given that the Bells will be required to discount their lines to the long-distance companies for resale, the Bells' local monopolies become meaningless.

The long-distance coalition plans to do everything it can to kill the telecom bill as it now stands—with the manager's amendment. No bill at all, from the big three's perspective, is almost as good as a bill written to their liking. The long-distance companies can get into the local phone business if local law allows, as it does in almost half the states. But it takes a change in federal law to allow the Baby Bells into the interstate business of long-distance. Nonetheless, the bill is expected to pass next week with the support of the House leadership and Mr. Bliley. That is good news for consumers, for whom the greater the competition, the better.

UNITED STATES RELATIONS WITH SOUTH KOREA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BERMAN. Mr. Speaker, last week the Congress met in joint session to welcome South Korean President Kim Yong-sam.

Four decades after the Korean war, South Korea enjoys a thriving economy and an open political system. Our security interests in Korea have been complemented by a growing American economic interest.

The moving dedication of the Korean War Memorial was testimony to the blood shed by Americans to ensure Korea's future and to our continued interest in Korean prosperity. Mr. Hamilton, ranking member of the International Relations Committee, recently spoke on the state of American-Korean relations at an Asia society meeting.

I commend Mr. Hamilton's remarks to my colleagues. His speech, ''The U.S. and South Korea: A Successful Partnership,'' provides an insightful review of our mutual interests:

THE UNITED STATES AND SOUTH KOREA: A SUCCESSFUL PARTNERSHIP

(By Lee H. Hamilton)

I. INTRODUCTION

South Korea has been much on our minds of late. We watched with sorrow at the climbing casualty list from last month's tragedy in Seoul. We also celebrated with the South Korean people as survivors were miraculously pulled from the rubble of the collapsed department store.

South Korea captures our attention for other reasons, of course. The Korean peninsula presents some of the most challenging issues facing U.S. foreign policy. We are concerned about North Korea's nuclear program, the uncertainties of its leadership succession, and relations between South and North Korea.

Next week, we will welcome Korean President Kim Yong-sam to Washington. We will bestow upon him the honor of addressing a joint session of Congress. That is a true measure of the importance of our friendship with South Korea. Our countries have excellent bilateral relations, marked by a strong security alliance and broad economic ties.

II. SOUTH KOREA'S SUCCESS

South Korea is a great success story.

Consider Korea in 1945. It had been the victim of harsh colonialism for 50 years. The defeat of Japan brought not liberation, but division of the Korean nation along the 38th parallel. Families were torn apart. Customary patterns of trade, communication, and exchange were broken. Soviet occupiers ravaged the northern half of the country.

Five years later saw the resumption of warfare—all the more bitter because it was Korean against Korean. Armies surged up and down the peninsula, bringing death and devastation. Millions lost their lives. Tens of millions more were displaced.

The 1953 armistice brought no real peace. The peninsula remained divided. South Korea, the less prosperous half, was saddled with huge defense burdens to guard against future attack.

What a difference a few decades have made! South Korea is a thriving democracy. It is one of the world's most prosperous countries. Per capita income, which did not reach even $100 until the 1960s, is now nearly $10,000. South Korea is no longer a foreign aid recipient; it is a foreign aid donor. The World Bank points to South Korea to show how a country with few natural resources—other than its people—can transform itself in a generation from one of the poorest countries in Asia to one of the richest.

II. THE U.S.-KOREAN PARTNERSHIP

The Korean-American alliance is robust. It is a treaty commitment, but also a mature friendship built on shared commitments to democracy and free markets.

In fact, South Korea is a major success story for American foreign policy. A free and prosperous South Korea has contributed to peace and stability in a strategic corner of the world—where China, Russia and Japan intersect.

Korea also is a close partner and friend. We share a keen interest in regional stability, economic prosperity, and the control of weapons of mass destruction. Together, we seek to spread democracy and human rights to those Asian countries through which the winds of freedom have yet to sweep.

Nearly a quarter million Americans gave their lives in three Asian wars in the past half century for those objectives, but many times more Koreans died during that same bloody period. We are linked by bonds of common sacrifice.

One startling change in our relations has been the decline in anti-Americanism in Korea. It was not long ago that Korea saw widespread student demonstrations against the United States and frequent demands that U.S. troops be withdrawn. Today there is little of this discord.

The presence of 37,000 American troops in Korea is, as you might expect, an irritant from time to time. Crimes are sometimes committed against the civilian population, and South Korean critics complain that their court have only limited jurisdiction over U.S. servicemen and their dependents.

But by and large, the South Korean people and their government have grown accustomed to Americans: They are no longer controversial or distasteful. The alliance is viewed as mutually beneficial, a normal part of everyday existence. South Koreans, for example, were relieved earlier this year when the Clinton administration announced it would maintain a 100,000 troop level in East Asia.

III. THE U.S.-SOUTH KOREAN SECURITY ALLIANCE

I need not dwell on the reasons for the Korean-American security alliance. On the U.S. side, the stability of Asia is critical to our overall security and prosperity, and our security relationships with Korea and Japan are the linchpins of our presence in Asia.

For South Korea, the benefits are also clear. A hostile North Korea still stations two-thirds of its 1.2 million man army near the Demilitarized Zone. The North has enough artillery targeted on Seoul to reduce it to rubble. It has SCUD missiles and is developing longer-range ballistic missiles. Its dictators have committed terrorist acts. It has had, until recently, a secret nuclear weapons program flaunting the will of the international community.

This does not suggest the North could defeat the South in a war. But it does point out the dangers. The Korean peninsula remains the most dangerous flashpoint in Asia because of its location, North Korea's militarization, and the nature of its government. General Luck, the U.S. commander in Korea, estimates a war on the peninsula could claim a million lives and cost a trillion dollars. Thus, the money we invest in peace and stability on the Korean peninsula is prudent.

IV. ISSUES IN THE RELATIONSHIP

Let me turn to several key issues in the U.S.-South Korean relationship.

A. North Korea's Nuclear Program

North Korea's secret efforts to acquire nuclear weapons are a major threat to U.S. national security. A nuclear-armed North Korea would also jeopardize the stability of the entire region.

Last October, the United States signed an agreement with North Korea to freeze, and eventually eliminate, its nuclear weapons program.

This complex accord will be implemented in stages over a decade or more. In essence, it is a trade. North Korea has halted and will eventually dismantle its nuclear weapons program, accepting extensive international inspections to verify compliance. In exchange, the international community will provide North Korea with alternative energy sources, initially in the form of heavy fuel oil, and later with light-water reactors that cannot easily be used to make nuclear bombs.

The agreement also envisions that we will move toward normalization of political and economic ties between the United States and North Korea, and a resumption of dialogue between the two Koreas.

This agreement does not address every concern we have about North Korea. But it does provide us with an opening—one that did not exist before—to lift the specter of a nuclear arms race from the Korean peninsula, begin a process of meaningful dialogue between the two Koreas, and come to grips with other North Korean activities that concern us.

This time last year, we were on the verge of a confrontation with North Korea—a confrontation no one wanted, and that held little hope of solving the problem of North Korea's nuclear program. Voices in this city, and pundits across the country, called for sanctions and even military strikes.

Today, because of the Geneva agreement, the North has frozen its nuclear program and agreed to a step-by-step process that will eventually eliminate that program.

Some say the Agreed Framework is ''frontloaded'' in favor of the North. I cannot agree. North Korea has already taken a number of significant steps under the agreement.

It has shut down its only operating reactor.

It has halted construction on two new reactors.

It has sealed its reprocessing facility and stopped construction on a new reprocessing line.

It has refrained from reprocessing its spent fuel rods, which would have given the North enough plutonium for four or five nuclear weapons.

And it has admitted International Atomic Energy Agency (IAEA) inspectors and U.S. technicians into its nuclear facilities.

In return, we have provided North Korea with $5 million of heavy oil. We have also spent $10 million to ensure the safe storage of the North's sent fuel rods—but this was preferable to having Pyongyang reprocess those rods and obtain enough plutonium for 4–5 nuclear weapons.

North Korea will not get what it really wants—the light water reactors—until well down the line—after all our questions about its past nuclear activities has been resolved. The agreement is frontloaded—but in our favor.

Moreover, North Korea has agreed not only to resume IAEA inspections of its nuclear facilities, but to exceed its obligations under the Nuclear Nonproliferation Treaty (NPT). It has agreed to refrain from reprocessing the spent fuel it possesses, and to shut down its reprocessing facility—even though the NPT permits reprocessing. This means the North cannot obtain plutonium to manufacture nuclear weapons.

This agreement is not based on trust, but on North Korea's performance. The United States will have the means to verify that the North is living up to its commitments. We will pursue our interests by other means if North Korea does not fulfill its obligations. We will not only cancel the deal—we will respond firmly in other venues.

Some critics maintain that we gave away too much, that we could have gotten more from the North Koreans if only we had been better negotiators. I have not seen any evidence to support such claims.

One question often asked is whether North wants this agreement to succeed. Frankly, I don't know. We should expect the North to reopen issues we thought were resolved, and to issue threats designed to gain new concessions. Implementation will be slow, and sometimes painful.

Still, I am persuaded that this agreement is far preferable to any other alternative—as sanctions, or military escalation—at this time.

This agreement does not guarantee that future relations with the North will be without tensions and difficulties. But it will serve U.S. national interests, if it is fully implemented. It has the potential to defuse North Korea's nuclear threat, promote stability on the Korean peninsula, and lead to a more peaceful life for the people of Korea, South and North.

B. South-North Dialog

A dialogue between South and North Korea is also necessary if we are to bridge our differences with North Korea.

Recent events give us some grounds for optimism. Last month officials from North and South Korea spent five days in secret talks in Beijing. The result was an agreement by the South to provide 150,000 tons of rice to help North Korea meet its acute food shortage. A second round of talks between the two Koreas began a few days ago.

South Korea was careful during and after the talks not to humiliate the North. This shows a level of political maturity that bodes well for future South-North contacts. And it's not unrealistic to expect further contacts.

Just as ping-pong opened the door for substantive discussions between the United States and the People's Republic of China, so might rice set the stage for further progress on family reunification, cultural and athletic exchanges, trade and investment, and even a South-North summit.

One of the most pressing topics for South-North dialogue is the security situation along the Demilitarized Zone. The lessons we learned in central Europe during the Cold War can be applied in Korea.

Redeploying conventional forces, and great transparency, can reduce the danger of war along the DMZ.

Confidence-building measures, such as assigning liaison officers to the headquarters of field commands, requiring observers at military exercises, and limiting the size of such exercises, would help reduce tensions.

C. Reunification and the Armistice

On an issue of fundamental importance to the people of Korea, there should be no doubt: The United States supports the peaceful reunification of Korea. The division of the Korean peninsula, and of the Korean people, is artificial and unnatural. Reunification is clearly in U.S. interests: It will eliminate the danger of a new Korean war.

Reunification should be carried out by the Korean people themselves, on terms acceptable to them.

In recent years the North has insisted that the United States and North Korea should negotiate a peace treaty to replace the 1953 armistice agreement that ended the Korean War. Some of our friends in the South have voiced concern lest the United States, tired of its peacekeeping burdens, take up North Korea on its suggestion.

The United States has insisted, does insist, and will continue to insist that any peace treaty to replace the armistice agreement be negotiated between the two Koreas themselves.

I cannot emphasize this enough: The United States will not permit North Korea to drive a wedge between itself and its ally South Korea. As Ambassador Laney said earlier this year, ''The United States will never play the role of an 'honest broker' between the two Koreas—because we are not neutral.'' The United States will not deal with North Korea behind its ally's back.

D. The Economic Dimension

I have dealt with the security side of the U.S.-South Korean partnership because it is so important. I can also report that our economic ties are closer than ever.

South Korea is our eighth largest trading partner.

South Korean exports to the United States will probably rise by 7 percent this year, to a level of $22 billion dollars. South Korea is the sixth largest market for U.S. exports, and the fourth largest market for U.S. agricultural goods.

American exports to South Korea may surpass $30 billion this year. Let me put that in perspective: That is ten times the amount of foreign assistance we provided to South Korea over thirty-three years.

Investment is also robust; the United States, with more than $300 million in direct investment, is the largest foreign investor in Korea.

Nagging problems are a part of these close economic ties. Unfair trade practices continue to restrict access by U.S. firms to Korean markets. Korea still does not provide sufficient protection for U.S. intellectual property. Indeed, the United States recently kept Korea on the Special 301 ''priority watch list.''

We also want Korea to open financial services markets, on par with the access we provide to the U.S. market. South Korea has given foreigners greater access to the bond market, raised investment limits for stock holdings in Korean companies, and allowed international organizations to issue local currency bonds—but more needs to be done.

E. Democracy and Human Rights in Korea

Had I been with you to address U.S.-South Korean relations a few short years ago, I would have highlighted grave American concerns about political freedom and human rights in South Korea. Not so today.

We have all been impressed in the last decade as South Korea moved from military to civilian rule, from authoritarianism to democracy, from closed to open politics. We applauded when President Roh Tae Woo broke with Korea's lengthy military tradition and opened the door to civilian rule.

We were thrilled two and a half years ago upon the inauguration of President Kim Young-Sam—the longtime dissident, political prisoner, and champion of Korean democracy.

In recent years we have seen considerable progress in human rights as well, although even South Koreans would concede that there is still room for improvement. The rule of law is not yet assured for every citizen. Preventive detention remains a problem. The labor movement is still handicapped by restrictions. Still, most observers agree that movement on human rights, if not always as swift as we might wish, is in the right direction.

As South Korea evolves into a prosperous democracy, the bilateral relationship between Washington and Seoul deepens and

matures. Our diplomats work closely together on issues far removed from the Korean peninsula. We collaborate in the United Nations and welcome Seoul's bid for membership on the Security Council. We work together on issues involving APEC and the ASEAN Regional Forum. Our partnership extends to global environmental and population issues.

Most important, perhaps, are the personal ties that link our two nations together. The Korean-American community is well represented in every state in the Union. A Korean-American, Jay Kim, now sits in the U.S. House of Representatives.

The South Korean ambassador tells me that several hundred Korean children come here each year for adoption—a particularly poignant manifestation of the ties we share. My next door neighbors have two adopted Korean girls. And a growing stream of students and tourists are turning the Pacific Ocean into a land bridge.

V. CONCLUSION

Periodically, the press in both the United States and South Korea report dangerous rifts between Seoul and Washington. A week or two later, those ominous differences miraculously disappear. Our relationship is durable, strong, and close.

We will disagree from time to time. Our perspectives on even key issues will not always coincide. But on the fundamentals, our two peoples and our two governments are united.

We share a huge stake in maintaining peace on the Korean peninsula and throughout East Asia.

We share an interest in restraining North Korea's nuclear ambitions and its conventional capabilities.

We benefit from economic cooperation and increased trade and investment.

We are committed to the political freedoms that underlie democracy.

And we both are committed to the defense of the freedoms we enjoy and cherish.

In short, we have a sound basis for a lasting friendship.

PUT LOYALTY BACK IN THE WORKPLACE ETHOS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. LaFALCE. Mr. Speaker, for years I have spoken on the floor and in committee hearings on the urgency of making U.S. companies competitive in the world marketplace. U.S. companies have met this challenge and are beating their international competition by improving products, increasing production efficiency, and adapting to new technologies. In the jargon of the day, the key to this renovation has been corporate restructuring.

Unfortunately, restructuring has left a key element out of the equation for success: America's workers. To attain a positive bottom line, companies have thrown away workers like so many crumpled pieces of paper. General Motors has let go more than 100,000 employees since the 1980's. Corporate America announced record layoffs in 1993—over 615,000. The trend continued in 1994—first quarter—at a rate of 3,100 a day after the recession was over. Examples of announced cutbacks since 1991 have included IBM, 85,000; AT&T, 83,500; Sears, 50,000; Boeing, 30,000; NYNEX, 22,000. This year in February alone, 30,945 jobs were eliminated by 74 companies, and it is projected that year-end 1995 will tally 400,000 layoffs.

We are in a new phase of corporate downsizing. Loyal workers and managers are let go. But employment is not the only issue. The quality of employment is changing. Lower salaries are imposed because it is a buyer's market and companies can command good employees at low cost. Recent studies, including those by the OECD, show that among the G–7 industrial countries, the United States ranks first in having the longest workweek, the shortest vacation time, and the least weeks of maternity and parental leave.

Mr. Speaker, last month Robert Kuttner wrote in Business Week that our best corporations cannot guarantee career security no matter how dedicated the work force. There is no need for companies to make a career commitment to employees. On the other hand, workers loyal and dedicated to their employers deserve loyalty in return. As a society, we must recognize that two-way loyalty in the workplace benefits everyone, and we must find a way to be competitive and successful with more than a bottom-line mentality. Mr. Speaker, I am submitting a copy of Mr. Kuttner's article for the RECORD.

NEEDED: A TWO-WAY SOCIAL CONTRACT IN THE WORKPLACE

(By Robert Kuttner)

America's best corporations are caught between two opposite first principles. One prizes the engaged, empowered employee. The other views employees as expendable costs. Reconciling these views is like squaring the circle.

It is hard to pick up a business magazine without encountering compelling tales of companies that improved productivity through the ''high road''—a policy of empowered employees, teams, and high-performance work. This model implies a reciprocal commitment between management and employees, but in an economy of relentless downsizing something appears to be lacking. The company can only insist that high-performance will be rewarded or even that the employee will keep a job. The corporate social contract in America today, says Anthony P. Carnevale, chairman of the National Commission on Employment Policy, ''is the sound of one hand clapping.''

You might think this one-sided social contract would have costs to employee morale and hence to productivity. But, evidently, fear is a powerful motivator. In his study of corporate loyalty, White Collar Blues, Charles Heckscher was granted access to middle managers at eight large corporations undergoing major restructurings, including General Motors, Dow Chemical, and AT&T. Heckscher, who chairs the labor studies and employment relations department at Rutgers University, found that employees were highly dedicated but had scant confidence that their devotion would be repaid. Yet they retained a surprising degree of loyalty. ''Perhaps the principal puzzle in companies undergoing the shock of change,'' be concluded, ''is that it produces so little conflict and disintegration.''

GLOWING REPORT

At another conference at the Jerome Levy Economics Institute of Bard College, the keynote speaker was Frank P. Doyle, executive vice president of General Electric Co. Doyle confirmed Heckscher's portrait. GE today does three times the business it did in 1980—with half the workforce. To get there, Doyle said, ''we did a lot of violence to the expectations of the American workforce. . . . We downsized. We de-layered. And we outsourced.''

GE is among the most dynamic of U.S. companies, with a deep commitment to imaginative human-resource strategies. For its core employees, GE is an attractive place to work. However even the best of our corporations cannot guarantee career security, no matter how dedicated its workforce. If this is the core, heaven help the periphery.

At a conference at the Radcliffe Public Policy Center, there was much talk about a ''new economic equation'' to reconcile work and family life. Another corporate manager with a strong commitment to core employees, Robert E. Boruff, vice-president for manufacturing at Saturn Corp., gave a glowing report about how his company offers subsidized child care, flexible hours, and help to workers pursuing more education. But even Saturn uses outsourcing and contingent workers, who do not receive all these benefits.

HIGH-MINDEDNESS?

Corporate America is littered with companies that once prided themselves on generous fringe benefits and no-layoff policies—companies that now devalue health benefits and jettison faithful employees by the thousand. Although they talk a good game, America's most successful companies seem to have decided that a workplace compact is necessary only for their most valued workers. So a humane corporate culture for the entire workforce cannot be anchored in the high-mindedness or event he enlightened self-interest of the corporation.

Employment security, as opposed to job security, is assured only when the economy enjoys high growth and full employment. With high unemployment and plenty of job seekers, companies have no need to make a career commitment to employees. Conversely, in a full employment economy, the existence of plentiful job opportunities takes the sting out of downsizing at any one company.

Similarly of we believe as a society in profamily workplaces, lifetime learning, pay for performance, and other enlightened principles, these norms must be anchored in national policies. Enlightened corporations may want to pursue a high-rod approach, but competitive pressures may make that prohibitively expensive unless all companies are traveling the same road.

The elements of a decent, two-way social contract in the workplace require floors set by either national policies or strong labor unions. It's encouraging that America's most productive companies, in principle, value a high-road approach, but that doesn't guarantee that they will take it. It's also necessary for society to bar the low road.

TRIBUTE TO TANNETIE VERHOEVEN

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. KIM. Mr. Speaker, I rise before the House floor today to pay tribute to Tannetie Verhoeven who will be celebrating her 100th birthday on August 11. Truly, this is an extraordinary occasion. The city of Chino has greatly benefited from her decades of continued dedication and commitment to community service.

Ms. Verhoeven has witnessed two World Wars, the Great Depression, the founding of the United Nations, man walking on the moon, as well as many other monumental events our

country has faced. She has seen this country through its greatest triumphs and the most arduous of times. Ms. Verhoeven is a shining image of what American dreams are built upon. Her wisdom has helped shape the future of many people in her community.

Ms. Verhoeven has played an integral role in her community by possessing simple human compassion and kindness, along with a culmination of determination and drive.

I commend Ms. Vernhoeven on a lifetime of the many contributions she has given both her family and community. My most since wishes for more happiness and memories to come. Best wishes for a memorable celebration.

TRIBUTE TO CAPTAIN JIM MUNNINGHOFF

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. DEUTSCH. Mr. Speaker, as the Congressman for Florida's 20th Congressional District which includes Key West, I have had the privilege of working closely with Captain J.M. Munninghoff, the commanding officer of Naval Air Station, Key West. I am always impressed by Captain Munninghoff's professional manner and personable nature, but never surprised. He has shown relentless dedication to his job, and I am very sorry to see him leave his post.

Captain Munninghoff's entire career reflects his fine qualities and distinct attributes. His warfare specialty has taken him all across the globe. His 4,400 flight hours and 774 carrier landings stretch from the South Pacific to the Indian Ocean. During his tour as commanding officer of VA–81, the squadron received the distinguished Commander, Naval Air Force, U.S. Atlantic Fleet Battle Efficiency Award in 1987. In addition to his accomplishments with in his warfare specialty, Captain Munninghoff has held many prestigious positions including the aviation readiness training branch head, and later deputy director to the Chief of Naval Operations, as well as the assistant strike operations officer and the air operations officer of the U.S.S. *Forrestal* and the U.S.S. *Dwight D. Eisenhower.*

Reflecting his many achievements, Captain Munninghoff has also been awarded various personal awards, including the Legion of Merit, Merritorious Service Medal, Navy Commendation Medal, and Navy Achievement Award.

I have had the personal pleasure of working with Captain Munninghoff in his current position of commanding officer at Naval Air Station Key West. I feel that he has done an exemplary job of dealing with the civilian community of the Florida Keys on important issues such as the Peary Court housing controversy, the base realignment and closure process, as well as the more recent proposals for joint use of military property.

It is rare to meet a person of such fine character, and I am honored to have had the opportunity to work with such a man. Needless to say, I am very sorry to see him move on. I only hope that the Navy recognizes the tremendous asset they have in Captain Munninghoff.

TED LEIPPRANDT: LEADER, ENTREPRENEUR, ROLE MODEL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BARCIA. Mr. Speaker, one of the special privileges of being a representative of the people is meeting so many outstanding individuals. For several years, I have had the good fortune to know Ted Leipprandt of Pigeon, MI. He is a man who has been a leader in his community and in agribusiness. He has been an entrepreneur who has always worked to maximize the benefit that the free market would offer to him. He also has been a role model with his community service, his religious devotion, and his ability to maintain a clear perspective in an often demanding and conflicting world.

Ted Leipprandt formally retired from his 36-year career with the Cooperative Elevator Co. of Pigeon, MI, on May 31st. This weekend, he is being honored for his accomplishments by his friends and colleagues in the Michigan Bean Shippers Association and the Michigan Bean Commission. I am honored to join in this tribute to a man who has made such an impact on the agricultural economy of the most productive portion of Michigan's agricultural bounty—the Thumb.

Virtually a lifelong resident of Pigeon, Ted earned his degree from Michigan State University in animal husbandry before serving in the Army and returning to Michigan to work as a member of the Cooperative Extension Service. He began his affiliation with the Cooperative Elevator Co. of Pigeon, where over the years he worked in several capacities, including general manager. He planned and implemented several expansion and construction projects to make his facility into a state of the art leader in the grain business. He also undertook action to expand the elevator's capability to store and process multiple varieties of dry beans to respond to the demands of international market opportunities. He also was involved in several mergers and company formulations which again concentrated on both domestic and international marketing opportunities.

Throughout all of his career, Ted has had the active support of his wife, Peg, who is also a major contributor to her community. They emphasized the importance of work and Christian values to their four children, and continue to help guide their eight grandchildren. They also learned the value of community service as they saw Ted actively work as a member of the Salem United Methodist Church, a trustee and later president of the Michigan 4-H Foundation, and a board member of the Blue Water Youth for Christ. He has been very involved with the Rotary Club.

His other business affiliations include his membership in the Michigan Bean Shippers Association, the Michigan Grain and Agri Dealers Association, and his current service as a board member/director of Detroit Edison and the East Central Farm Credit System.

Ted's devotion and constant effort to live according to his code of values has made him a true role model. I can think of no one who can better exemplify what it means to be an upstanding citizen, a concerned individual, and a successful businessman.

Mr. Speaker, even though we are recognizing Ted Leipprandt's retirement, all of us who know him understand that he is only moving on to new opportunities and challenges in the same value-laden way that he has conducted his entire life. I urge you and all of our colleagues to join me in wishing Ted, Peg, and their entire family the very best as we look forward to continuing our relationship with a man we are proud to know.

HONORING JOAN SALTZEN

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. FAZIO. Mr. Speaker, I rise today to honor the selfless community leader and constituent, Joan Saltzen. She retired earlier this year as superintendent of schools of Colusa County.

From 1983 to 1995 she transformed the Office of Education into a place where children were allowed to grow as individuals. Mrs. Saltzen wasn't afraid to bring new programs to the classroom in order to let the students explore their own individuality.

Her career spanned nearly 30 years. Mrs. Saltzen's exuberance and motivation was as strong on her last day in education as it was on the first.

Mrs. Saltzen got her start in education in 1965, when she was hired as a classroom teacher at McCloud Elementary School. From 1969 to 1971, she was the school's Miller-Unruh reading teacher, for children in first, second, and third grades.

She served as a research intern from 1977 to 1979 for the Department of Research, Development and Evaluation at the Eugene 4J School District in Oregon.

Mrs. Saltzen came to Colusa County in 1979 and until 1982 was the special education teacher for the Office of Education. The following year she began her tenure as superintendent of schools.

Mrs. Saltzen has a Ph.D and M.S. in educational psychology from the University of Oregon. Her B.A. in liberal arts was from the University of Chicago. Mrs. Saltzen also completed the educational administration program at California State University, Chico.

She has numerous credentials and affiliations with professional organizations.

Perhaps her greatest attributes are an open mind for learning and an ability to excite others about education. Since leaving office last January, countless parents and educators throughout Colusa County have told me how much Mrs. Saltzen is missed as schools chief. I share their sentiment about her departure.

Mr. Speaker, I ask my colleagues to join me today in honoring Mrs. Saltzen for her many years of service to the Colusa County Office of Education. I wish her happiness and continued success in all her future endeavors.

RECOGNITION OF MR. AND MRS. MORTON O. HEINRICH

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. BILBRAY. Mr. Speaker, I rise today to recognize and honor Mr. and Mrs. Morton

Ochs Heinrich of La Jolla, CA, as they celebrate their 40th wedding anniversary on the 14th of August. Mr. Heinrich is also retiring this year after working for over 43 years as one of America's top experts in the field of lightweight, antisubmarine torpedos. Mrs. Heinrich is a community leader and a lawyer, who continues to this day to provide free legal services to senior citizens in San Diego. Together, the Heinrichs' represent the best that America has to offer and are a shining example of an American Family.

A native of New York, Mr. Heinrich graduated from the Bronx High School of Science and the University of Oklahoma. He began his career in 1951 at China Lake, in the high California desert, and quickly moved to a posting in Pasadena, CA. He settled in San Diego in 1974. He has been cited many times over the past four decades for his work in the design, development, test, and production support of the Navy's mark 32, mark 46, and mark 50 torpedoes. He holds a patent on the mark 46's acoustic homing system, which went into the fleet in 1967 and remains the Navy's standard lightweight torpedo. In 1984, he was awarded the Naval Ocean Systems Center's Lauritsen-Bennett Award, the highest award given by the center. For over 40 years, his leadership in both the public and private sector has been instrumental in maintaining the high state of readiness our naval forces rely upon to meet the global commitments with which they are tasked.

A native of Clayton MI, Mrs. Heinrich has been active in the community for over 25 years as a bridge teacher. After having raised two children, Mrs. Heinrich completed law school, passing the bar in 1989. For the last several years, Mrs. Heinrich has done volunteer legal work at San Diego Senior Citizens Legal Services.

Their two children have been role models themselves. Their son, Mark, is a 1975 graduate of La Jolla High School, a 1979 graduate of the U.S. Naval Academy, and a 1989 graduate of the University of Kansas Graduate Business School. He is currently a commander in the Navy, assigned to the staff of the Assistant Secretary of the Navy for Research, Development, and Acquisition, Commander Heinrich, his wife, Judy, and their two sons currently live in Fairfax, VA.

Their daughter, Marjorie, is a 1979 graduate of La Jolla High School, a 1983 graduate of the University of California at Berkley and a 1986 graduate of the Golden Gate University Law School. She is currently a partner in the Oakland, CA, law firm of Kincaid, Gianunzio, Caudle & Hubert. Miss Heinrich currently lives in Oakland, CA.

Morton and Eileen Heinrich have been totally committed to excellence, both in their public lives and in their efforts to raise their family. As a lawyer in San Diego, Eileen Heinrich has been a role model for others half her age. As a public servant for over 30 years and as an expert in this field for over 40 years, Morton Henrich has been a tremendous steward of the public's trust.

Mr. Speaker, Mort and Eileen Heinrich represent a tremendous example of an American success story; a couple of modest means who have served both the country and the community. It is only fitting that we should recognize their many accomplishments as pillars of the community. I ask all my colleagues on both sides of the aisle to join me in wishing this great American couple every success in the future and congratulations on their 40th wedding anniversary.

RESPECTEEN NATIONAL YOUTH FORUM

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. POMEROY. Mr. Speaker, I rise today to bring to the attention of my colleagues a letter written to me regarding the Conservation Reserve Program [CRP] by Rachel Heiser. Rachel Heiser participated in the seventh annual RespecTeen Speak for Yourself Program, and she was selected to represent North Dakota at the 1995 RespecTeen National Youth Forum in Washington, DC. She just completed the eighth grade at Simle Middle School in Bismarck, ND, and her letter emphasizes the benefits and importance of CRP. I have included Rachel's letter for the benefit of my colleagues.

The Conservation Reserve Program (started in 1985) pays farmers not to farm highly erodible land for 10 years and convert it to perennial vegetation. CRP has been successful because farmers, taxpayers, wildlife and the environment all benefit.

The Great Plains has been characterized as one of the most endangered ecosystems in North America. Populations of grassland-nesting birds have been declining faster than any other bird group.

Now, because of CRP, many species of birds are making a great comeback. Ring-necked pheasant populations have more than doubled in several states. Increased pheasant populations in South Dakota attracted 48,000 non-resident and 80,000 resident hunters in 1993, spending $50 million. Grasshopper sparrows, lark buntings, and Eastern meadowlarks are increasing in areas with high CRP enrollment. Elk, Mule deer, white-tailed deer, and antelope have responded surprisingly well to CRP. In Idaho, Colombian sharp-tailed grouse, a candidate species for federal listing, is making a dramatic recovery on CRP lands. Three million additional ducks were produced in 1994 in the Dakotas and Montana because of CRP. CRP will provide up to $11.2 billion in overall environmental benefits during the life of the program.

As you can see, CRP is a very important program when it comes to saving soil and providing grassland habitat. However, beginning this year, most of the grassland habitat created by CRP will be converted back to cropland without reauthorization of CRP. When all CRP contracts are terminated, commodity prices are expected to drop due to increased crop production leading to a significant reduction in farm income. CRP pays for itself by reducing surplus crops and thus support prices to producers. CRP is the only program that has restored many wildlife populations while saving taxpayers a bundle. Please help to reauthorize the CRP program.

RESTORING IMPACT AID AND EDUCATION: AMENDMENTS TO H.R. 2127, THE FISCAL YEAR 1996 LABOR-HHS-EDUCATION BILL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. CUNNINGHAM. Mr. Speaker, today I will have three amendments printed in the RECORD regarding restoring education funding in the fiscal year 1996 Labor-HHS-Education appropriations bill.

These amendments restore from $130 to $174 million to education. They insure that critical health research funding grows at least 4 percent. And they seek to make positive, balanced change to the Labor-HHS-Education appropriations bill.

The first amendment transfers $174.93 million across the board from the National Institutes of Health accounts, permitting health research funding to continue growing by 4 percent, same as the administration's request. With those funds, resources are distributed as follows: $49.58 million to impact aid, $40 million to the chapter 2/Eisenhower Education Reform and Professional Development Program, $80.45 million to vocational education basic State grants, and $4.87 million to the National Institute for Literacy. The amendment also deletes legislative language in H.R. 2127 which prohibits impact aid funding for military B's, military B's with disabilities, and schools affected by the hold harmless provisions of last year's reforms. This amendment is also being submitted by Mr. RIGGS of California, a member of the Appropriations Committee, and will most likely be offered by him on the floor.

The second amendment transfers $160 million across the board from the National Institutes of Health accounts, permitting health research funding to continue growing by more than 4 percent, an amount greater than the Administration's request. With those funds, resources are distributed as follows: $46 million to impact aid, $40 million to the chapter 2/Eisenhower Education Reform and Professional Development Program, $69.13 million to vocational education basic State grants, and $4.87 million to the National Institute for Literacy. The amendment also deletes legislative language in H.R. 2127 which prohibits impact aid funding for military B's, military B's with disabilities, and schools affected by the hold harmless provisions of last year's reforms.

The third amendment transfers $130 million across the board from National Institutes of Health accounts, permitting health research funding to continue growing by more than 4 percent, an amount percent greater than the administration's request. With those funds, resources are distributed as follows: $46 million to impact aid, $40 million to the chapter 2/Eisenhower Education Reform and Professional Development Program, $39.13 million to vocational education basic State grants, and $4.87 million to the National Institute for Literacy. The amendment also deletes legislative language in H.R. 2127 which prohibits impact aid funding for military B's, military B's with disabilities, and schools affected by the hold harmless provisions of last year's reforms.

TRIBUTE TO FRANK ZEIDLER

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. KLECZKA. Mr. Speaker, it is with great pride that I rise today in tribute to a man I admire greatly, my good friend, Frank Paul Zeidler, former long-time mayor of my hometown, Milwaukee.

The history books and records at City Hall tell us that Mayor Zeidler served as a Milwaukee County Surveyor, the Director of Milwaukee Public Schools, and as our city's highest elected official from 1948 through 1960.

I would like to stress, however, the many aspects of this great leader that historians may have overlooked, and that the average Milwaukee-area resident may not be aware of. He is truly a gifted man, with many diverse talents and interests.

First and foremost, Mayor Zeidler was, and continues to be, a family man. He and his wife, Agnes, raised six children, who with their many offspring, continue to be Frank's pride and joy.

The former mayor was, and also continues to be, committed to education, demonstrated in his efforts on behalf of local libraries, colleges, museums, life-long learning institutions, and public radio and television stations, to name a few.

But, what Frank Zeidler is most, is a man dedicated to improving the quality of life for all those with whom he comes in contact with in his day-to-day activities. Be it the students he reaches in his college lectures, the attendees at one of the many civic board meetings he participates in, or the Milwaukee resident who just happened into City Hall when the former mayor was there for a meeting, all are graced by his presence.

Mr. Mayor, you are truly a living legacy in Milwaukee. So many of the treasures of my hometown are the way they are because of you and I can truly say that Milwaukee would not be what it is today without your influence over the years.

Mayor Zeidler, on behalf of all Milwaukeeans, past, present, and future, I salute you.

THE EXECUTION OF THOMAS LEE WARD: ''THE DEATH PENALTY IS NOT A SOLUTION''

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STUDDS. Mr. Chairman, earlier this year the House adopted legislation which severely restricts the right of State prisoners awaiting execution to challenge the constitutionality of their convictions or sentences in Federal court. If this legislation becomes law, it will increase the likelihood that persons who are unjustly convicted will be put to death.

Given the apparent willingness of this House to embrace such a result, I wish to share with my colleagues a powerful and sobering article which appeared in the Boston Sunday Globe on June 4, 1995. It is an account of the execution of Thomas Lee Ward, a death-row prisoner in Louisiana, written by David A. Hoffman, a Boston attorney who represented him, without fee, through 9 years of appeals in the effort to secure a new trial.

Mr. Hoffman's tribute to his client is one of the most moving and persuasive statements I have ever read on the evils of the death penalty. His client, an indigent 59-year-old African-American man, was executed by a criminal justice system that denied him a fair trial and them chose to take his life rather than admit its mistake. As Mr. Hoffman writes:

Thomas Ward's case is a good example of the unfairness and arbitrariness of our death penalty system in the United States. . . . [O]ur legal system does not have any reliable means of sorting out who deserves death and who does not. As a result, the people on death row are often there simply because, as in this case, they did not have enough money for ''dream team'' lawyers or even competent lawyers. Or they had prosecutors who, as in this case, withheld evidence. Or, as in this case, the courts announced new principles but refused to apply them to people who had already been tried. This case leaves me more convinced than ever that, because we lack the wisdom to know who should live and who should die, our legal system should not be in the business of killing people.

The case of Thomas Lee Ward is not an isolated occurrence. As the number of executions continues to increase, and as new barriers are imposed on post-conviction appeals, such stories will be commonplace.

Two weeks from now, on August 17, the Commonwealth of Pennsylvania is scheduled to execute Mumia Abu-Jamal, an African-American radio journalist convicted 14 years ago of killing a police officer at a routine traffic stop. Mr. Abu-Jamal alleges that his conviction was obtained through police intimidation, a false confession, the suppression of evidence, and the incompetence of his counsel. He is seeking a new trial before the very judge who oversaw his conviction 14 years ago. According to the New York times, the judge has been ''openly contemptuous of the defense'' throughout the hearing, declaring at one point in the proceedings, ''Objection is over-ruled, whatever it was.''

Mr Chairman, people who commit heinous crimes should pay for what they have done. But when we condone the execution of defendants who have been unjustly convicted, it is we as a society who pay the price.

[From the Boston Sunday Globe, June 4, 1995]

''THE DEATH PENALTY IS NOT A SOLUTION''

(By David A. Hoffman)

On May 15, at 11:41 p.m., I said good-bye to 59-year old Thomas Lee Ward, my client for the last nine years. Thomas was an inmate on death row at Angola Penitentiary in Louisiana. Half an hour later, Thomas was dead from a lethal injection administered by prison officials.

I spent the day with Thomas, as my colleagues and I spent many days with him during the last nine years. This time, however, instead of focusing on our appeals and legal theories, we talked about his family. We looked at dozens of family photos he had received from relatives during the 11 years he was on death row. Thomas has 14 children and almost that many grandchildren. We spent two hours constructing a family tree.

While we talked, we waited for word from the US Court of Appeals and the US Supreme Court, where his last round of appeals was being considered. We also waited for word from the state Pardon Board, which had scheduled a vote for the afternoon. Earlier in the day, I had met with the governor's chief legal counsel and urged commutation regardless of the Pardon Board's decision. My colleagues in Boston filed the last set of papers with the Supreme Court and stayed in close touch with the courts.

Thomas was not optimistic about the outcome. He had long ago made his peace with the fact that his trial was botched by a court-appointed lawyer who had not properly investigated the case. Thomas never denied killing his father-in-law. However, he resented the fact that the jury convicted and sentenced him without hearing evidence about the family quarrel that led up to the shooting. The prosecutor withheld that evidence, and argued for the death penalty on the grounds that Thomas was a child molester and lifelong criminal. His lawyer never told the jury that most of the charges against Thomas in those other cases were dismissed or dropped. The jury sentenced him to death because they believed Thomas was an evil man who had premeditated the murder. Both beliefs were unfounded.

By supper time, our appeals had almost run their course. The phone rang: The Pardon Board had voted 3–2 against commutation, and the Court of Appeals 3–0 against hearing the case, with one judge expressing misgivings about the result. Thomas shook his head gently as the news registered. As an African-American with no money, he had never believed that his appeals would be taken seriously.

Separated by the bars at the front of his cinderblock cell, we leaned toward each other and went back to the family photos. In one, his 80-year-old mother presides over 153d Street in Harlem, wearing a dashiki; in another, his daughter Tarsha looks out from her office desk in San Diego. Tarsha had written a moving letter to the Pardon Board to no avail. One photo surprised me: It showed Thomas without the knit skullcap and graying beard he had worn for as long as I had known him.

The prison warden arrived to supervise the arrangements for executing Thomas. He asked if there were anything he could do to make things easier—food, access to the phone, a chaplain, anything. Thomas asked to use the phone. While he called his mother, siblings and children, the warden confided to me that this was his first execution and that, as a Christian, he found it difficult. He wanted it to go smoothly and asked me how Thomas was feeling. What a question! Resisting the impulse to say something impertinent, I told him that, considering the circumstances, Thomas was at peace with himself and handling the pressure well. The warden asked me how I was doing, and for the first time, I felt the tears well up. I had kept a lid on my grief and anger all day, but the warden had inadvertently pried open the vessel. I reminded myself that, as Thomas' lawyer, I was supposed to act professionally. I looked away and said, ''I feel like I am losing a friend.''

The warden asked me if Thomas wished to make a final statement of some kind. He wanted Thomas' death to have some sort of meaning. I said I would discuss it with Thomas later. My mind was focused on the slim chance that the US Supreme Court or the governor would intervene. Two days before, a federal district court judge had denied Thomas' request for a new trial, but had written that he was ''gravely troubled'' by the case. The judge suggested that he would have granted a new trial but Supreme Court precedent stood in his way. Thus, we waited for the court to speak.

Thomas' wife called. Linda Ward had testified against him at trial and at the Pardon

Board hearing. On the phone that night, she told Thomas she had thought the courts would stop the execution. Thomas ended the conversation abruptly; he had no use for her remorse.

We watched the 10 o'clock news: ''Time is running out for death row inmate Thomas Ward as he waits for word from the US Supreme Court. A vigil of death-penalty protesters continues at the governor's mansion.'' We watched the report on the Simpson trial—a study in contrasts. Thomas' lawyers were no dream team; his trial lasted a day and a half. We speculated on whether O.J. did it alone or with an accomplice.

All evening long, a guard from the prison's ''tactical'' squad sat by us, listening to every word and keeping a log of Thomas' phone calls and activities. Thomas seemed used to this intrusion, but I finally lost my patience and asked him to back off so that my client and I could talk privately. With squadrons of guards surrounding Camp F (the ''death compound'' at Angola), there was little risk that we were going to hatch an escape plan. The guard slid his chair to the corner of the tier, but kept his eyes riveted on Thomas.

One of the guards brought in a tub of butter pecan ice cream, which we dished out into Styrofoam cups—the only thing either of us had eaten in many hours. Thomas, a diabetic, had been on a low-fat, no sugar diet—until today. ''Do you want to write a statement?'' I asked. ''The warden seems to think your death will have more meaning if you make a statement.'' Thomas shrugged his shoulders and said, ''You know how I feel—you write it.'' I typed out a statement on the laptop computer I had brought with me from Boston. Thomas studies it through the bars, dodging his head back and forth so that he could read the screen. He suggested a few changes, and then said it was OK:

''The warden has asked me if I would like to make a final statement. I do not wish to do so. I have asked my lawyer to inform the press as follows: I am leaving the world at peace with myself and with the Almighty. I feel remorse for the things that I did. I hope that young people today will learn that violence is not an answer. I hope that the legal system learns that lesson, too. The death penalty is not a solution.''

One of the guards summoned me to take a phone call at 10:45 p.m. It was my office. The Supreme Court had turned down the appeal. The governor had decided against commutation. A spike of disappointment shot down my spine. I thought I was prepared for this news. I was not. I was convinced that our claim for a new trial was both legally and morally compelling. I felt betrayed by the courts.

All emotion drained from my face as I returned to the cellblock to share the news with Thomas. He was quiet. He nodded his acknowledgment that we had reached the end of the road. He took off two rings and handed them to me. ''I want you to have these,'' he said. ''One of them is my wedding band. The other is just a trinket I picked up years ago in California.'' I told him I would give the wedding band to Tarsha (Linda and Thomas' oldest child) and keep the other ring myself.

At 11 p.m., the warden returned. I gave him a copy of the statement, and he shook my hand and thanked me. The statement obviously had more meaning for him than for Thomas. One of the guards told me I had to leave because prison rules permit lawyers to stay with their clients only until an hour before execution. I asked for a few more minutes with Thomas. Under the bulldog gaze of the officer, Thomas and I stretched our arms through the bars and gave each other as much of a hug as the bars would allow. We said our good-byes as we held each other, and then I left the cellblock.

A deputy warden told me that I would have to leave the building and the prison complex. I asked him what would happen between 11 p.m. and midnight; he said that, according to prison regulations, only a ''spiritual adviser'' could remain with Thomas until midnight. Since Thomas had declined to meet with the prison chaplain, he would be alone for that hour. The chief warden stepped into our conversation and asked if I felt I could be Thomas' spiritual adviser. He pointed out that Thomas considered himself an Israelite (an African-American Jew) and I was Jewish (I had mentioned that to the warden when he brought up the subject of Christianity). I said I felt I could do that. Neither of us was fooled by this collusion. He did not want Thomas to be alone.

I returned to the cellblock, but conversation did not come easily that last hour with Thomas. He withdrew as we talked about death. He wondered what was on the other side. He felt confident that something better lay ahead. He told me he had lived a long life—unlike his brother, who was stabbed to death on the streets of Harlem at age 26. He said he had not begged the Pardon Board to spare his life because his diabetes was causing him to lose sensation in his extremities, and he did not wish to spend his life as an amputee in prison. He said he had seen such inmates in the sick bay, and he described the way they were treated by the guards as monstrously degrading. He said he was ready to go.

At 11:41 p.m., the warden arrived with the phalanx of guards who would accompany Thomas to the death room. I would be permitted to walk by his side until we reached the witness room. I was not on the approved witness list, and I had no desire to be.

We marched out of the cellblock, past a row of guards. No one spoke. As Thomas was marched through the witness room, I waited in an adjacent cinderblock room with a few guards while the state did its work. I typed out my own statement to give to the press. I hoped the press would be outside the gate, but I feared I would lose my composure if they were.

At 12:11 a.m., the warden, several guards and a lab-coated official walked single file out of the death room. Everyone stood up as they walked by, except me. I could not. A lawyer for the prison system stopped at my chair and said, ''He handled it well. He was OK.'' I thanked him for telling me and left.

The press talked with the warden in his office as the guards ushered me out of the prison gate. There was no one to give my statement to. The night and a dark road lay ahead. I leave my statement here as a small tribute to a client and friend:

''Thomas Ward's case is a good example of the unfairness and arbitrariness of our death penalty system in the United States. Mr. Ward, who was poor and an African-American, did not receive a fair trial. My colleagues and I have worked for nine years, trying to get Mr. Ward a new trial. But the bottom line is that no matter how fair a trial he received, our legal system does not have any reliable means of sorting out who deserves death and who does not. As a result, the people on death row are often there simply because, as in this case, they did not have enough money for ''dream team'' lawyers or even competent lawyers. Or they had prosecutors who, as in this case, withheld evidence. Or, as in this case, the courts announced new principles but refused to apply them to people who had already been tried. This case leaves me more convinced than ever that, because we lack the wisdom to know who should live and who should die, our legal system should not be in the business of killing people.''

RECOGNITION OF REAR ADM. RAY R. SAREERAM

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. HANSEN. Mr. Speaker, I rise today to recognize and honor Rear Adm. Ray R. Sareeram, Supply Corps, U.S. Navy, as he prepares to retire on October 1 1995. Rear Admiral Sareeram is completing over 33 years of dedicated service to the Navy and our Nation.

A native of Sacramento, CA, Rear Admiral Sareeram graduated from Sacramento State College and was commissioned through Officer Candidate School in 1962. He subsequently earned a masters of business administration degree from the University of Michigan, and is a graduate of the Industrial College of the Armed Forces.

Currently, Rear Admiral Sareeram is the director, Supply Programs and Policy Division, Office of the Chief of Naval Operations. Admiral Sareeram has distinguished himself in one of the most crucial flag-rank logistics billets in the Navy. His leadership and vision has been instrumental in maintaining the high state of readiness our naval forces rely upon to meet the global commitments with which they are tasked.

Rear Admiral Sareeram's other tours ashore have included command at the Naval Supply Center in Oakland, CA, and at the Ogden Defense Depot in the great State of Utah. Admiral Sareeram served as fleet supply officer, U.S. Pacific Fleet during the Desert Storm conflict. He also served as deputy chief of staff for supply, Commander Task Force 73 in the Philippine Islands. Other tours include service at headquarters, Naval Supply Systems Command, Washington DC; Navy Ships Parts Control Center Mechanicsburg, PA; and, service in Saigon during the Vietnam war.

Rear Admiral Sareeram served at sea as supply officer aboard U.S.S. *Kenneth D. Bailey,* a destroyer based in Mayport, FL; as assistant supply officer on U.S.S. *Sylvania*, a fast combat stores ship out of Naples Italy; and as supply officer on board U.S.S. *Emory S. Land,* a submarine tender based in Norfolk, VA.

Admiral Sareeram's decorations include the Defense Superior Service Medal, the Legion of Merit with one Gold Star, the Bronze Star, the Meritorious Service Medal with three Gold Stars, and numerous unit and campaign medals.

Rear Admiral Sareeram is a dynamic and resourceful naval officer totally committed to excellence. A visionary, Admiral Sareeram has led the way in downsizing and streamlining operations without degradation of service to the fleet. His efforts have ensured our naval forces readiness levels are at historic highs even during these times of budget reductions.

Mr. Speaker, Ray Sareeram, his wife, Cathy, and their three children have made many scarifies during his 33-year naval career. It is only fitting that we should recognize their many accomplishments and thank them for the many years of service to our country.

I ask all of my colleagues on both sides of the aisle to join me today in wishing this great American every success as well as ''Fair Winds and Following Seas'' as he brings to close a distinguished naval career.

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

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 27, 1995

The House in Committee of the Whole House 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, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes:

Mr. POMEROY. Mr. Chairman, today I am supporting passage of the VA, HUD, Independent Agencies appropriations for fiscal year 1996. But I do so with reservation.

Affordable, safe, clean housing is a basic need which eludes many low-income families and elderly individuals. We should not be making extreme cuts to housing programs as our elderly population increases and personal income erodes for the working poor. It is ironic that as we push more people into the at-risk population for becoming homeless, we cut homeless programs by almost half.

I hope that my colleagues on the conference committee will be amenable to any increases suggested by their Senate counterparts.

Additionally, I supported the Stokes-Boehlert amendment to the VA–HUD–Independent Agencies appropriations bill, which eliminated legislative language that would gut portions of the Clean Water Act, the Clean Air Act, the Community Right-to-Know Act, and the Safe Drinking Water Act. If the amendment had been approved it would have protected both public health and the legislative process.

Under the Stokes-Boehlert amendment the legislative process, to which we have grown accustomed in this country, would have been preserved. No matter what Members think about the details of the riders that would have been eliminated by the amendment, all should agree that the appropriations process is not the place to have a full and informed discussion of environmental policy. This appropriations process has robbed the public and this body of its chance to have a full and informed discussion of environmental policy.

NOTING THE PASSING OF MARJORIE BLACK WILSON

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

Mr. STOKES. Mr. Speaker. I am saddened to rise today and report the passing of Marjorie Black Wilson. Marjorie was a very gifted and inspirational women who was loved by all who knew her. On July 16, 1995, the St. Louis community mourned her passing after a prolonged illness. I join my colleague from Missouri, BILL CLAY, his wife, Carol, and many other as we reflect upon the life and legacy of this talented and courageous individual.

Throughout her life, Marjorie Black Wilson gave freely of her time and talents. For many years, she volunteered in city schools where she counseled teenage girls on the importance of education. She also had a great love for the arts and theater. In remembering Marjorie, friends recall that she was the type of person who always expected the best from people. Marjorie encouraged others, and she inspired them to reach their fullest potential. They also recall that during her long battle with cancer, Marjorie did not retreat, but she drew them even closer and sought to educate women of color about the disease.

Just recently, The St. Louis American paid special tribute to Marjorie Black Wilson and acknowledged her contributions to the St. Louis community. The article captures the spirit of an individual who was very special to each of us. I am pleased to share this article with my colleagues and the nation.

Mr. Speaker, the passing of Marjorie Black Wilson brings to a close a rich, full life devoted to family, friends, and the community. Those of us who had the privilege of knowing Marjorie will always remember her zest for living. My wife, Jay, and I extend our deepest sympathy to her husband, Earl; to her daughters, Denise, Stacy, Kim, and other members of the Wilson family. We take comfort in knowing that Marjorie's spirit lives on.

[From the St. Louis American, July 20–26, 1995]

MARJORIE BLACK WILSON LOVED ARTS AND THEATER

(By Kimberly Kendle)

DOWNTOWN.—A phenomenal woman. Someone who wove a tapestry of love. A friend to children, an appreciator and champion of the arts and theater. A tenacious spirit who was always driven, even in the face of adversity.

These are the words used by close friends of Marjorie Black Wilson, an artist and volunteer in St. Louis public schools, who died Sunday, July 16, 1995, at home in her sleep after a prolonged illness. She was 61.

''She truly had a zest for life and lived it fully and lovingly until the end,'' said Barbara J. Mabrey, who met Wilson in college in 1952. ''She possessed an unusual ability to establish and maintain close relationships. Margie cultivated, nurtured and enriched relationships with many people. She made each of her friends feel very special and important to her.''

Mrs. Wilson was born September 5, 1933, to Theodore and Lurline Black in Jefferson City, Mo. She attended the Jefferson City Public Schools and attended college at Lincoln University where she graduated magna cum laude. While attending Lincoln University, she met her husband, Earl Wilson Jr. The two married June 11, 1954, and moved extensively around the country and abroad before setting in St. Louis in 1987.

Mrs. Wilson volunteered in city schools, counseling teen-aged girls on parenting skills and the importance of education in a program called Sisters and Sisters United. The program encourages leadership, character development, rights of passage and womanhood training. She encouraged the girls to postpone sex and parenthood until they finished high school and college.

''One of the things she would do is tell them (the students) about her travels,'' and Cora Cade-Lemmon who knew Mrs. Wilson for four years. ''She had an Afrocentric spelling bee where she would give the girls awards.''

Mrs. Wilson was expecting the best from people, Cade-Lemmon added. Cade-Lemmon recalled one day when Wilson, who wanted to give fruit as a reward to the students for good work on their projects, was skeptical about how the children would receive the kind gesture.

''We were thinking these kids aren't going to be into fruit,'' Cade-Lemmon said. ''It turned out to be one of the best awards we had.''

During her eight-year battle with cancer, Mrs. Wilson worked diligently to educate women of color about the disease. She is featured in a program to be aired this summer on PBS on treatment options for black women stricken with cancer.

''Margie dealth with her illness as she did with her life, accepting those things she could not change, always including family and friends in her endeavors and fighting the good fight until the end,'' said Elizabeth J. Chandler, a close friend of Mrs. Wilson.

''I guess the thing I remember most about her is that she was a cancer survivor,'' Cade-Lemmon said. ''Her love for life, she lived life fully and encouraged the girls to do the same. She didn't talk about her illness. She focused on the girls and their development. She put them first.''

Mrs. Wilson frequently traveled with her students to visit black colleges and universities across the nation. An admirer of poetry, Mrs. Wilson often took her books with her on such trips, Cade-Lemmon said. ''She felt very strongly that only African Americans can save African-American children and that we must lift while we climb.''

Mrs. Wilson's ability to lift as she climbed also spread to the world of arts and theater, and she frequently found herself enjoying plays at the St. Louis Black Repertory Theater with friends.

''She was an appreciator and champion of the arts. She encouraged all artists and was a source of inspiration to us all,'' said Chirley Simmons, an artist and friend of Mrs. Wilson for 10 years.

In what was described by one friend as ''a tapestry of love,'' Marjorie Wilson will be best remembered for her kindness and generosity as she embraced life fully and forcefully.

''Her spirit is alive,'' Cade-Lemmon said quietly, as she reflected on the memory of a friend. ''What she left with us in that life is for the living. And so we take those memories, those memories of Marjorie, we take them with us.''

A rosary Mass will be celebrated 7 p.m. Friday, July 21, at St. Nicholas Catholic Church, 701 N. 18th Street. A brief prayer service will be held at 10 a.m. Saturday, July 22. Burial will follow in Calvary Cemetery in North St. Louis.

Among the survivors are her husband, Earl Wilson Jr.; three daughters, Denise Wilson of Washington, D.C., Stacey Wilson of Paris, France, and Kimberly Wilson of Washington, D.C.; one grandson, Timothy Alexander Brown Jr.; a sister, Mildred Ballard of Washington, D.C.; a brother, Theodore Black Jr. of Omaha, Neb.; and a host of nieces, nephews, extended family and friends.

CAPTIVE NATIONS WEEK PROCLAMATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. SOLOMON. Mr. Speaker, the following is a copy of the Captive Nation's Week proclamation which I am submitting for the RECORD:

Whereas, the dramatic changes in Central and Eastern Europe, Central Asia, Africa and Central America have fully vindicated the conceptual framework of the Captive Nations Week Resolution, which the United States Congress passed in 1959, President Eisenhower signed as Public law 86–90, and every president since has proclaimed annually; and

Whereas, the resolution demonstrated the forsight of the Congress and has consistently been, through official and private media, a basic source of inspiration, hope and confidence to all the captive nations; and

Whereas, the recent liberation of many captive nations is a great cause for jubilation, it is vitally important that we recognize that numerous other captive nations remain under communist dictatorships and the residual structure of Russian imperialism; among others, Cuba, Mainland China, Tibet, Vietnam, Idel-Ural (Tartarstan etc.) the Far Eastern Republic (Siberyaks); and

Whereas, the Russian invasion and massacre of Chechenia,—a once-again declared, independent state—evoke the strongest condemnation by all given to rules of international law, human rights, and national self-determination; and

Whereas, the freedom loving peoples of the remaining captive nations (well over 1 billion people) look to the United States as the citadel of human freedom and to its people as leaders in bringing about their freedom and independence from communist dictatorship and imperial rule; and

Whereas, the Congress by unanimous vote passed P.L. 86–90, establishing the third week in July each year as ''Captive Nations Week'' and inviting our people to observe such a week with appropriate prayers, ceremonies and activities, expressing our great sympathy with and support for the just aspirations of the still remaining captive peoples.

Now, therefore, I _____ do hereby proclaim that the week commencing July 16-22, 1995 to be observed as ''Captive Nations Week'' in _____ and call upon the citizens _____ to join with others in observing this week by offering prayers and dedicating their efforts for the peaceful liberation of the remaining captive nations.

In witness whereof, I hereunto set my hand and caused the seal of the _____ to be affixed this _____ day of July _____, 1995.

As of today, July 31, 1995, the following Governors and Mayors have issued proclamations: George V. Voinovich of Ohio, Kirk Fordice of Mississippi, Tommy G. Thompson of Wisconsin, James B. Hunt of North Carolina, Gaston Caperton of West Virginia, Fife Symington of Arizona, Parris N. Glendening of Maryland, Pete Wilson of California, Brenton C. Jones of Kentucky, Don Sundquist of Tennessee, William J. Janklow of South Dakota, Thomas R. Carper of Delaware, Freeman R. Bosley of St. Louis and Stephan P. Clark of Miami.

DR. HADEN MCKAY TO RECEIVE GRAND LODGE 50-YEAR MASONIC SERVICE AWARD

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FIELDS of Texas. Mr. Speaker, a great friend of mine, Dr. Haden E. McKay, Jr., of Humble, TX, will receive the Grand Lodge 50-Year Masonic Service Award at ceremonies to be held tomorrow night in Humble. I want to take a moment to recognize this outstanding community leader who has devoted his life to improving the lives of so many of his neighbors.

Dr. McKay, now 87 years old, retired as mayor of Humble, TX, in May after 24 years in office. He began his service on the Humble city council when he opened up his medical practice in town, back in 1938. During World War II, his service in the U.S. Army Medical Corps forced him to suspend his medical practice and give up his city council seat. When he returned from the war, he resumed his medical practice and his public service.

As much as he loves medicine, and as much as he loves working to make Humble a better community in which to live and raise a family, Dr. McKay loves his wife of 54 years, Lillian, more. With the pressures of public office now behind him, Lillian and he can finally spend more time together.

Mr. Speaker, in an interview with the Houston Chronicle 4 years ago, Dr. McKay explained that he chose a career in doctoring for the same reason he chose to enter public service: to help people. He has done more to help more people than probably anyone else in the history of Humble, TX.

Now Dr. McKay is being honored by the Humble Masonic Lodge for his years of service to the lodge and to his community. This certainly is not the first honor accorded to Dr. McKay. It would take me hours to list the medical, civic, and other awards and honors that he has received during the course of his medical career and his years of public service.

At this time when many Americans question the motives of their elected public officials, I wish more Americans could know Haden McKay as I know him, and as the men and women of Humble know him. His half-century record of selfless service to others—both as a caring and compassionate medical professional, and as an equally caring and compassionate political leader—make him a role model for all of us who serve in positions of public trust.

Mr. Speaker, please join with me in congratulating Dr. Haden McKay as he is presented with the Grand Lodge 50-Year Masonic Service Award tomorrow night.

MAKE SURE OUR MORAL COMPASS IS WORKING PROPERLY: QUESTIONS FOR MANAGED CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. STARK. Mr. Speaker, on July 25, the president of the National Association of Public Hospitals, Larry Gage, testified before the Ways and Means Subcommittee on Health on the pending Medicare cuts.

I am inserting portions of his outstanding statement—a statement that every Member should read before voting on the excessive, destructive Medicare and Medicaid cuts proposed by the budget resolution. In this section, Mr. Gage discusses the dangers of managed care if not properly implemented and supervised, and the benefits of managed care when done correctly.

Portions of Mr. Gage's statement follow:

WITH RESPECT TO MANAGED CARE, WE MUST BE CAREFUL NOT TO OVERPROMISE AND OVEREXPAND, BEYOND THE CAPACITY OF OUR HEALTH SYSTEM TO RESPOND

The term ''managed care'' is now so ubiquitous that it dominates the field of vision in both the private and public sectors of the our health industry. More than just a helpful tool, managed care has become a preoccupation—perhaps even an obsession—for private insurers, employers, and individuals, as well as for legislators and bureaucrats at every level of government. Yet it is an obsession that obscures the need for greater scrutiny of the managed care industry, in order to avoid potentially irreversible damage to the future viability, quality and ethical standards of health care providers, as well as to the good health of many millions of Americans.

In other words, before we continue this headlong rush into uncharted territory, we need to pause and take stock, to make sure our moral compass is working properly. We need to ask (and answer) some tough questions in the heat of the current debate, which I believe represents nothing less than a struggle for the reputation, ethics, values, even the soul, of the managed care industry.

The dilemma is essentially a simple one: what is ''managed health care'' and should it primarily benefit payers or patients? It is largely designed as a blunt instrument for containing health costs—as many policymakers in Washington and dozens of state capitols believe? Or—as many managed care advocates would like to believe—is it something else: a genuine health care delivery reform that shifts the historic emphasis from acute and episodic intervention to the prevention and maintenance of wellness?

This is not an idle question. If managed care is primarily the former—a way to contain costs—then we may be wasting our time worrying about ethics. As indicated by the recent publicity over the failure of some HMOs to pay for emergency services, if the bottom line is all that counts the patient and the provider will both suffer (this is true whether the bottom line is Medicare savings or higher dividends for shareholders). Of course, we would all like to believe that effective managed care plans can BOTH restrain costs and improve wellness. But the plain fact is, in the public sector at least, MOST managed care activities have been carried out in the name of short term cost containment rather than genuine health system reform.

There are perhaps several ironies here. The first, of course, is that there is increasing evidence that managed care is not much more effective over time in holding down health costs that the fee for service system it is rapidly supplanting. Only the most highly organized and self-contained plans—staff and group model HMOs—have any measurable track record over time in holding down costs. For most other plans, after a brief initial flurry of savings—often driven more by the arbitrary demands of payers

than any inherent efficiencies in most organizations—costs seem to rise at about the same rate as the industry as a whole.

A second irony is that the major underlying reasons for cost increases in the American health industry have little or nothing to do with either managed care or fee for service medicine. Rather, they depend on such factors as the large and ever-growing numbers of uninsured, continuing advances in expensive technology on both the outpatient and inpatient fronts, and the fact that no one has effectively cured most Americans from demanding the most and the best no matter what health plan they enroll in. (It cannot escape the Committee's notice that the so-called ''point of service'' managed care plans—the most costly and least controllable—are the plans that usually score highest in consumer satisfaction among HMOs.)

The third, and perhaps greatest, irony is that the steps which clearly could reduce health costs over time—prevention, wellness and public health services—are the last services added and the first ones on the chopping block when the primary goals are short term cost containment and profit-taking.

Certainly, there is no disagreement about the importance of preventive measures aimed at improving both individual and community-wide health status. Preventive health can minimize both the potential for excessive care in the fee for service environment and the potential for providing too few services in the managed care environment. Moreover, the assignment of patients to primary care gatekeepers who are able and willing to manage the full continuum of a patient's care, also improve a patient's health, and thus hold down long term health costs, even if more services are needed in the short run. But these features must be fully integrated into HMO's not just grafted onto the surface. Of course, many managed care organizations and employers do try to emphasize wellness and prevention, or at least pay lip service. The problem is, we cannot demonstrate that these services will reduce health costs overnight. In fact, in the short run their effective use is likely to increase services and costs, especially for low income elderly patients historically deprived of such services.

Ultimately, of course, if ''managed care'' is seen only as a tool for cutting costs, the result will be a health system that is neither ''managed'' nor ''care.'' We all know that there are more than a few dirty little secrets about the explosive growth in Medicaid managed care over the last several years. I will agree that some managed care organizations have developed elegant, sophisticated MIS and case management systems that emphasize prevention and wellness. Some plans may also have adequate and well-rounded networks of providers that are reasonably reimbursed even as they are given rational incentives to change wasteful practice patterns. However, many other organizations have simply grown too fast to take the time to develop such systems or incentives. Rather, they devote their efforts to enrolling mostly people who are young or healthy (or both), invest as creatively as possible the enormous cash flow generated by capitated payments, ratchet down payments to providers wherever they can, keep support staff to a minimum, erect subtle and not-so-subtle barriers to access, and pray no one needs a liver transplant before they can cut a deal to sell out.

Now it may sound from these statements that I am cynical—perhaps even that I oppose managed care. But nothing could be farther from the truth. I belong to an HMO. NAPH has been working rapidly to help both public and private health systems develop or expand managed care capacity all over the country. Together with my associate, Bill von Oehsen, I have even published a new book—a 1000 page ''How To'' manual for Medicaid Managed Care and State Health Reform. Managed care is not problematic in itself—especially for the poor and disenfranchised. Done properly, managed care can result in genuine improvements in health status and expansion of access for some of our most vulnerable patient populations. It is just that, done poorly, implemented too rapidly, or for the wrong reasons, it could be a setback, not an improvement, both for patients and for entire communities.

We need only look at the TennCare Medicaid debacle to see some of the problems we face when cost becomes the only issue. With TennCare, the state of Tennessee dumped all Medicaid and many uninsured patients overnight into ill-prepared managed care plans with inadequate provider networks, only to pay them premiums that were originally found to be 40% below acknowledged actuarial soundness. As recently as last month, TennCare rates were determined by Governor Sundquist's own TennCare Roundtable to remain 10–20% below costs. And in fairness to the Governor, who was not responsible for developing TennCare, he and his staff have now publicly committed themselves to implementing needed reforms.

I do not believe it is inevitable that TennCare represents the future of managed care—but if we hope to expand such programs to include a substantial proportion of Medicare beneficiaries, we must act quickly, together, to set tough standards for equity, fairness, access, quality and fiscal integrity in managed care plans.

''STO LAT'' ST. JOSEPH'S SOCIETY OF PALMER ON YOUR 100 YEAR ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. NEAL. Mr. Speaker, on August 12, 1995, the St. Joseph's Society of Palmer, MA, will celebrate its 100-year anniversary. Located in the village of Thorndike, the St. Joseph's Society has served generations of Polish-Americans as a social, spiritual, and athletic organization.

Upon the occasion of its 100-year anniversary, I proudly take this opportunity to enter the complete history of the St. Joseph's Society into the CONGRESSIONAL RECORD. May St. Joe's continue to flourish in the years to come.

HISTORY

The Nineteenth Century found people leaving their respective homelands for many and varied reasons to start life over in the New World. The first Poles to arrive in the Town of Palmer came in 1888.

In 1891 the Rev. Chalupka of Chicopee was instrumental in getting the Polish settlers of Thorndike and the other three villages of the town of Palmer to unite and form a society. It took nearly four years, and in April of 1895 the St. Joseph's Society was founded; its first purpose was to establish a fund to help the members in case of illness and to help form a Polish-speaking parish for the increasing number of Poles in the area.

The first governing committee consisted of: President—Joseph A. Mijal, Vice-President—Grzegorz Wisnowski, Treasurer—Thomas Kruszyna, Secretary—Stanley Ziemba. The next three years were trying for the society and their meeting places were the homes of the various members. At times, it looked as if the society would break up. Then, in 1898, the St. Joseph Society was given new blood by the joining of new members. In that year the society started to flourish under the committee of: President—Stanley Ziemba, Vice-President—Paul Pietryka, Treasurer—Symon Jorczak, Secretary—Michael Pelcarski, Marshall—Frank Salamon.

During 1898 the society chose Stanley Ziemba, Symon Jorczak, John Bielski, Michael Pelczarski, Frank Salamon, Marian Wlodyka, Albert Kolbusz, and Walter Krolik to explore the possibility of a Polish-speaking church. In the meantime, individuals traveled to Chicopee when their needs necessitated ministry in their native tongue. Occasionally, visiting priests of Polish descent ministered to their spiritual needs.

The firsts site chosen for the proposed Polish-speaking church was on Main Street in Thorndike, directly across from Four Corners Cemetery. In 1902, Bishop Thomas Daniel Beavar D.D. appointed Rev. Wenceslaus Lenz as the pastor of the first, Polish-speaking, St. Peter and Paul Parish. The site was later changed to a more central location for the town of Palmer—''Four Corners''.

In 1902 the St. Joseph's Society was incorporated as an Insurance Aid Society in the Commonwealth of Massachusetts. The membership grew quickly and all the villages were well among the membership of the society. Under the Insurance Aid Society all the members received weekly benefits of three dollars for thirteen weeks when sick.

In 1908 a lot was purchased by the society on High Street, Thorndike, and the following year a building was bought and moved by members of this lot. This was the first home of the society. In 1912 the society replaced the first home on High Street with a new and larger building, one which had more room for larger Polish gatherings. It was now that the Polish of this area could have a place for dances, weddings, and plays, as well as a central location for its members.

In 1940 the society purchased the Ducy Home on Commercial Street, Thorndike. After months of remodeling and improvements made to the home and grounds, the society opened the new home on May 10, 1940. This new society quarters maintained a library of Polish books and daily newspapers, a sports room of pool tables, ping pong, plus a bar and lounge for members, guests, and their families.

In 1952 an addition was added to the society home consisting of two floors. The top floor was to be used as a ballroom for banquets, dances, and society meetings. The lower section was to be used for serving food and refreshments for all affairs held in the new addition. Three air-conditioning units were installed for the new addition, also for the bar and lounge patrons comfort.

In 1967 the society voted to remodel the interior of the bar and lounge. After several months of improvements the society now had a horseshoe bar for at least eighteen patrons, and a beautiful lounge with a 16 x 16 highly polished dance floor. The buildings old windows were removed in front and replaced by two large picture windows with drapery, colonial style.

The St. Joseph's Society has been well represented in the sports field. The St. Joseph's Club Ball Teams won the Quaboag Baseball Championships in 1937, 1939, and 1940; softball champions in 1944. The club Bowling Team has also won its share of trophies.

In 1948 the Self Locking Carton Co., now known as Diamond National Corp., Thorndike, deeded land to the society on Upper Pine Street for the purpose of building a

baseball park and a park for children. Through the efforts of the Self Locking Carton Co. and society members hard work, a wonderful and beautiful park/playground was realized. A shelter for picnics and dancing was built on the grounds. Today, just about everyone uses the St. Joseph's Ball Park; Palmer High School, jay-vees, local elementary leagues, the Sandlot team, pee-wees, and the St. Joseph's A.A. Baseball team. The Palmer Lion's Club has a big field day every Labor Day at the park.

In 1966, under the guidance of William Buck Hurley, the St. Joseph's Club Baseball Team finished second in standings in the Tri-County League of Springfield. Many fine college boys from the surrounding towns played hard for the St. Joseph's Ball Team. Pete Beynor, pitcher from Palmer for the St. Joseph's Ball Team, won the most valuable player award for the 1966 Tri-County League. A great honor for Pete Beynor and the St. Joseph's Ball Team.

On October 22, 1972, the society's chaplain, Rev. A.A. Skoniecki, retired and was replaced by Rev. Robert J. Ceckowski.

In October of 1975 Society members participated in a ''Week of Remembrance'' in commemoration of Poles annihilated during World War II. Activities of the week included: a parade, memorial mass, and the dedication of a wooden shrine which stood outside of St. Peter and Paul Parish.

On May 2, 1976, the society actively participated in the Town of Palmer's Bicentennial Parade.

On October 16, 1978, Poles throughout the world were elated and honored when Karol Cardinal Wojtyla, Archbishop of Krakow, Poland, was elected as the Vicar of Christ to become Pope John Paul II.

To commemorate the seventy-fifth anniversary of the dedication of St. Peter and Paul Parish, the society purchased a hand carved, wooden statue of the Resurrected Christ. This statue is carried by society members during the Easter Resurrection Mass at St. Peter and Paul Parish.

The society continues its athletic association by supporting its A.A. Baseball team as part of the Tri-County League. To commemorate the one hundredth anniversary, the society has financed the erection of a lighting system for night baseball and football at St. Joseph's Field on Pine Street. This coming season, Pathfinder Regional Vocational Technical High School will use St. Joseph's as its home field.

Several years ago, the last member of the first immigration to this area from Poland died. Today, the society consists of Polish-Americans from the first, second, third, and even the fourth generation. The constitution, which was written entirely in the Polish language, has been re-written into English. Still, many of the original Polish traditions are observed by the society such as, taking part in the Corpus Christi Procession and the blessing of food for the Easter Sunday breakfast after Resurrection Mass.

For the past twenty-five years the society has been under the capable leadership of Fred S. Tyburski. Longtime treasurer Alphonse Lasota has been the guardian of the society's treasury. The society still maintains a sick benefit and a death benefit. Throughout all the years of its existence the society has made charitable contributions to a number of worthy causes.

St. Joseph's Society, 1885–1995, 100 YEARS!

''STO LAT.''

IN HONOR OF COL. JOHN SATTLER

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. SPENCE. Mr. Speaker, I rise today to recognize a truly outstanding Marine corps Officer and to ask all of my colleagues to join me in bidding farewell to Col. John Sattler. John has served with distinction in the Navy and Marine liaison office to the U.S. House of Representatives during the last 4 years. His service to the House and to the Nation as a whole, has always been characterized by selfless devotion to duty and unflagging dedication to country and Corps. It is a privilege for me to recognize the many accomplishments John has achieved during his 24 years of military service.

A native of Pittsburgh, John earned a bachelor of science degree in economics from the United States Naval Academy. Upon graduation in June 1971, he was commissioned a second lieutenant in the U.S. Marine Corps. After graduating from the Basic School in Quantico, VA, John was assigned to the Fleet Marine Force, where he served as a rifle platoon commander, 2d Battalion, 4th Marines in Okinawa, Japan. He subsequently served in numerous leadership and staff billets to include two tours at Headquarters, U.S. Marine Corps; infantry tactics instructor at the Basic School in Quantico, VA; operations and executive officer for the 2d Battalion, 4th Marines in Okinawa, Japan and commander of the ground combat element for Marine Air Ground Task Force 4–88.

In addition to his service with the Fleet Marine Force and Headquarters Marine Corps, John also enhanced his professional education while attending numerous service schools. He attended and graduated with honors from the USMC Amphibious Warfare School and the USMC Command and Staff College. He was also a distinguished graduate of the Industrial College of the Armed Forces, National Defense University. John's professional accomplishments are numerous, and certainly understandable in light of the personal leadership and dedication he brings to everything he does. John continues to be a role model to countless thousands of young men and women serving in our Nation's Armed Forces.

During his tenure as the Marine Corps Liaison to the House, John has served the Members and staff of this institution, especially those of us who serve on the National Security Committee, in an exemplary manner. His ability to present and explain Marine Corps programs and issues to members of the House has contributed greatly to sustaining the Nation's premier expeditionary force—''a Corps of Marines that is most ready when the nation generally is least ready.''

Mr. Speaker, John Sattler and his lovely wife Ginny have made many sacrifices during their 24 years of service with the Corps. During the past 4 years that I have had the privilege of working with John, his efforts have significantly improved the readiness and wellness of the Corps, and thus the military preparedness of the nation. Knowing John as I do I have no doubt that the same can be said about his entire career. John's presence and professionalism will be missed.

John, congratulations on your return to where you came from—the Fleet Marine Force. I wish you well as you assume command of the 2d Marine Regiment, 2d Marine Division in Camp Lejeune, NC. Good luck and God Speed, Marine—Semper Fidelis.

THE OP-ED THEY REFUSED TO PRINT

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. WELDON of Florida. Mr. Speaker, last Sunday, July 23, readers of the Florida Today were treated to a classic case of misinformation by a newspaper that still has not gotten over the results of the 1994 election.

The charges leveled against me in the newspaper's open letter with respect to the veteran's hospital and the space program are a gross distortion of facts.

Regarding my efforts in support of the space program, the CONGRESSIONAL RECORD speaks louder than any words I could offer: Full funding for the space station; an actual increase in funding for the shuttle program; introduction of more stable, multiyear funding for space station; and an innovative, first-ever $10 million authorization in the NASA budget for investment in our Nation's developing spaceports

Contrast this with the facts not reported by the Florida Today about my predecessor's record: He voted in each of his 4 years to fund the shuttle program below the President's budget request. This year the Republicans, including myself, voted to support the President's budget level for shuttle operations; less than 1 year ago, he voted to cut $400 million from the shuttle program—KSC derives two-thirds of their budget from this account; since 1992, my predecessor voted to reduce actual shuttle program dollars by $1 billion. This year Republicans are proposing to increase it.

Selective reporting and journalism does little to foster a real debate on ideals and public policy and can seriously undermine morale at KSC.

A July 20, Florida Today editorial, stated: ''Brevard county did pretty well in a congressional vote Tuesday on space and VA spending * * * veterans were relieved after the vote because U.S. Rep. Dave Weldon managed to salvage $17.2 million for a veterans clinic in Viera.''

I see this clinic as the first step in the process of keeping the VA hospital alive and so, apparently, did the Florida Today, until its turnabout in its open letter. So much for consistency.

Florida Today mentioned being baffled these past 8 months. If by that they mean they are baffled about a vision for space that goes beyond today's paradigm of Government run programs; baffled as to why so many cherished liberal enclaves such as NEA, NEH, and countless ineffective Government programs are on a collision course with a fiscally responsible Congress; then being baffled is simply a euphemism for being desperate. Such desperate reporting takes place frequently inside the beltway. It's unfortunate to see it here in Brevard as well.

I support our space program and our veterans. But balancing our budget is crucial if we

are going to have funds for space and VA care in the future. In 1996 we will spend $270 billion in interest payments on the debt. Imagine the good we could do today if previous Congressmen had the will to make the tough decisions and act responsibly.

MEDICARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, August 2, 1995 into the CONGRESSIONAL RECORD.

MEDICARE: PAST SUCCESSES, FUTURE CHALLENGES

July 30th marked the thirtieth anniversary of Medicare. Although many in 1965 predicted dire consequences as a result of Medicare's enactment, it is today without question one of the most widely supported federal government programs. And for good reason: Medicare has contributed to enormous improvements in the well-being and quality of life of older Americans. Americans of all ages agree that the assurance of access to medical care for the elderly must be preserved.

But Medicare also faces many challenges. Health care costs that have significantly outpaced inflation and growing numbers of older Americans have made it difficult to adequately finance the program. Congress has made numerous changes to Medicare over several years, cutting payments to health care providers and placing stricter limits on benefits. But financing problems remain, and will lead to hardships for the 37 million Medicare beneficiaries who depend on the program if the problems are not addressed soon.

SUCCESSES

The Medicare program consists of two parts: Hospital Insurance (HI), primarily funded through tax receipts; and Supplementary Medical Insurance (SMI) for physician costs, largely funded through general revenues with premiums for enrollees covering the remainder.

Before Medicare was enacted, less than half of Americans under 65 had health insurance, and 30% lived below the poverty line. Many older persons had to choose between medical care and other necessities because they could not afford both. Financial pressures forced some to forego treatment until it was too late. Today, almost all older Americans—97%—have health care coverage, and the percentage of them living in poverty has been cut by more than half. Life expectancy for an American born today is over five years higher than it is for those born in 1960.

While Medicare is not perfect, its administrative costs are just over 2% of program spending, considerably lower than the administrative costs of the average large private insurer. And while all Medicare enrollees receive coverage regardless of their incomes most Medicare benefits go to those who need them most—older persons with incomes of $25,000 or less.

CHALLENGES

Medicare's impending financing problems are of great concern to seniors receiving Medicare benefits, as well as future beneficiaries who question its availability during their retirement. Medicare expenditures, which were less than $5 billion in 1967, now total over $181 billion. The trustees of the Medicare trust fund project that HI will become insolvent in 2002, just 7 years away. This funding shortfall reflects the high rate of inflation in the health care sector, an aging population, and growth in the quantity of services provided. Since SMI is financed with premiums and general revenues, it does not have the same financing problems as HI.

REFORM PROPOSALS

Long-range deficits have been projected for HI since the early 1970s. In the early 1980s Congress took action to protect Medicare's solvency by increasing tax revenues and reforming how hospitals are reimbursed. These reforms, along with an expanding economy, improved Medicare's financial outlook in the near-term.

Currently, there are numerous proposals to reform the Medicare system. I believe that Congress should consider these reform proposals with a critical eye. Several proposals have already crated much interest, but long-term funding problems remain.

One proposal would mean annual limits on spending in the program by giving older people a choice of private health insurance plans as alternatives to a standard federal program. The idea would be to make an expanded choice of plan options available to Medicare beneficiaries at the time of initial eligibility and during subsequent annual open enrollment periods.

Another idea would require the government to give beneficiaries vouchers to buy private insurance. The Medicare system would cease to be a system of defined benefits and become instead a program providing a defined contribution toward the cost of health care.

Other proposals would offer options like medical savings accounts or managed care, such as Health Maintenance Organizations and Preferred Provider Organizations. Some would basically keep the current system but increase premiums for new SMI beneficiaries, increase the Medicare deductible, and charge copayments on home health services.

MY VIEW

Over the past three decades, Medicare has proven itself an effective and essential element in raising the standard of living of older Americans. Medicare is a commitment to the American people that when health care is most likely to be needed, it will be available. I believe that this core commitment must be preserved. Reforms in the Medicare system must be considered; however, wholesale immediate cuts are not the answer. Reforms cannot be considered without focusing on our inflationary health care system.

The budget resolution supported by the congressional leadership calls for a huge target of $270 billion reduction in Medicare spending; that's about 30% of the money that the resolution needs to balance the federal budget over the next 7 years. I voted against this budget resolution because these cuts simply cannot be made without doing harm to the beneficiaries and the health care system. But it is also true that there is no way to balance the federal budget or even achieve significant deficit reduction over the long haul without reducing the growth of Medicare.

The cuts proposed in this budget resolution are much greater than what is needed to maintain Medicare's solvency. Instead, I believe we should enact more modest short-term savings that would still extend the life of the trust fund and give us more time to examine the best policy options for longer-term reform. I believe we must be cognizant of certain principles when considering Medicare reform: affordability, universality, quality, cost containment, fairness to seniors and providers. It is not my preference to reduce payments to beneficiaries under Medicare. We must act decisively yet carefully to preserve the promise of Medicare for the next thirty years and beyond.

TRIBUTE TO TED LEIPPRANDT

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to recognize Ted Leipprandt of Pigeon, MI, as he celebrates his retirement. For the past 36 years, Ted Leipprandt has devoted his time and energy to the advancement of Michigan's dry bean industry. On August 7, 1995, Ted will be honored for his role in Michigan's agricultural sector during the Michigan Bean Shippers Association summer conference.

Ted has worked tirelessly for the advancement of agricultural issues since his introduction to the industry in 1959 as an agronomist for the Cooperative Elevator Co. Over the course of the next two decades, his dedication was awarded with several promotions, culminating in his ascendancy to general manager in 1974.

In his capacity as the cooperative's general manager, Ted led the company through a period of rapid growth and industrialization. He devoted countless hours to ensure the company's significant expansion was a success. Under his leadership, the cooperative was carried into the latter half of the 20th century.

Ted's dedication to the agricultural industry is paralleled only by his devotion to the community. Currently, Ted sits on the board of the Detroit Edison Co. and of the East Central Farm Credit System. In the past, he spent 2 years as the president of the Michigan 4–H Foundation. Ted is also a member of the Salem United Methodist Church. Through his active role in organizations like the Michigan Bean Shippers Association and the Rotary Organization, he has continually made significant contributions to his community, and to the entire State of Michigan.

Mr. Speaker, Ted Leipprandt is an outstanding individual who has instilled his sense of honesty and trust into all that he comes in contact with. He has dedicated his life to improving Michigan's dry bean industry. I know you will join me in recognizing Ted for all that he has done as he celebrates his retirement from the Cooperative Elevator Co.

TRIBUTE TO LEUKEMIA SOCIETY VOLUNTEERS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mrs. ROUKEMA. Mr. Speaker, I rise to thank DialAmerica Marketing Inc., for its dedicated work on behalf of those suffering from leukemia. Based in my congressional district in Mahwah, NJ, DialAmerica is a company with a heart, a company that uses its resources to go to the aid of those in need.

This Friday, August 4, DialAmerica will officially hand over a $5 million check to the Leukemia Society of America. This is money that

has been raised through a magazine subscription program in which 12.5 percent of the company's proceeds is contributed to the Leukemia Society for research, patient assistance, and patient information.

DialAmerica joined forces with the Leukemia Society in 1988 in the CURE 2000 fight against leukemia and other related diseases. The initial contribution to the society was $40,000 and the company now contributes an average $1.8 million annually. I quote Dwayne Howell, president and chief executive officer of the Leukemia Society:

DialAmerica is our largest corporate sponsor. Not only do we receive ''no cost'' dollars but we benefit from increased public awareness of the society. DialAmerica has proven to be an invaluable source of support for our research program.

I know personally the tragedy of leukemia: My husband and I lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. It is thanks to the dedicated, selfless people of the Leukemia Society—through their fundraising, their research, the goodwill, and the awareness they promote—that hope can be maintained. The people of the Leukemia Society are a shining example of how the kindness and caring of volunteers can support direct research as it races to a cure.

Today, we are within grasp of a cure but research costs money. I thank God for those who are willing to contribute to this cause and pray that with their help a cure can be found and that no child will ever again have to suffer from this terrible disease.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

SPEECH OF

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 1, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina:

Mr. TORKILDSEN. Mr. Chairman, just last week here in Washington we dedicated a new memorial—albeit some decades late—to the veterans of the Korean war. This new monument sits directly across the Reflecting Pool from another great monument, the Vietnam Veterans Memorial. Both monuments offer moving testimony to the sacrifice of American service men and women who fought in those far away foreign lands.

My colleagues, with the memories of United States intervention in both Korea and Vietnam fresh in our minds, I stand before you today in opposition to unilaterally lifting the embargo on Bosnia.

Sometimes the United States should be looking at committing armed forces to an area. More recently, the commitment of United States troops to fight in the Persian Gulf war was just such an example. But Bosnia is not the Persian Gulf, or Vietnam, or Korea.

Lifting the current embargo could ultimately drag America, and American soldiers, into a no-win situation.

The Clinton administration has already pledged to our European allies that United States troops will be committed to assist U.N. or NATO forces withdraw from the region.

If we lift the embargo now—a move which, granted, may be politically attractive—we run the risk of escalating an armed war prior to United States and allied withdrawal. This is, sadly, a very real scenario—and one I hope we avoid.

As difficult as it seems, we must return to advancing diplomatic initiatives to end the violence in Bosnia. Lifting the arms embargo will only assure an increase in violence, and sadly, may draw U.S. soldiers into that fight as well.

I urge my colleagues on both sides of the aisle to oppose this measure to lift the arms embargo on Bosnia.

A TRIBUTE TO THE 30TH ANNIVERSARY OF THE MUSICAL DRAMA ''TEXAS''

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. COMBEST. Mr. Speaker, I would like to take this opportunity to salute the musical drama, ''Texas,'' as they celebrate their 30th anniversary. Set in the natural confines of Palo Duro Canyon State Park in the Texas panhandle, ''Texas'' has maintained its reputation as the best attended outdoor drama in the country, as well as the Official Play of the State of Texas. The Palo Duro Canyon State Park is located near Canyon, TX, and is administered by the Texas Parks and Wildlife Department. Since its inception in 1966, ''Texas,'' produced by the nonprofit Texas Panhandle Heritage Foundation, Inc. has contributed over $1 million from show revenues to the department.

Written by Pulitzer Prize winning author, Paul Green, ''Texas'' portrays the struggle and hardships, celebration and joy of early settlers living in the Texas panhandle. Well over 2½ million people from across the country and around the world have come to the Grand Canyon of Texas to watch this epic story, which captures the uniqueness of the Lone Star State.

The talented cast of over 80 singers and dancers act out the historic tale on the stage of an open-air theater with a 600-foot cliff serving as a backdrop. ''Texas'' uses great choreography and stirring music to tell its story. Modern technology has improved props, sound effects, and light displays to help make ''Texas'' nights an unforgettable experience.

The play ''Texas'' embodies the true values of a great musical romance. I now ask that you, Mr. Speaker, and my colleagues join me in commending ''Texas'' for 30 wonderful seasons. As we look forward to the next 30 seasons, I am confident this extraordinary musical drama will continue its professional depiction of early Texas history for our children and our children's children.

SALUTING THE UNITED CHIOS SOCIETIES OF AMERICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FIELDS. Mr. Speaker, I want to salute the fine work of the United Chios Societies of America on the occasion of the organization's upcoming second international convention. That second international convention will be held in Chios, Greece, from August 9 to 13.

Members of the Chios Societies of America work for the betterment of the citizens of Chios, a Greek island that played a prominent role in Greece's war for independence in 1822. But through their membership in the Chios Societies of America, individuals of Greek descent celebrate their identity while also preserving their ancient heritage.

Chian societies date back to the early 20th century, when they were founded chiefly as social groups for men with common interests and a common heritage who found themselves living in a new land thousands of miles from their native Greece. Scattered throughout the northeast, the organizations had little contact with one another until the 1930's, when Andrew Poutos, a young and dynamic Chian, established a national organization.

In the years since the national organization was founded, its members have joined together to help the men, women, and children of Chios in a variety of ways—as well as to strengthen and preserve their heritage of which they are so justifiably proud.

America is understandably proud of being the world's melting pot. But all Americans, whatever their nationality retain a special emotional tie to the lands of their ancestors—and the members of the Chios Societies of America are no different.

Mr. Speaker, please join with me in wishing the members and officers of the Chios Societies of America—especially Mr. Nick Marinakis of New York, who will serve as convention chairman, and his brother, Markos Marinakis, also of New York—well as they hold their second international convention next week.

PERSONAL EXPLANATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. STARK. Mr. Speaker, I was unavoidably detained from voting on Monday evening, July 31. I was attending a child-birth class with my wife, Deborah, and I was unable to return in time to vote on the Stokes amendment to H.R. 2099, rollcall 605. Had I been here, I would have voted ''yes,'' just as I did when the Stokes amendment passed the House on Friday, July 28, rollcall 599. I am saddened and disappointed that this provision was defeated, as I have continually fought for clean air and safe drinking water. I would like my colleagues to know that I wish I had been available to vote on this measure.

TRIBUTE TO HARRY PASTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with the constituents of my district in honoring Mr. Harry Paster. Next month, one of the guiding lights of American advertising will retire after a most distinguished 47-year career. Harry Paster, a legend in the advertising world, will be retiring from his position as executive vice president of the American Association of Advertising Agencies [AAAA] on September 30, 1995.

American advertising is one of the Nation's most vibrant and important industries, and for over 77 years, the leadership of the AAAA has advanced and strengthened the advertising agency business throughout the U.S. One of the most respected and dedicated members of that leadership team has been the AAAA's executive vice president, Harry Paster.

Mr. Paster, who earned his bachelor's degree at City College of New York and his master's degree from New York University, started with AAAA as a statistician in 1948. Subsequently, he was promoted to vice president, to senior vice president, and in 1980, to executive vice president of the association. In each of these positions, Mr. Paster demanded the highest standards from his industry and from himself.

In 1992 Mr. Paster's dynamic career and extraordinary contributions to the advertising agency business were aptly recognized when he was named Man of the Year by the Advertising Club of New York and awarded the prestigious Silver Medal by the American Advertising Federation.

When Harry Paster retires next month from the industry that he has nurtured and led for almost five decades, his humor, his counsel and his unparalleled insight into the people and the workings of the advertising business will be sorely missed. I ask all my colleagues in the House of Representatives to join me, and Harry's countless friends in commending Harry Paster for his dedicated service and in wishing him the very best for a most rewarding and fulfilling retirement.

VIEQUES LANDS TRANSFER ACT OF 1995

HON. CARLOS A. ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ROMERO-BARCELÓ. Mr. Speaker, today I am introducing the Vieques Lands Transfer Act of 1995. The purpose of this legislation is to authorize and direct the transfer of certain lands on the Island of Vieques, Puerto Rico, to the Municipality of Vieques for public purposes which benefit the people of the island.

The Island of Vieques is located in the Caribbean Sea, approximately 6 miles east from the eastern coast of Puerto Rico and 22 miles southwest of St. Thomas, U.S. Virgin Islands. Vieques is a long narrow island nearly 22 miles long and 4.5 miles wide at its widest point. It has an area of about 33,000 acres or 51 square miles of land and, according to the 1990 census, a population of 8,602. The island's two towns, Isabel Segunda and Esperanza, have populations of 1,702 and 1,656, respectively. The other residents are classified as rural inhabitants. Vieques is a civilian municipality of the Commonwealth of Puerto Rico and is divided into seven wards—barrios.

The Navy and Marine Corps conduct Atlantic Fleet training and readiness exercises at the Puerto Rico-Virgin Island complex known as the Atlantic Fleet Weapons Training Range [AFWTR]. Headquartered at Roosevelt Roads Naval Station in Ceiba, PR, the complex consists of four ranges: the inner range on the east end of Vieques; the outer range which is an easterly ocean range extending both north and south of Puerto Rico; the underwater tracking range at St. Croix, VI; and an electronic warfare range which overlaps all of the ranges.

On Vieques, but outside the inner range, is the Naval Ammunition Facility [NAF] which occupies the entire range of the civilian zone—approximately 8,000 acres. The Navy uses this facility for deep storage of conventional ammunition. Ships delivering the ordnance dock at Mosquito Pier, located on the northern coast of the NAF. From there, it is transported by truck to bunkers distributed throughout the NAF. Most of the ammunition is destined for off-island use by the Navy, the Marines and the Puerto Rican National Guard. Occasionally, ammunition is transferred overland from the NAF to the ground maneuver area located east of the civilian zone. At present, training exercises are not carried out at the NAF.

Since the 1940's, when the U.S. Navy acquired 78 percent—approximately 26,000 of 33,000 acres—of Vieques' territory, the island has suffered a prolonged and ever-increasing economic crisis and a massive out-migration. From a population of around 15,000 in the 1940's, Vieques currently has 8,602 inhabitants. An unemployment rate higher than 50 percent, lack of adequate housing, health, educational facilities, and a growing crime rate are among the clearest manifestations of the critical economic situation on Vieques. According to the 1990 census, the per-capita income in the island was $2,997, and the Viequense families with an income below the established poverty level reached 70 percent in 1989.

Women must be flown by emergency plane to the main island of Puerto Rico to give birth due to the poor conditions of Vieques' hospital. The island also suffers from the highest rate of broken families among Puerto Rico's 78 municipalities.

In the late 1970's, Viequense fishermen spearheaded a drive to stop the bombing on the island and end restrictions on fishing. Many of them were arrested.

In 1980, our colleague from California and now ranking minority member of the House National Security Committee, Congressman RON DELLUMS, directed a House Armed Services Committee panel review of the naval training activities on the island of Vieques. This panel concluded in its final report to the committee that the Navy ''should locate an alternative site'' and that ''[i]n the interim, the Navy should make every effort to work closely with the Commonwealth of Puerto Rico in implementing programs to alleviate the impact of its activities and in particular explore turning over additional land to the island for civilian use.''

In 1983, while Governor of Puerto Rico, I signed an agreement with the Department of the Navy whereby the Puerto Rican Government agreed to drop all litigations in court against the military for ecological and economic damage on Vieques in exchange of a Navy commitment to mitigate the ecological impact of their activities and help with local economic development. All of the economic projects set up in Vieques with assistance from the Navy closed down within 1 or 2 years after initiating operations.

Lack of control of over two-thirds of the island by the municipal government is widely recognized as the principal cause of Vieques' economic and social woes. Trying to find a solution to the current problems, the local planning board and the municipal government, in close coordination with the government of Puerto Rico and the State legislature have designed and commenced the implementation of a tourism industry strategy. But the truth of the fact is that this gloomy economic picture can only be improved if and when the municipal government of Vieques acquires sufficient lands to develop the required infrastructure for the implementation of the tourism industry strategy.

My bill would transfer the 8,000 acres of land that currently comprise the NAF to the municipal government of Vieques. The transfer would take place only after the municipality submits to the Secretary of Defense a detailed plan of the public purposes for which the conveyed property will be used—such as housing, schools, hospitals, libraries, parks and recreation, agriculture, conservation and economic development—and such plan is approved by the committees with jurisdiction in both the U.S. House of Representatives and the Senate.

The eastern part of Vieques, which comprises approximately 15,000 acres, would still remain U.S. Navy property. This means that, even with the adoption of this bill, the Navy would still control nearly half of the island.

Puerto Rico has a long and proud tradition of supporting national defense. This has been shown time and time again as hundreds of thousands of Puerto Ricans have demonstrated their valor and patriotism through service in the U.S. Armed Forces. Today, more than ever, we stand ready to assume an even bigger role in the defense and values for which our Nation stands.

This bill is in no way contrary to that tradition, but rather one that I believe provides a solution which will be beneficial for both the people of Vieques and the U.S. Navy. I am hopeful that it will receive favorable congressional action at an early date.

HEALTH UNIT COORDINATORS DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BONIOR. Mr. Speaker, 1995 is the 50th anniversary of the profession of health unit coordinators. Michigan, along with many other States and local municipalities have designated August 23, two weeks from today, as Health Unit Coordinator Day. I support these

efforts to recognize those who play a vital role in the delivery of health care services in America.

Prior to World War II, hospitals were staffed by physicians, nurses, some specialists, and a few support personnel such as cooks and janitors. Health unit coordinator positions simply did not exist. Wartime casualties required that nurses and physicians receive support to answer phones and run errands. Before the arrival of such support personnel, many desk duties were interrupted or simply ignored until the arrival of floor clerks. This position evolved into what is today known as a health unit coordinator. Over the past half century, health unit coordinators have been known by more than 75 different titles.

We all must take responsibility for our health, but ultimately, our well-being depends on the cooperation and coordination that exists between the many individuals devoted to maintaining health. Doctors, nurses, dietitians, teachers, parents, and health unit coordinators all play important roles.

The National Association of Health Unit Coordinators has also been doing its part to improve the health of Americans. This professional organization advocates progressive changes in health care practice by providing a forum that encourages mutual exchange of ideas while advancing knowledge and technology in the health care field.

Celebrating the 50th anniversary of the profession is a proud milestone for health unit coordinators across the country. I urge my colleagues to join with me and the National Association of Health Unit Coordinators in recognizing August 23, 1995, as Health Unit Coordinator Day.

THE RURAL HEALTH CONSOLIDATED GRANT ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. WILLIAMS. Mr. Speaker, tomorrow the House will vote on an appropriations bill that drastically cuts the modest inroads that we have made toward alleviating the barriers our rural communities face in obtaining quality health care. The health services available in rural areas have suffered over the course of the last few decades from the centralizing effects of the marketplace and the desire of practitioners to specialize. Rural States rely on the small amount of Federal funds available to them to counteract these pulls and provide their residents with care.

Mr. Speaker, 55 million Americans—nearly one quarter of our Nation's population—live in rural areas, yet many of these folks find it difficult to obtain even the most basic health care services. Forty percent of rural Americans live in areas with fewer than one primary-care physician for every 3,500 residents. Rural hospitals are in financial jeopardy and rural communities are finding it difficult to recruit doctors and other practitioners. Rural areas are plagued by a shortage of physicians, hospitals, and clinics. As a result, many folks must travel long distances and often through harsh weather conditions to get care. This is a hardship on many rural Americans, especially the elderly and the poor.

Mr. Speaker, as I see it, we have two options: either first, hope that the Senate restores the funding that the House has cut from these small rural health programs; or second, plan for the future and offer an alternative approach that recognizes both the necessity of maintaining the small stream of funding that goes to rural health and the reality that the current set of disparate programs are too small and limited in scope to effectively and comprehensively address the problems facing rural America today.

Today I am introducing legislation that finds that middle ground. My bill is the result of countless discussions with rural residents, doctors, nurses, hospitals, and policymakers. It reflects the lessons they've learned and the experiences they've had with breaking through the chronic isolation that plagues rural America to provide care to its residents.

My bill provides a new direction for rural health. It creates a single program aimed at enabling rural communities to develop their own sustainable health care delivery systems. Furthermore, it reaffirms that providing health care to underserved rural Americans is and will remain a priority.

Mr. Speaker, no community is viable without health care. Folks need to be healthy in order to go to work, pay taxes, attend school, and raise a family. That is why the decision to live in a rural area must not be a decision to accept inferior health care. Access to care in rural America is critical for both our local rural economies as well as the health of each individual rural American.

HONORING LINDA GALLIGAN-ROY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Ms. DELAURO. Mr. Speaker, I ask my colleagues to join me in honoring a strong and devoted woman, Ms. Linda Galligan-Roy. Ms. Roy serves as a role model for each of us seeking to improve ourself and our community.

As a young widow battling a drug addiction, Ms. Roy has stood firm in the face of challenge. She has set difficult goals and has accomplished them through hard work and untiring dedication. Dubbed the ''Concrete Queen,'' Ms. Roy excels in the male-dominated field of construction work. While building houses, Ms. Roy breaks down the barriers women face in society. Her passion makes her strong and her determination makes her capable.

Ms. Roy has overcome tremendous personal challenges in addition to her professional success. At age 15, her mother's death forced her to leave school and enter the working world to help her father care for her younger siblings. Today she continues to demonstrate zestful spirit and strength: recovering from her dependency on drugs, she aspires to be a writer and plans to enroll in college.

Ms. Roy not only hopes and strives to better herself but also to share what she has learned with others. She has written about many of her life experiences, from her love of construction work to the devastating effect that drugs had on her life. In a piece entitled ''A Knock on the Window,'' she describes the horror of substance addiction with vivid reality. As she expressed in a letter to me, her goal is to stop at least one person from developing a drug addiction. I admire and salute both her selflessness and its potential.

It is people like Ms. Roy who are leading the way for other women and men who seek new opportunities. Her perseverance is inspirational; she leads by example. Mr. Speaker, I know the sacrifices and commitment necessary to accomplish all that this woman has, and I ask you to join with me in honoring Ms. Linda Galligan-Roy.

THE HEROIC EFFORTS OF 2D LT. EDWARD C. DAHLGREN IN WORLD WAR II

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BALDACCI. Mr. Speaker, it is my privilege to speak today about an exceptional Mainer who served this country with great honor and courage during one of history's most terrifying wars, World War II.

To complete his mission in the face of insurmountable odds, 2d Lt. Edward C. Dahlgren exhibited uncommon courage and skill. He was awarded this country's highest form of gratitude, the Congressional Medal of Honor. I would like to honor him again as the 50th anniversary of World War II draws near.

Second Lieutenant Dahlgren was the commander of the 3d Platoon that was charged with rescuing another American unit that was surrounded by the Germans in Oberhoffen, France. Lieutenant Dahlgren risked almost certain death to draw fire away from his fellow soldiers. He alone charged a fortified German position under heavy fire and fought his way into their building. Eight German soldiers surrendered. With his courage and skill, he alone attacked again—five more Germans surrendered. He attacked again—10 Germans surrendered, and again with another soldier—16 Germans surrendered. These heroic charges made by Lieutenant Dahlgren at fortified German strongholds resulted in the surrender of 49 Germans and the safety of the American platoons. Lieutenant Dahlgren truly earned this country's highest honor.

Maine has a long and proud tradition of sending brave soldiers to fight for freedom at home and abroad. These men have exhibited enormous skill and unbreakable courage in the face of death. From Joshua Chamberlain in the Civil War through Gary Gordon in Somalia and countless numbers in between, Maine patriots have fought so that others might live free.

I am proud of Lieutenant Dahlgren for all that he has given to the world. He fought not only for America, but to rid the world from one of the most dangerous threats it had ever known, the Axis powers. The efforts of Lieutenant Dahlgren and his troops helped liberate Europe from the deadly grip of Nazism. This country and the world will never forget his sacrifice.

INTRODUCTION OF THE RETIREE CONTINUATION COVERAGE ACT OF 1995

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. JOHNSON of South Dakota. Mr. Speaker, today, I am introducing legislation, the Retiree Continuation Coverage Act of 1995, to help address the terrible problem that occurs when health care benefits are eliminated for retirees and their dependents. A very tragic situation occurred in my home State of South Dakota earlier this year when the John Morrell and Co. canceled insurance benefits for more than 3,300 former employees and their dependents, 1,200 of whom live in South Dakota. This heartless and irresponsible action has had a direct and immediate impact on those retirees who have lost health care benefits they thought were guaranteed for life. Many of these retirees have preexisting conditions, making private insurance either unaffordable or simply unattainable, since many private insurance plans refuse to provide coverage. And a number of these individuals do not yet qualify for the Medicare Program, as they have yet to turn 65.

My legislation would extend COBRA coverage to retirees, their spouses, and dependents in situations where health care benefits sponsored by a retirees' former employer are either eliminated or substantially reduced. This extension of COBRA would remain in effect until the retiree, spouse, or dependents reach Medicare eligibility.

In doing this, early retirees—those under the age of 65—would be able to purchase health insurance coverage at group rates until they become eligible for the Medicare Program. There is a great need for this legislation, unfortunately, I am afraid that many more early retirees who are counting on their health insurance benefits for the rest of their life will instead have their hard work and dedication rewarded with a letter from their former employer saying their insurance has been canceled effective immediately. This simply cannot continue to occur. It isn't fair, and it isn't right.

I urge my colleagues to support this important legislation and help address this serious and growing situation of early retirees losing their health insurance benefits. Similar legislation is being introduced in the Senate by Senate minority leader DASCHLE of South Dakota.

THE PHYSICIAN SELF-REFERRAL IMPROVEMENT ACT OF 1995

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. STARK. Mr. Speaker, I am today introducing legislation to clarify, simplify, and improve the Medicare and Medicaid physician self-referral legislation, while maintaining its important protections against abuse of patients and expensive over-utilization and over-billing of the Medicare and Medicaid Programs.

Last month, when Caremark International Inc., a former health care giant pleaded guilty to Federal fraud and kickback charges, two physicians were accused along with the company. It is predicted that several hundred more doctors eventually could face criminal prosecution before the investigation concludes—that is because Caremark's guilty pleas stemmed from paying doctors to induce referrals of Medicare and Medicaid patients to the company's several home care businesses. Although the Caremark case is not a pure physician self-referral case, it confirms that physicians are vulnerable—vulnerable to greed; vulnerable to pay-offs; and vulnerable to temptation.

Without a doubt, physician self-referral is bad for the public and bad for the patient. Study after study has shown that it inevitably encourages unnecessary duplication and overutilization of facilities and services, producing an overall significant increase in cost to the patient and to the Treasury in higher Medicare and Medicaid payments. As shown by the Caremark case, this type of unethical arrangement gives doctors powerful incentives to bend their professional judgment. Without laws to prohibit abusive arrangements, doctors will continue to drift toward the opinion that medicine is just a business, and patients are theirs to be bought and sold.

Clarification of current law is necessary. Perhaps the main problem with the law is the administration's inexcusable delay in releasing the antireferral regulations. The lack of guidance has contributed to both confusion of the doctors and to the bank accounts of lawyers, who have often created unnecessary fears about the legislation. We must clarify, where necessary, without creating loopholes that would essentially negate the law. Last year, we worked extensively with a number of provider groups and organizations to draft amendments during health reform, which were included in H.R. 3600, but that unfortunately did not pass. Today, I offer legislation to amend and clarify the physician self-referral law.

Today's bill includes a number of provisions designed to make the law clearer, more workable, and more acceptable to the provider community. The bill does the following: repeals the exception for physicians' services; includes durable medical equipment and parenteral and enteral nutrients, equipment and supplies in the exception for in-office ancillary services; excepts shared facility services that are furnished under certain conditions; creates a prepaid plan exception in the case of a designated health service, if the designated health service is included in the services for which a physician or physician group is paid only on a capitated basis by a health plan pursuant to a written arrangement and in which the physician or the physician group assumes financial risk for those services; includes an exception to the prosthetics, orthotics, and prosthetic devices and supplies designated health service by providing for prosthesis replacing the lens of an eye, eyeglasses, or contact lenses; and exceptions relating to compensation arrangements are deleted and language is inserted to define an acceptable compensation arrangement.

Physician self-referral has no inherent social value, biases the judgment of physicians, and compromises their loyalty. As the Caremark case exhibits, physicians are susceptible to the same temptations as any other person. This bill clarifies and simplifies many of the questions raised by current law while maintaining important protections for patients and for the taxpaying public.

LUMBERTON, AN ALL AMERICA CITY

HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ROSE. Mr. Speaker, I rise today to recognize Lumberton, NC.

Over 200 years ago, in the year 1787, two events were occurring simultaneously that would one day result in common good for the people of southeastern North Carolina. For to the north in Philadelphia, the Constitutional Convention, under the eye of George Washington, was drawing up what would become the Constitution of the United States. Far to the south, a small village along a river was being chartered. While the former of these events would shape the path of the new Nation, the latter, a new town called Lumberton, would shape the southeastern area of North Carolina as a center for commerce and trade.

On June 24, 1995, Lumberton was named an All-America City by the National Civic League in Cleveland, OH. No city in the United States is more deserving of this honor. Lumberton and its residents have proven their whole-hearted dedication to their community by overcoming great obstacles placed upon them by chance, not by their own volition. This example of civic pride is undoubtedly at the heart of Lumberton's honor.

Under the leadership of Mayor Ray Pennington, the city government, and the Lumberton Chamber of Commerce, a delegation of community and business leaders traveled to Cleveland to present a case that represents the true character of Lumberton. This city is a place where children grow up and know everyone in their school, where people meet each other in grocery stores, on the street, and in church with a friendly smile. Lumberton is also a place where business thrives and industry is set to move into the 21st century. Most importantly, Lumberton's character exemplifies true caring for others and the community of friends and families who call it home.

Regardless of the challenges that have faced this city, Lumberton has overcome adversity and is a great place to live and work. In Lumberton, three major races, the young and old, and the rich and poor, have come together to create a community with concern and pride.

Today, over 200 years after the Constitution was drafted, and a village began its ascent, I am proud to congratulate Lumberton, an All-America City, on its most deserved award.

AMENDMENTS TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 28, 1995

Mr. FARR. Mr. Speaker, I rise to support H.R. 1103 in the strongest possible terms.

This bill, which amends and strengthens the Perishable Agricultural Commodities Act—or PACA for those in the know, is one of the most important Federal agricultural programs for the farmer's of California's central coast. And, Mr. Speaker, it does not cost the taxpayer a dime.

PACA, which was first enacted in 1930, ensures that growers, packers, and produce dealers are paid in a timely manner for their produce without recourse to costly and time-consuming court litigation. Produce dealers and retailers must get a license from the USDA to market produce and their license fees support the program.

PACA is absolutely crucial for perishable fruits and vegetables such as strawberries or lettuce which are only marketable for a short time before they spoil. Almost every dollar of the $2.4 billion per year in agricultural production in my district is directly tied to the protections in PACA—it is as crucial to central coast specialty crop growers as the wheat and corn programs are to mid-western farmers. So I am very happy that the House is taking up this bill today that ensures a strong PACA program well into the next century.

I want to point out that this legislation includes an important provision for domestic flower growers. Fresh-cut flowers are every bit as perishable as lettuce, grapes, or other produce. But they are not included in PACA's protections. This legislation will require the USDA to work with the flower industry to study the feasibility of including flowers within PACA.

I want to thank the Chairman ROBERTS and Mr. DE LA GARZA for their hard work in bringing this bill to the floor. I also want to thank my Subcommittee Chairman EWING and friend Mr. POMBO for their hard work in bringing all sides of the produce industry together in agreement on this legislation. Finally, I want to thank Mr. Keith Pitts and Ms. Stacey Carry of the Agriculture Committee staff who given so much of their time to move this legislation forward.

So if you enjoy artichokes, strawberries, lettuce, tomatoes, or any other of the 160 fresh produce crops that my district produces, I urge you to support this legislation.

WORKING TO PRESERVE, PROTECT, AND STRENGTHEN MEDICARE

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. QUINN. Mr. Speaker, I am pleased to have this opportunity to inform my constituents about the House of Representatives' plan to preserve, protect, and strengthen Medicare.

Unfortunately, some individuals and groups are misstating the facts, thus causing unnecessary anguish and apprehension among our Nation's seniors. In my own district in western New York, I have seen firsthand the anxiety which such statements have caused.

According to the Presidential Medicare Board of Trustees, the Medicare hospital insurance trust fund (Part A) will begin running out of money as early as next year—spending $1 billion dollars more than it takes in—and will be completely bankrupt by the year 2002.

By law, Medicare is prohibited from making payments for hospital or other health services if its reserves are depleted. That means if nothing is done now to preserve Medicare, 24 million seniors will be in jeopardy of losing their vital health care coverage.

I am committed to saving the program for all Americans, that includes my mother, who currently is on the program, and my daughter, who will be on it someday. If Congress does not act to save Medicare, the consequences 7 years from now will be catastrophic for all Americans.

Preserving Medicare will not require cuts in the program. Rather, Medicare spending will continue to increase more than private-sector health care spending increases and general inflation rate.

The plan makes Medicare financially safe and secure both now and in the future by simplifying the system and making it easier for seniors to use and understand it. In addition, it gives seniors the same right that Members of Congress have to choose their health care plan.

In our efforts to preserve, protect, and strengthen the Medicare Program, we must eliminate fraud and abuse. We are working with doctors and hospitals to make this happens.

I urge all of my constituents, and all Americans to play a part in the effort to strengthen Medicare. I welcome all comments and suggestions regarding my effort to save this important program.

A SALUTE TO NEW YORK STATE MARITIME COLLEGE PRESIDENT ''HOSS'' MILLER

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. MANTON. Mr. Speaker, last week, leaders of the U.S.-flag Merchant Marine gathered in New York City to pay tribute to retired Navy Rear Admiral Floyd Harry ''Hoss'' Miller, the president of the New York State Maritime College at Fort Skyler, a branch of the State University of New York. Having served with distinction as president of the New York Maritime College for 15 years, Admiral Miller has decided to move onto new challenges.

The most outstanding tribute to Admiral Miller, was the reaction of his students and colleagues to his announcement. Students at New York State Maritime and, indeed, leaders of the entire New York Maritime community were disappointed to learn that Admiral Miller was leaving. All seemed to agree that there were too many important projects that could not succeed without ''Hoss'' Miller's guiding hand. During his service as president, Hoss Miller has transformed the Maritime College into a technologically advanced, state-of-the-art institution that is well equipped to train young men and women for the future. While the college has a long legacy of training seafarers, Admiral Miller has broadened the training programs so that Maritime College graduates are prepared to meet the new challenges of a rapidly evolving transportation and trading system.

A member of the New York State Maritime college class of 1953, Admiral Miller possessed a deep commitment to the college. Many in this House, know from personal experience the strenuous efforts made by Admiral Miller and the other Academy presidents to ensure that the Federal Government honored its commitment to the U.S.-flag merchant marine and maritime education. Although we in Congress seem to have forgotten an important lesson of history, namely that a nation without a maritime fleet is doomed to fail both militarily and economically. Admiral Miller spent his last days in office urging Congress to reexamine this misguided philosophy which neglects maritime education and ignores the unfair maritime practices of our trading partners. Without Admiral Miller's efforts, clearly the State maritime colleges would be in even more perilous condition. Just as he fought hard for his students and his alma mater before Congress, Hoss Miller led the fight in Albany for increased State funding for education.

Prior to joining the college, Admiral Miller had an outstanding record of military service. From his start as a nuclear expert on the U.S.S. *Enterprise,* through his service off the coast of Vietnam as executive officer of the U.S.S. *Bainbridge,* Hoss Miller served with distinction and courage. Upon retiring from the Navy, Admiral Miller sought to serve his Nation in the field of education. He was thrilled by the prospects of preparing a future generation of leaders. Admiral Miller has been tremendously successful in this endeavor and indeed the men and women who trained at the college are part of his legacy.

Although Admiral Miller is leaving the college with a record of accomplishment most would envy, I am certain he will find numerous ways to continue to serve his Nation and his fellow citizens. I and the members of the New York delegation wish you every success in the future.

As we look ahead, I will take this opportunity to welcome Admiral Brown, the new president of the New York Maritime College. Admiral Brown was previously president of the Great Lakes Maritime College and is well known to Members of this House. Admiral Brown, we are pleased to have someone of your statute succeed our friend and we wish you every success in this new position.

PROTECT FUNDING FOR THE ARTS IN THE INTERIOR APPROPRIATIONS BILL

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. SANDERS. Mr. Speaker, I stand in complete opposition to this Interior appropriations bill, which could very well be the death knell for the National Endowments for the Arts. The bill itself terminates arts and humanities funding within 3 years.

Mr. Speaker, arts and culture are a vital part of human existence, and the opportunity to enjoy and appreciate the arts must be open to all of our people—and not just the wealthy who can pay $50 for a concert ticket.

Today, the United States spends only 64 cents per person to support the Arts Endowment, 50 times less than our major allies. In contrast, we spend $1,138 per person on military expenditures. Why is it that this Congress can lower taxes on the wealthiest people in our country, but cut back on programs which

bring art and culture into the classrooms of Vermont and America? Why is it that this Congress can pour billions of dollars more into B–2 bombers that the Pentagon doesn't want, or an absurd star wars program, but eliminate funding for museums, symphony orchestras, and theater groups all over America?

The $1 million that Vermont receives from the NEA is essential to many groups like Vermont Council on the Arts, the Flynn Theatre, and the Vermont Symphony Orchestra Association.

The Arts Endowment opens the doors to the arts to millions of school children, including at-risk youth. Not only do the arts teach our children understanding, self-expression, cooperation, and self-discipline, but the arts tell the history and the soul of a nation. More and more children are becoming mesmerized by canned entertainment, with the average 5-year-old spending 33 hours per week in front of the television. Today our children should be inspired by music and theater and creative arts, rather than become desensitized to violence by television.

Unlike urban centers where art and cultural experiences are more readily available, arts funding enables programs to go out to the people in the rural communities of Vermont.

Without Federal support, arts programs would be affordable only to the rich. The average American would be faced with rising ticket costs and would be shut out from arts centers, galleries, community festivals, live music performances, and other institutions where families can experience the arts.

Support the National Endowment for the Arts—oppose these draconian cuts to the arts and humanities.

THE TREATY OF GREENEVILLE BICENTENNIAL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BOEHNER. Mr. Speaker, it is an honor for me to share a story with my colleagues, about a historic event which took place in Darke County, OH. On August 3, 1795, the Treaty of GreeneVille was signed. This weekend, the city of Greenville will be celebrating the bicentennial anniversary of this important step in a peaceful settling of the western frontier.

The period after the Revolutionary War was a turbulent time in the newly created United States of America. Pioneers were venturing westward over the Appalachian Mountains into such States as Ohio. The founding fathers were concerned that the newly created nation would disintegrate as the western territories would side with the North, the South or even decide to form their own countries. The Northwest Ordinance was passed in 1785 to preempt this disaster.

The Northwest Ordinance set out an orderly framework for settlement and the qualifications for statehood. Land survey was done on a grid-like fashion to ensure that land title disputes would be few and so that settlements would be established in an orderly manner. Predictably, the increase in settlement led to further conflicts with the Indians of the region. President Washington was committed to providing security to the Northwest Territory and sent several commanders to lead the army. Each expedition was defeated, until President Washington appointed Maj. Gen. ''Mad Anthony'' Wayne.

In the spring of 1793, Wayne led his well equipped troops from Ft. Washington, which is present day Cincinnati, and marched northward following a line of forts, such as Ft. Hamilton, that had been established. Rather than stopping at Ft. Jefferson, Wayne continued north for a few miles and built Ft. GreeneVille, around which later grew the city of Greenville. He met with the Indians and held discussions to arrange for a peace treaty, however the previous Indian successes encouraged them to fight. Eventually, the peace talks were called off and Wayne prepared for battle. He pushed further north and defeated the Indians at the site of Ft. Recovery where a previous battle had been lost by General St. Clair. Near the Maumee River at the Battle of Fallen Timbers on August 20, 1794, Wayne again decisively defeated the Indians. Wayne continued to press the Indians and in the fall of 1794, Wayne returned to Ft. GreeneVille.

Peace negotiations began in June of 1795 and continued through August and concluded with the signing of the Treaty of GreeneVille on August 3, 1795. The signing of the treaty by Gen. ''Mad Anthony'' Wayne, President George Washington and the Indians living in the territory ended 40 years of hostilities with the Indians west of the Ohio River.

The agreement brought about the safe settlement of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Settlers could explore and move to the West without fear of Indian attack and battle. The United States had taken its first step westward, ensuring stability for the future.

In 1912, as the late President Theodore Roosevelt stated in a speech made in Greenville, ''Greenville is a most historical site. It marks one of the great epochs in the history of our nation. . . a starting point of America as a coming world power.'' After the treaty was signed, the Stars and Stripes automatically changed from a flag of 13 colonies to the flag of the United States. A 15 star flag was hoisted over Fort GreeneVille by General Wayne. Eight years later, Ohio became the 17th State in the union.

Therefore, Mr. Speaker, I am proud to represent the citizens and the city of Greenville, OH. Our forefathers persevered in creating a free and safe Nation. We truly have a reason to celebrate and recognize the treaty signed in Greenville, OH, 200 years ago today.

TRIBUTE TO THE LATE LT. GOV. RUDOLPH GUERRERO SABLAN

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. UNDERWOOD. Mr. Speaker, in the early morning hours of July 25 (Guam Time), Guam lost one of its most prominent leaders with the passing of Lt. Gov. Rudolph Guerrero Sablan. ''Rudy'' as we affectionately called him, is survived by his beloved wife Esperanza ''Ancha'' Cruz San Nicolas, children Rudy and Essie, and three grandchildren, Marie Antoinette, Jessica, and Mario.

Rudy always excelled at whatever he was tasked to do. He graduated as valedictorian of Father Duenas Memorial School in 1950 and went on to receive a bachelor's degree in political science from Loyola University in Los Angeles, CA. Rudy went on to serve his country as he worked at a Navy Public Works Center and eventually joined the U.S. Army. Serving his country in Hawaii, Rudy was an intelligence analyst and area study specialist with the Army Psychological Warfare Unit. Rudy's outstanding reputation was displayed through his selection to participate in various special assignments throughout Asia and the Pacific.

After his service ended, Rudy returned to his beloved island home. He began his service to Guam by entering the government of Guam work force. Within a short time, Rudy was promoted to various administration positions including director of labor and personnel in 1961. Impressed with Rudy's abilities, Gov. Manual F.L. Guerrero selected him to serve as assistant secretary of Guam and executive assistant to the Governor. During this time, Rudy had oversight over most of the executive branch of the executive branch of the Government of Guam.

After the Guerrero administration ended, Rudy went on to assume roles in the other two branches of Guam's Government. These included the position of administrative director of the courts of Guam and then the administrative director of the 12th Guam Legislature. With experience in all three branches of government and with the support and consent of Gov. Manual Guerrero, Gov. Ricardo J. Bordallo selected Rudy to be his running mate in the 1974 gubernatorial elections, the second gubernatorial election since the Organic Act of Guam was amended to allow for an elected Governor of Guam. The Bordallo-Sablan ticket was successful and the team spent 4 years in office.

After his years in office, Rudy was selected as general manager of Nanbo Insurance Underwriters, a well-respected business on Guam. Despite his busy and prominent lifestyle, Rudy managed to remain active in several community and civic organizations. These include the Young Men's League of Guam, the Guam Chamber of Commerce and the Chalan Pago Catholic Parish Organization.

In 1983, Rudy took the helm as head of the board of directors for the Guam Airport Authority. Under his leadership, movements toward the improvement, development, and modernization of the existing airport facilities were established. The massive airport expansion movement would eventually provide more sufficient facilities for Guam to take advantage of its growing tourism economy.

Despite his move to the private sector, Rudy would maintain his stature in Guam politics and serve as a respected Democratic Party elder. Commanding a respectable amount of grassroot followers, Rudy made three attempts to garner the support of the people of Guam and attain the elected office of Governor. So great was his influence that in 1993, he began his quest to merge the factions of the Democratic Party of Guam and is credited with spearheading the successful victory of Gov. Carl T.C. Gutierrez and Lt. Gov. Madeleine Z. Bordallo.

From the beginning of the Gutierrez-Bordallo administration until his untimely death, Rudy Sablan played an integral part in the policy making arm of the administration.

Serving as the Governor's chief advisor, Rudy was also selected to be a member of the Commission on Self-Determination, tasked with the responsibility of charting Guam's future political relationship with the United States of America. This was his second appointment to the commission, the first during the Bordallo-Reyes administration of the island from 1983 until 1987.

During his first term as a member of the Commission on Self-Determination, Rudy is credited with participating in the drafting of the Guam Commonwealth Draft Act. His participation was highlighted with his expertise in airlines, travel, and communications. Rudy continued his support for the Commonwealth Act after the Bordallo-Reyes administration ended. Most notably he testified at the only congressional hearings to have been held on the Guam Commonwealth Draft Act in Honolulu, HI, during December 1989. Entrusted by the Governor, Rudy joined the other members of Team Guam and participated in the 1995 Base Reuse and Realignment Commission hearings held in San Francisco this past year.

It is with a sense of great loss that another distinguished island leader has passed away before the political status issues between Guam and the United States are resolved. It is for this reason, Mr. Speaker, that I especially mourn the loss of Lieutenant Governor Sablan. His perseverance on these issues will not go unnoticed. I am committed to continue his legacy of leadership in this realm. May his lifelong commitment to these issues not be neglected by our Federal Government and energize the people of Guam.

Mr. Speaker, as Guam mourns the death of this fine leader, let us pay him tribute by honoring him in our body today. He will be remembered as a strong and highly respected gentleman. Let him serve as a model of what an exceptional citizen should be, here as in Guam. He was a good friend, one of Guam's most respected leaders and a great contributor to Guam's struggle for dignity with its relationship with the Federal Government and the world.

THE HEROIC EFFORTS OF MAJ. JAY ZEAMER, JR. IN WORLD WAR II

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. BALDACCI. Mr. Speaker, it is my privilege to speak today about an exceptional Mainer who served this country with great honor and courage during one of history's most terrifying wars, World War II.

Maj. Jay Zeamer, Jr., exhibited uncommon courage and skill to complete his mission in the face of insurmountable odds. He was awarded this country's highest honor, the Congressional Medal of Honor. I would like to honor him again as the 50th anniversary of the end of World War II nears.

Major Zeamer entered the service when he resided in Machias, ME. The Major was a volunteer bomber pilot who was charged with mapping a heavily defended region in the Solomon Islands. Even under the threat of a formidable Japanese fighter attack, Major Zeamer continued with his mission. In the ensuing fight, the crew destroyed five enemy aircraft. It was the Major's superior maneuvering ability that allowed the outnumbered bomber to successfully engage the enemy. All this was accomplished even though Major Zeamer was shot in both legs and both arms. Although he was seriously wounded, the Major did not give up until the enemy fighters had retreated. Mr. Speaker, it was courageous soldiers like this that allowed the United States to repel Japanese advances in the Pacific.

Maine has a long and proud tradition of sending brave soldiers to fight for freedom at home and abroad. These brave men exhibited enormous skill and unbreakable courage in the face of death. From Joshua Chamberlain in the Civil War through Gary Gordon in Somalia and countless numbers in between, Maine patriots have fought so that others might live free.

I am proud of Major Zeamer for all that he has given to the world. He fought not only for America, but to free the world from one of the most dangerous threats it had ever known. The efforts of Major Zeamer and his fellow soldiers helped purge the Pacific of Japanese imperialism. This country and the world will never forget his sacrifice.

ONE NATION, ONE COMMON LANGUAGE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. ROTH. Mr. Speaker, I rise today to call the attention of my colleagues to the August issue of Reader's Digest and the article, ''One Nation, One Common Language.'' The author, Linda Chavez, makes a compelling case against bilingual education and for preserving our common bond, the English language.

Ms. Chavez points out that immigrants oppose bilingual education for their children and teachers oppose it for their students. Listen to the commonsense observation on bilingual education's shortcomings that elementary school teacher Gail Fiber makes: ''How can anyone learn English in school when they speak Spanish 4½ hours a day?''

A recent survey showed that in just 5 years, there will be 40 million Americans who can't speak English. Those Americans will be isolated, cut off from realizing the American dream, if they don't have the one skill that is required for success in America: Fluency in English.

Linda Chavez in her article calls for an end to mandatory bilingual education at the State and Federal level, and she's absolutely right. My bill, H.R. 739, would do just that. I hope you all join me in my effort to make English our official language and keep America one Nation, one people. Cosponsor H.R. 739, the Declaration of Official Language Act. I ask that the full text of her article appear in the RECORD at this point.

ONE NATION, ONE COMMON LANGUAGE

(By Linda Chavez)

Lusi Granados was a bright five-year-old who could read simple words before he entered kindergarten in Sun Valley, Calif. But soon after the school year began, his mother was told that he couldn't keep up. Yolanda Granados was bewildered. ''He knows his alphabet,'' she assured the teacher.

''You don't understand,'' the teacher explained. ''The use of both Spanish and English in the classroom is confusing to him.''

Yolanda Granados was born in Mexico but speaks excellent English. Simply because Spanish is sometimes spoken in her household, however, the school district—without consulting her—put her son in bilingual classes. ''I sent Luis to school to learn English,'' she declares.

When she tried to put her boy into regular classes, she was given the runaround. ''Every time I went to the school,'' she says, ''the principal gave me some excuse.'' Finally, Granados figured out a way to get around the principal, who has since left the school.

Each school year, she had to meet with Luis's teachers to say she wanted her son taught solely in English. They cooperated with her, but Luis was still officially classified as a bilingual student until he entered the sixth grade.

Immigrant parents want their kids to learn English. Why, then, do we have a multibillion-dollar bureaucracy to promote bilingual education?

Unfortunately, the Granados family's experience has become common around the country. When bilingual education was being considered by Congress, it had a limited mission: to teach children of Mexican descent in Spanish while they learned English. Instead, it has become an expensive behemoth, often with a far-reaching political agenda: to promote Spanish among Hispanic children—regardless of whether they speak English or not, regardless of their parents' wishes and even with-out their knowledge. For instance:

In New Jersey last year, Hispanic children were being assigned to Spanish-speaking classrooms, the result of a state law that mandated bilingual instruction. Angry parents demanded freedom of choice. But when a bill to end the mandate was introduced in the legislature, a group of 50 bilingual advocates testified against it at a state board of education meeting.

''Why would we require parents unfamiliar with our educational system to make such a monumental decision when we are trained to make those decisions?'' asked Joseph Ramos, then co-chairman of the North Jersey Bilingual Council.

The Los Angeles Unified School District educates some 265,000 Spanish-speaking children, more than any other in the nation. It advises teachers, in the words of the district's Bilingual Methodology Study Guide, ''not to encourage minority parents to switch to English in the home, but to encourage them to strongly promote development of the primary language.'' Incredibly, the guide also declares that ''excessive use of English in bilingual classrooms tends to lower students' achievement in English.''

In Denver, 2500 students from countries such as Russia and Vietnam learn grammar, vocabulary and pronunciation in ESL (English as a Second Language). An English ''immersion'' program, ESL is the principal alternative to bilingual education. Within a few months, most ESL kids are taking mathematics, science and social-studies classes in English.

But the 11,000 Hispanic children in Denver public schools don't have the choice to participate in ESl full time. Instead, for their first few years they are taught most of the day in Spanish and are introduced only gradually to English. Jo Thomas, head of the bilingual/ESL education program for the Denver public schools, estimates these kids will ultimately spend on average five to seven years in its bilingual program.

ACTIVIST TAKEOVER.

Bilingual education began in the late 1960s as a small, $75-million federal program primarily for Mexican-American children, half

of whom could not speak English when they entered first grade. The idea was to teach them in Spanish for a short period, until they got up to speed in their new language.

Sen. Ralph Yarborough (D., Texas), a leading sponsor of the first federal bilingual law in 1968, explained that its intent was ''to make children fully literate in English.'' Yarborough assured Congress that the purpose was ''not to make the mother tongue dominant.''

Unfortunately, bilingual-education policy soon fell under the sway of political activists demanding recognition of the ''group rights'' of cultural and linguistic minorities. By the late 1970s the federal civil-rights office was insisting that school districts offer bilingual education to Hispanic and other ''language minority'' students or face a cutoff of federal funds.

Most states followed suit, adopting bilingual mandates either by law or by bureaucratic edict. The result is that, nationally, most first-grade students from Spanish-speaking homes are taught to read and write in Spanish.

The purpose in many cases is no longer to bring immigrant children into the mainstream of American life. Some advocates see bilingual education as the first step in a radical transformation of the United States into a nation without one common language or fixed borders.

Spanish ''should no longer be regarded as a 'foreign' language,'' according to Josué González, director of bilingual education in the Carter Administration and now a professor at Columbia University Teachers College. Instead, he writes in Reinventing Urban Education, Spanish should be ''a second national language.''

Others have even more extreme views. At last February's annual conference of the National Association for Bilingual Education (a leading lobbying group for supporters of bilingual education) in Phoenix, several speakers challenged the idea of U.S. sovereignty and promoted the notion that the Southwest and northern Mexico form one cultural region, which they dub La Frontera.

Eugene García, head of bilingual education at the U.S. Department of Education, declared to thunderous applause that ''the border for many is nonexistent. For me, for intellectual reasons, that border shall be nonexistent.'' His statement might surprise President Clinton, who appointed García and has vowed to beef up border protection to stem the flow of illegal aliens into the United States.

I WAS FURIOUS

Bilingual education has grown tremendously from its modest start. Currently, some 2.4 million children are eligible for bilingual or ESL classes, with bilingual education alone costing over $5.5 billion. New York City, for instance, spends $400 million annually on its 147,500 bilingual students—$2712 per pupil.

A great deal of this money is being wasted. ''We don't even speak Spanish at home,'' says Miguel Alvarado of Sun Valley, Calif., yet his eight-year-old daughter, Emily, was put in a bilingual class. Alvarado concludes that this was done simply because he is bilingual.

When my son Pablo entered school in the District of Columbia, I received a letter notifying me that he would be placed in a bilingual program—even though Pablo didn't speak a word of Spanish, since I grew up not speaking it either. (My family has lived in what is now New Mexico since 1609). I was able to decline the program without much trouble, but other Hispanic parents aren't always so fortunate.

When Rita Montero's son, Camilo, grew bored by the slow academic pace of his first-grade bilingual class in Denver, she requested a transfer. ''The kids were doing work way below the regular grade level,'' says Montero. ''I was furious.'' Officials argued they were under court order to place him in a bilingual class.

In fact, she was entitled to sign a waiver, but no one she met at school informed her of this. Ultimately she enrolled Camilo in a magnet school across town. Says Montero, ''Only through a lot of determination and anger did I get my son in the classroom where he belonged.'' Most parents—especially immigrants—aren't so lucky. They're intimidated by the system, and their kids are stuck.

Most school districts with large Hispanic populations require parents with Spanish surnames to fill out a ''home-language survey.'' If parents report that Spanish is used in the home, even occasionally, the school may place the child in bilingual classes. Unbeknown to parents, a Spanish-speaking grandparent living with the family may be enough to trigger placement, even if the grandchild speaks little or no Spanish.

Though parents are supposed to be able to opt out, bureaucrats have vested interest in discouraging them, since the school will lose government funds. In some districts, funding for bilingual education exceeds that for mainstream classes by 20 percent or more. New York State, for example, doesn't allow Hispanic students to exist the bilingual program until they score above the 40th percentile on a standardized English test.

''There's a Catch-22 operating here,'' says Christine Rossell, a professor of political science at Boston University. She explains that such testing guarantees enrollment in the program, for ''by definition, 40 percent of all students who take any standardized test will score at or below the 40th percentile.''

FAMILY'S BUSINESS

Bilingual programs are also wasted on children who do need help learning English. Studies confirm what common sense would tell you: the less time you spend speaking a new language, the more slowly you'll learn it.

Last year, bilingual and ESL programs in New York City were compared. Results: 92 percent of Korean, 87 percent of Russian, and 83 percent of Chinese children who started intensive ESL classes in kindergarten had made it into mainstream classes in three years or less. Of the Hispanic students in bilingual classes, only half made it to mainstream classes within three years. ''How can anyone learn English in school when they speak Spanish 4½ hours a day?'' asks Gail Fiber, an elementary-school teacher in Southern California. ''In more than seven years' experience with bilingual education, I've never seen it done successfully.''

Rosalie Pedalino Porter, former director of bilingual education in Newton, Mass, and now with the Institute for Research in English Acquisition and Development, reached a similar conclusion. ''I felt that I was deliberately holding back the learning of English,'' she writes in her eloquent critique, Forked Tongue: The Politics of Bilingual Education.

Native-language instruction is not even necessary to academic performance, according to Boston University's Rossell. ''Ninety-one percent of scientifically valid studies show bilingual education to be no better—or actually worse—than doing nothing.'' In other words, students who are allowed to sink or swim in all-English classes are actually better off than bilingual students.

The overwhelming majority of immigrants believe that it is a family's duty—not the school's—to help children maintain the native language. ''If parents had an option,'' says Lila Ramírez, vice president of the Burbank, Calif., Human Relations Council, ''they'd prefer all-English to all-Spanish.'' When a U.S. Department of Education survey asked Mexican and Cuban parents what they wanted, four-fifths declared their opposition to teaching children in their native language if it meant less time devoted to English.

SENSE OF UNITY

It's time for federal and state legislators to overhaul this misbegotten program. The best policy for children—and for the country—is to teach English to immigrant children as quickly as possible. American-born Hispanics, who now make up more than half of all bilingual students, should be taught in English.

Bilingual education probably would end swiftly if more people knew about last November's meeting of the Texas Association for Bilingual Education, in Austin. Both the Mexican and U.S. flags adorned the stage at this gathering, and the attendees—mainly Texas teachers and administrators—stood as the national anthems of both countries were sung.

At least one educator present found the episode dismaying. ''I stood, out of respect, when the Mexican anthem was played,'' says Odilia Leal, bilingual coordinator for the Temple Independent School District. ''But I think we should just sing the U.S. anthem. My father, who was born in Mexico, taught me that the United States, not Mexico, is my country.''

With 20 million immigrants now living in our country, it's more important than ever to teach newcomers to think of themselves as Americans if we hope to remain one people, not simply a conglomeration of different groups. And one of the most effective ways of forging that sense of unity is through a common language.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 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 and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes:

Mrs. MORELLA. Mr. Chairman, I had intended to offer an amendment to restore funding in the State-Commerce-Justice appropriations bill for the State Justice Institute. Since filing the amendment, I realized that a number of Members are not familiar with the work of the State Justice Institute, thereby leading me to conclude that it was not an opportune time to debate SJI funding. I withdrew the amendment.

But I want to let my colleagues know that there is a clear Federal interest in supporting programs like SJI, which promotes a just, effective, and innovative system of State courts. State courts have been the beneficiaries of more than 800 projects improving the quality of the justice they deliver, and the Federal judiciary has worked closely with SJI to improve the working relationship between the State and Federal courts.

Federal assistance to State courts is as appropriate as Federal assistance to State law enforcement, prosecution, and corrections agencies. By helping the State courts to deliver justice more efficiently and effectively, SJI promotes their greater use by litigants, thereby reducing the number of cases filed in Federal court. Continued funding for SJI would provide the administration and Congress with the opportunity to improve the State courts' response to important issues, such as family violence, the rights of children, drug abuse, and crime.

As a Member of Congress who has been active on the issue of domestic violence, I can attest to SJI's many contributions in improving the State courts' response to family violence. For example, the State Justice Institute is the entity responsible for implementing my legislation, approved by Congress in 1992, to develop training programs for judges and other court personnel about domestic violence, especially its impact on children, and to review child custody decisions where evidence of spousal abuse has been presented. The Judicial Training Act addresses problems that many battered women have when they step into the courtrooms in this country to fight for custody of their children or to fight for equal justice in criminal cases. The response of our judicial system to domestic violence has been one of ignorance, negligence, and indifference, often with tragic consequences. The State Justice Institute has moved expeditiously to implement this act, and it has provided important assistance in improving the State courts' response to family violence.

Federal policies can have serious consequences for the State courts and often impose substantial responsibilities on the State courts. The State Justice Institute has provided important Federal assistance to help the State judiciaries cope with federally imposed burdens, such as the Child Support Enforcement Act of 1984, the Family Support Act of 1986, and the Adoption Assistance and Child Welfare Act of 1980. These Federal programs should be accompanied by Federal assistance for State courts to meet these increased demands. The State Justice Institute has filled this important role.

OUR CHILDREN ARE OUR FUTURE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FILNER. Mr. Chairman and colleagues, I rise today to remind us all that the future of our Nation lies with our children. We hear those words so often that they are almost a cliche—but do we listen? Do we understand what that must mean as we develop our budget priorities?

As an educator, a former university professor, and a former president of the San Diego Board of Education, I am in a unique position here in Congress—I have first-hand knowledge of the importance of Federal funding to students of all ages and all communities. And I want you to know that I have serious concerns about the direction we are taking in the current budget deliberations.

For example, the San Diego School District—one of the school districts in my congressional district—stands to lose a minimum of $12 million in fiscal year 1996. Although students in every school in the district will be affected, the students most in need will be hit the hardest if we vote to slash title I as is currently proposed. Schools with a high number of students and families in poverty and low achieving students will receive the deepest and most severe cuts.

Title I funding helps disadvantaged children to better learn and achieve high educational standards. The proposed cuts in title I funding will devastate this program currently operating in the San Diego schools. A total of 50 schools will be eliminated from the program, and more than 11,000 children will not be served. Supplemental reading and math programs will be eliminated, as well as parental involvement activities. The very resources needed to raise student achievement and to meet the high standards we all want will be taken away.

In addition, the 127,000 students served by Impact Aid, the 31,000 students served by the Bilingual Education Program, the 17,000 students served by School-to-Work funding, and the 127,000 students affected by the Safe & Drug-Free Schools funding will suffer from the $700,000 cut to Impact Aid, the $1 million cut to Bilingual Education, the $140,000 cut to School-to-Work and the $500,000 cut to Safe & Drug-Free Schools. These cuts are for one school district. Multiply that by the thousands of districts in the Nation.

Perhaps the most foolish action in the bill pending before us is the cut of $137 million for Head Start. The money we spend to give our youngsters a head start makes for productive citizens and pays dividends in the future. We should be putting more money into Head Start—not less.

In California, the economic decline of the past several years means that State and local economics cannot absorb the huge financial burden that will be shifted to them. The loss of instruction, the lay-offs of teachers and staff, and the lessening of the quality of education resulting from these proposed cuts cannot be replaced at the local level. The Federal Government has a role, an obligation, and a responsibility to participate in the education of our children.

Our children are our future. Let us make them a priority. I urge my colleagues to do our part. Support the Federal investment in the future and reject the severe cuts proposed for the coming fiscal year.

ELIMINATE THE MAGNET FOR IMMIGRATION!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 2, 1995

Mr. FILNER. Mr. Speaker and colleagues, today I am introducing legislation to attack one of the most critical problems facing the residents of San Diego Country and California—illegal immigration.

The Eliminating the Magnet for Illegal Immigration Act gets at the root of the problem. It will stop people from trying to cross the border in the first place by eliminating the illegal jobs that attract people to the United States.

My bill finally clamps down on employers that encourage illegal immigration by violating our laws and knowingly hiring undocumented workers.

In San Diego, I represent the district that runs along the border and has the most border crossing—both legal and illegal—in the world. I am acutely aware of the strain illegal immigration puts on communities in my district, and I have always been a firm believer in gaining control of our borders.

In the last 2 years, we have made significant progress. We have increased the number of Border Patrol agents and have begun to give them the tools and technology to get the job done.

But these changes have had limited success in stopping illegal immigration. The critical next step in the fight to stop illegal immigration is to eliminate the magnet and enforce our laws against the hiring of illegal immigrants.

In 1986, Congress underscored the need to eliminate the job magnet and made it illegal to hire undocumented workers—but these laws have been largely ignored. The INS simply has not had the resources to do its job.

Some employers hire undocumented workers because their status makes them easy targets for exploitation and abuse. These employers know they can force them to work in substandard conditions. These employers know they can get away with paying them substandard wages. It it any wonder that we have this problem?

My legislation gives the INS the resources it needs to aggressively enforce employer sanctions and gives the Department of Labor the resources to aggressively enforce wage and hour laws.

And most importantly, it directs the two agencies to combine forces and target those industries notorious for hiring undocumented workers and forcing them to work in unacceptable conditions.

My bill gets tough on employers who knowingly hire undocumented workers by imposing stronger sanctions and doubling those penalties against employers also caught violating labor laws. It also helps employers by reducing the number of documents workers can use to verify their eligibility.

I want to fully acknowledge that there is an inherent danger that this kind of approach could lead to discrimination against workers—and evidence shows that this has indeed been the case in some instances. Thus my bill will also stiffen the penalties against employers that discriminate and give the Department of Justice the resources it needs to thoroughly investigate incidents of discrimination. We will also provide programs to educate employers about their responsibilities in this area.

Finally, my bill will crack down on document fraud by increasing the civil and criminal penalties for using or manufacturing fraudulent documents.

My bill takes a balanced, comprehensive approach to the problems created by illegal immigration. As a border Congressman, I am well aware of both the positive and the negative effects of immigration.

And I promised myself, and the people that I represent, that we would deal with the negative impacts without retreating from the values that have made this the greatest country in the world. I challenge Congress to get past the scapegoating that has become so politically profitable.

I urge my colleagues on both sides of the aisle to support this critically important initiative and show your commitment to truly stemming the illegal immigration that affects so many of our communities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, August 3, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

AUGUST 4

9:30 a.m.

Joint Economic

To hold hearings to examine the employment-unemployment situation for July.

2261 Rayburn Building

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 8

10:00 a.m.

Foreign Relations

To hold hearings on the drug trade in Mexico and implications for U.S.-Mexican relations.

SD–419

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 mark up S. 487, to establish a Federal Indian Gaming Regulatory Commission to regulate Indian gaming operations and standards.

SD–106

AUGUST 10

2:00 p.m.

Judiciary

To hold hearings to examine United States Sentencing Commission's cocaine sentencing policy.

SD–226

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S11127–S11225

Measures Introduced: Thirteen bills were introduced, as follows: S. 1102–1114. **Page S11201**

Department of Defense Authorizations, 1996: Senate began consideration of S. 1026, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows:

Pages S11127–99

Adopted:

(1) By 94 yeas to 5 nays (Vote No. 351), Kyl/Inhofe Amendment No. 2077, to express the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack. **Pages S11132–53**

(2) By 98 yeas to 1 nay (Vote No. 350), Nunn Modified Amendment No. 2078 (to Amendment No. 2077), to express a further sense of the Senate that front-line troops of the United States Armed Forces should be protected from missile attacks.

Pages S11136–53

(3) By 62 yeas to 38 nays (Vote No. 353), McConnell Amendment No. 2080, to express the sense of the Senate that the Select Committee on Ethics should follow whatever procedures it deems necessary and appropriate to provide a full and complete record of the relevant evidence in the case of Senator Packwood. **Pages S11154–84**

(4) Feingold Amendment No. 2082, to express the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint. **Pages S11185–86**

(5) Grassley Amendment No. 2083, to prohibit a waiver of the time-in-grade requirement for a retirement in grade of an officer who is under investigation or is pending disposition of an adverse personnel action for misconduct. **Pages S11186–89**

(6) Thurmond Amendment No. 2084, to authorize an additional $228 million for military construction projects. **Pages S11192–98**

(7) Nunn Amendment No. 2085, to exclude the Associate Director of Central Intelligence for Military Support from grade limitations applicable to members of the Armed Forces. **Pages S11198–99**

(8) Thurmond (for Thompson) Amendment No. 2086, to allow the transfer of property between the United States Navy and the Port of Memphis, Tennessee. **Page S11199**

Rejected:

By 48 yeas to 52 nays (Vote No. 352), Boxer Amendment No. 2079, to require hearings in the investigation stage of ethics cases. **Pages S11154–84**

A unanimous-consent agreement was reached providing for further consideration of the bill, and an amendment to be proposed thereto, on Thursday, August 3, 1995. **Page S11189**

Messages From the House: **Pages S11199–S11200**

Measures Placed on Calendar: **Page S11200**

Communications: **Page S11200**

Petitions: **Pages S11200–01**

Executive Reports of Committees: **Page S11201**

Statements on Introduced Bills: **Pages S11201–16**

Additional Cosponsors: **Pages S11216–17**

Amendments Submitted: **Pages S11217–19**

Notices of Hearings: **Pages S11219–20**

Authority for Committees: **Page S11220**

Additional Statements: **Pages S11220–24**

Record Votes: Four record votes were taken today. (Total–353)

Pages S11153, S11184

Recess: Senate convened at 9 a.m., and recessed at 8:26 p.m., until 9 a.m., on Thursday, August 3, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S11225.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—TRANSPORTATION

Committee on Appropriations: Subcommittee on Transportation approved for full committee consideration, with amendments, H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996.

FAA REFORM

Committee on Commerce, Science, and Transportation: Subcommittee on Aviation held hearings on proposals to reform the operation of the Federal Aviation Administration, including the air traffic control system, receiving testimony from Senators Inhofe and Kassebaum; Representatives Oberstar and Lightfoot; Kenneth M. Mead, Director, and Robert Levin, Assistant Director, both of the Transportation Issues, Resources, Community, and Economic Development Division, and Belva Martin, Senior Evaluator, all of the General Accounting Office; Federico Peña, Secretary of Transportation; David Hinson, Administrator, George Donohue, Associate Administrator for Research and Acquisitions, and Monte Belger, Associate Administrator for Air Traffic Services, all of the Federal Aviation Administration, Department of Transportation; Najeeb E. Halaby, Edgartown, Massachusetts, former Administrator, FAA; Phil Boyer, Aircraft Owners and Pilots Association, Frederick, Maryland; Richard Golaszewski, Gellman Research Associates, Incorporated, Jenkintown, Pennsylvania; and Charles M. Barclay, American Association of Airport Executives, Alexandria, Virginia.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior, and Charles B. Curtis, of Maryland, to be Deputy Secretary of Energy.

ARCTIC OIL RESERVE

Committee on Energy and Natural Resources: Committee held hearings to discuss leasing portions of Alaska's Arctic coastal plain for oil and gas development and the inclusion of the leasing revenues in the Budget Reconciliation, receiving testimony from John D. Leshy, Solicitor, Department of the Interior; James Schlesinger, former Secretary of Energy; Lawrence Eagleburger, former Secretary of State; Alaska State Senator Drue Pearce, on behalf of the Alaska State Senate and the Alaska State House of Representatives, David R. Cline, National Audubon Society, Jerry Hood, AFL–CIO, Judy Brady, Alaska Oil and Gas Association, and Sarah James, on behalf of the Gwich'in Steering Committee, all of Anchorage, Alaska; John Shively, Alaska Department of Natural Resources, Juneau; Richard B. Stone, Columbia University Law School, New York, New York, on behalf of the Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America; Edward J. DiPaolo, Halliburton Company, Houston, Texas, on behalf of the National Association of Manufacturers; G. Jon Roush, Wilderness Society, Roger Herrera, Arctic Power, and Russell E. Ginn, Chamber of Commerce of the United States, all of Washington, D.C.; Debbie S. Miller, Fairbanks, Alaska, on behalf of the Alaska Wilderness League, Alaska Center for the Environment, and the Northern Alaska Environmental Center; and Oliver Leavitt, Arctic Slope Regional Corporation, and Delbert Rexford, both of Barrow, Alaska.

Hearings were recessed subject to call.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following bills:

S. 640, to provide for the conservation and development of water and related resources, and to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, with an amendment in the nature of a substitute;

S. 619, to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, with amendments;

S. 369, to designate the Federal Courthouse in Decatur, Alabama, as the ''Seybourn H. Lynne Federal Courthouse;

S. 734, to designate the United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the ''Bruce R. Thompson United States Courthouse and Federal Building'';

S. 965, to designate the United States Courthouse for the Eastern District of Virginia in Alexandria, Virginia, as the ''Albert V. Bryan United States Courthouse'';

S. 1076, to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the ''Francis J. Hagel Building'';

H.R. 535, to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas;

H.R. 614, to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; and

H.R. 584, to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa.

WETLANDS PROTECTION

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety resumed oversight hearings on the implementation of Section 404 (to provide regulatory protection for wetlands) of the Clean Water Act (P.L. 92–500), and S. 851, to reform the Section 404 wetlands permitting program under the Clean Water Act to focus Federal regulatory authority on functioning wetlands and to ensure that citizens can obtain permits within a reasonable period of time, receiving testimony from Janet G. Llewellyn, Florida Department of Environmental Protection, Tallahassee; Paul Scott Hausmann, Wisconsin Department of Natural Resources, Madison, on behalf of the Association of State Wetland Managers; Ernest Hahn, New Jersey Department of Environmental Protection, Trenton; Becky Gay, Alaska Wetlands Coalition, Anchorage; Ted R. Brown, Foundation for Environmental and Economic Progress, Boca Raton, Florida; Robert A. Kuras, The Homestead, Glen Arbor, Michigan; Kevin Martin, Soil and Environmental Consultants, Raleigh, North Carolina; Jonathan B. Tolman, Competitive Enterprise Institute, Walter T. McDonald, National Association of Realtors, Robert G. Szabo, National Wetlands Coalition, and Mark Tipton, National Association of Home Builders, all of Washington, D.C.; William M. Lewis, Jr., University of Colorado, Boulder; Orie L. Loucks, Miami University, Oxford, Ohio; Jan Goldman-Carter, National Wildlife Federation, West Chester; and Mark Davis, Coalition to Restore Coastal Louisiana, Baton Rouge.

Hearings were recessed subject to call.

PERSONAL INVESTMENT PLAN ACT

Committee on Finance: Subcommittee on Social Security and Family Policy held hearings on S. 824, to amend the Internal Revenue Code of 1986 and the Social Security Act to provide for personal investment plans funded by employee social security payroll deductions, receiving testimony from David S. Koitz, Income Maintenance Section Head, Congressional Research Service, Library of Congress; Robert J. Myers, former Chief Actuary, Social Security Administration; and Steven J. Entin, Institute for Research on the Economics of Taxation, Michael Tanner, Cato Institute, and Matthew P. Fink, Investment Company Institute, all of Washington, D.C.

Hearings were recessed subject to call.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of Jacob Joseph 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, after the nominees testified and answered questions in their own behalf. Mr. Lew, Ms. Slavet, and Ms. Marshall were introduced by Senator Kennedy, and Mr. Stricker was introduced by Senator Ford and Representative Ward.

ANNUAL REPORT OF POSTMASTER GENERAL

Committee on Governmental Affairs: Subcommittee on Post Office and Civil Service concluded hearings to review the fiscal year 1995 activities of the United States Postal Service, and to examine goals for the future, after receiving testimony from Marvin Runyon, Postmaster General, and Michael S. Coughlin, Deputy Postmaster General, both of the U.S. Postal Service.

AUTHORIZATION—ADMINISTRATIVE CONFERENCE

Committee on Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings on proposed legislation authorizing funds for the Administrative Conference of the United States for fiscal years 1995 through 1996, after receiving testimony from Thomasina V. Rogers, Chair, Administrative Conference of the United States; Loren A. Smith, Chief Judge, United States Court of Federal Claims; Thomas M. Susman, Ropes and Gray, Washington, D.C.; and James C. Miller III, Citizens for a Sound Economy, McLean, Virginia.

HOUSING FOR OLDER PERSONS ACT

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights approved for full committee consideration, with an amendment, 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.

BUSINESS MEETING

Committee on Labor and Human Resources: Committee ordered favorably reported the following business items:

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, with an amendment in the nature of a substitute;

S. 593, to allow the free export of drugs and medical devices not approved by the Food and Drug Administration for use in the United States to member countries of the World Trade Organization, if certain safeguards are satisfied, with an amendment in the nature of a substitute; and

The nomination of Jeanne R. Ferst, of Georgia, to be a Member of the National Museum Services Board.

INDIAN TRIBAL JUSTICE ACT

Committee on Indian Affairs: Committee concluded oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103–176), after receiving testimony from Judge William C. Canby, Jr., United States Court of Appeals for the Ninth Circuit; Mary C. Morgan, Deputy Assistant Attorney General, Office of Policy Development, Department of Justice; Joann Sebastian Morris, Acting Director, Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior; Margaret Treuer, Bois Forte Tribal Court/Bois Forte Band of Chippewa Indians, Nett Lake, Minnesota; John C. Schumacher, Colorado River Indian Tribes Court of Appeals, Parker, Arizona; Carey N. Vicenti, Jicarilla Apache Tribe, Dulce, New Mexico; Elbridge Coochise, Edmonds, Washington, on behalf of the National American Indian Court Judges Association; and Joseph A. Myers, National Indian Justice Center, Petaluma, California.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed 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, receiving testimony from Louis G. Hupp, Fingerprint Specialist, Federal Bureau of Investigation, Department of Justice; and Philip B. Heymann, Harvard Law School, Cambridge, Massachusetts, former Deputy Attorney General, Department of Justice.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: Seventeen public bills, H.R. 2159–2175; one private bill. H.R. 2176; and four resolutions. H.J. Res. 106, H. Con. Res. 90–91, and H. Res. 209 were introduced. **Pages H8308–09**

Reports Filed: Reports were filed as follows:

H.R. 1536, to amend title 38, United States Code, to extend for two years an expiring authority of the Secretary of Veterans Affairs with respect to determination of locality salaries for certain nurse anesthetist positions in the Department of Veterans Affairs;

H.R. 1384, to amend title 38, United States Code, to exempt certain full-time health-care professionals of the Department of Veterans Affairs from restrictions on remunerated outside professional activities, amended (H. Rept. 104–226);

H.R. 2108, to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, and to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds (H. Rept. 104–227); and

H.R. 1445, to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions (H. Rept. 104–228).

Page H8308

Motion to Adjourn: By a yea-and-nay vote of 120 yeas to 289 nays with 1 voting ''present'', Roll No. 609, the House rejected the Obey motion that the House adjourn. **Pages H8183–84**

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 Banking and Financial Services, International Relations, National Security, Small

Business, Transportation and Infrastructure, and Veterans' Affairs. **Page H8194**

Labor–HHS–Education Appropriations: House completed all general debate and began reading for amendment on H.R. 2127, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996; but came to no resolution thereon. Reading for amendment will resume on Thursday, August 3. **Pages H8194–H8268**

Agreed To:

The Porter amendment that reduces by $2 million the appropriation for State unemployment insurance and service operations, increases by $4 million the appropriation for Department of Labor departmental management, reduces the Health Care Financing Administration program management appropriation by $2.29 million, and increases the appropriation for children and families services programs by $1.3 million; **Pages H8213–14**

The Porter amendment that makes a technical correction and exempts individuals from provisions regarding political advocacy; **Pages H8214–15**

The Crapo amendment that establishes a permanent Deficit Reduction Lockbox for the fiscal year Labor–HHS–Education appropriations bill and all future general appropriations bills (agreed to by a recorded vote of 373 ayes to 52 noes, Roll No. 613); and **Pages H8242–48, H8264**

The Greenwood amendment that makes $193.35 million available for the voluntary family planning project under title X (agreed to by a recorded vote of 224 ayes to 204 noes, Roll No. 615). **Pages H8249–62, H8264–65**

Rejected:

The Obey amendment that sought to strike 17 limitations on the use of funds affecting worker protection, women, education, and Political advocacy (rejected by a recorded vote of 155 ayes to 270 noes, Roll No. 611); **Pages H8232–39, H8262–63**

The Pelosi amendments en bloc that sought to strike language prohibiting the use of funds by OSHA to develop, promulgate, or issue any standards or guidelines on ergonomic protection; language prohibiting the use of funds by the NLRB to investigate or prosecute any alleged unfair labor practice against an employer, when such charges are based in whole or in part on an employer taking any adverse action against any individuals who are employees of agents of any labor union; and language prohibiting the use of funds by the NLRB to exercise its authority to go to court to seek an injunction unless certain conditions are met rejected by a recorded vote of 197 ayes to 229 noes, Roll No. 612); and **Pages H8239–42, H8263–64**

The Livingston substitute to the agreed-to Greenwood amendment that sought to terminate funding for the title X family planning program and transfer $193.35 million to the maternal and child health block grant and migrant health centers programs (rejected by a recorded vote of 207 ayes to 221 noes, Roll No. 614). **Pages H8249–62, H8264–65**

The Stokes amendment was offered but subsequently withdrawn that sought to increase funds available for the school-to-work program by $5 million. **Pages H8228–32**

H. Res. 208, the rule under which the bill is being considered, was agreed to earlier by a yea-and-nay vote of 323 yeas to 104 nays, Roll No. 610. **Pages H8183–94**

Agreed to the Solomon amendment to the rule that provides for a total of two and one-half hours of general debate and an additional 90 minutes of general debate on each of the first three titles. **Page H8193**

Middle East Peace Facilitation Extension: House passed H.R. 2161, to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995. **Pages H8268–69**

Motion To Adjourn: By a recorded vote of 89 ayes to 216 noes, Roll No. 617, rejected the Fattah motion that the House adjourn. **Pages H8280–81**

Communications Act: House completed all general debate on H.R. 1555, to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies; but came to no resolution thereon. Consideration of amendments will begin at a later date. **Pages H8281–95**

H. Res. 207, the rule under which the bill is being considered, was agreed to earlier by a yea-and-nay vote of 255 yeas to 156 nays, Roll No. 616. **Pages H8269–79**

Senate Messages: Messages received from the Senate today appear on page H8179.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H8309–10.

Quorum Calls—Votes: Three yea-and-nay votes and six recorded votes developed during the proceedings of the House today and appear on pages H8183–84, H8193–94, H8262–63, H8263–64, H8264, H8264–65, H8265, H8279, and H8280–81. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 2:19 a.m. on Thursday, August 3.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held a hearing on Fish and Wildlife Service Law Enforcement. Testimony was heard from Representatives Chenoweth and Cooley; and the following officials of the Department of the Interior: George T. Frampton, Assistant Secretary, Fish and Wildlife and Parks; and John G. Rogers, Deputy Director, U.S. Fish and Wildlife Service.

INSURANCE FUND AND SAVINGS ASSOCIATION INSURANCE FUND—PROPOSALS TO MERGE BANKING THRIFT INDUSTRIES

Committee on Banking and Financial Services: Subcommittee on Financial Institutions and Consumer Credit held a hearing on the financial condition of the Bank Insurance Fund (BIF) and the Savings Association Insurance Fund (SAIF) and proposals to merge the banking thrift industries. Testimony was heard from the following officials of the Department of the Treasury: John D. Hawke, Under Secretary, Domestic Finance; Eugene A. Ludwig, Comptroller, Office of the Comptroller of the Currency; and Jonathan Fiechter, Acting Director, Office of Thrift Supervision; Ricki Helfer, Chairman, FDIC; Alan Greenspan, Chairman, Board of Governors, Federal Reserve System; and public witnesses.

INTEGRATED SPENT NUCLEAR FUEL MANAGEMENT ACT

Committee on Commerce: Ordered reported amended H.R. 1020, Integrated Spent Nuclear Fuel Management Act of 1995.

POLITICAL ADVOCACY WITH TAXPAYER DOLLARS

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs continued hearings on Political Advocacy with Taxpayer Dollars. Testimony was heard from Timothy Flanigan, former Assistant Attorney General, Office of Legal Counsel, Department of Justice; and public witnesses.

OVERVIEW OF UNITED STATES POLICY IN THE MIDDLE EAST

Committee on International Relations: Held a hearing on overview of United States Policy in the Middle East. Testimony was heard from Robert Pelletreau, Assistant Secretary, Near East and South Asian Affairs, Department of State; and RAdm. W. H. Wright, IV, USN, Assistant Deputy Chief of Naval Operations, Plans, Policy and Operations, Department of the Navy.

BEIJING CONFERENCE ON WOMEN

Committee on International Relations: Subcommittee on International Operations and Human Rights held a hearing on the Beijing conference on Women. Testimony was heard from the following officials of the Department of State: Madeleine Albright, U.S. Permanent Representative to the United Nations; Victor Marrero, U.S. Ambassador to the United Nations; and Melinda Kimble, Deputy Assistant Secretary, Bureau of International Organization Affairs.

ACQUISITION REFORM

Committee on National Security: Held a hearing on acquisition reform. Testimony was heard from Steven J. Kelman, Administrator. Federal Procurement Policy, OMB; Colleen Preston, Deputy Under Secretary, Acquisition Reform, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 1743, to amend the Water Resources Research Act of 1964 to extend the authorization of appropriations through fiscal year 2000; H.R. 238, amended, Ozark Wild Horses Protection Act; and H.R. 1745, amended, Utah Public Lands Management Act of 1995.

SOLE SOURCE BID REQUIREMENTS IN GOVERNMENT CONTRACTS

Committee on Small Business: Subcommittee on Government Programs held a hearing to review the efforts of some to promote ''sole source'' bid requirements in government contracts. Testimony was heard from Representative Geren of Texas; Dave Privar, Manager of Safety and health, Beltsville Agricultural Research Center, USDA; and public witnesses.

CLARIFYING THE STATUS OF INDEPENDENT CONTRACTORS

Committee on Small Business: Subcommittee on Taxation and Finance concluded hearings on the need to clarify the status of independent contractors, with discussion of the following bills: H.R. 1972, Independent Contractors Tax Simplification Act of 1995; and H.R. 582, Independent Contractors Tax Fairness Act of 1995. Testimony was heard from the following officials of the IRS, Department of the Treasury: Marshall V. Washburn, National Director, Specialty Taxes; and Mary E. Oppenheimer, Assistant Chief Counsel (Employee Benefits and Exempt Organizations); Natwar M. Gandhi, Associate Director, Tax Policy and Administration, GAO; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 2145, Economic Development Partnership Act of 1995; and H.R. 2149, Ocean Shipping Reform Act of 1995.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Education, Training, Employment and Housing held a hearing on the following: H.R. 1941, to amend title 38, United States Code, to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community; legislation on the Housing Loan Programs and Veterans Small Business, and a discussion on LVER/DVOP (Local Veterans Employment Representative/Disabled Veterans Outreach Program Specialist). Testimony was heard from John Vogel, Under Secretary, Veterans Benefits, Department of Veterans Affairs; Patricia R. Forbes, Acting Associate Deputy Administrator, Economic Development, SBA; Preston M. Taylor, Jr., Assistant Secretary, Veterans Employment and Training, Department of Labor and public witnesses.

TECHNICAL CORRECTIONS AND MISCELLANEOUS TRADE PROPOSALS

Committee on Ways and Means: Subcommittee on Trade approved for full committee action technical corrections and miscellaneous trade proposals.

REPORT OF GUATEMALA

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on the Department of Justice Inspector General Report on Guatemala. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, AUGUST 3, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to hold hearings on the nomination of Jill 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, 9 a.m., SR–332.

Committee on Environment and Public Works, Subcommittee on Drinking Water, Fisheries, and Wildlife, 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, 9 a.m., SD–406.

Committee on Foreign Relations, Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine United Nation sanctions and Iraqi compliance, 10 a.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine Iraqi atrocities against the Kurds, 2 p.m., SD–419.

Committee on the Judiciary, business meeting, to mark up S. 627, to require the general application of the antitrust laws to major league baseball, and to consider the nominations of Joseph H. McKinley, Jr., to be United States District Judge for the Western District of Kentucky, and Evan Jonathan Wallach, of Nevada, to be a Judge for the International Trade Court, 10 a.m., SD–226.

Full Committee, to hold hearings on pending nominations, 2 p.m., SD–226.

Special Committee 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, 9:30 a.m., SD–628.

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, 9:30 a.m., SH–216.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E1602 in today's RECORD.

House

Committee on the Budget, hearing on the Administration's Revised Budget, 10:30 a.m., 210 Cannon.

Committee on Commerce, Subcommittee on Health and the Environment, to continue hearings on the Future of the Medicare Program, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Human Resources and Intergovernmental Relations, hearing on H.R. 2086, Local Empowerment and Flexibility Act of 1995, 9 a.m., 2247 Rayburn.

Committee on House Oversight, to consider pending business, 10 a.m., 1310 Longworth.

Task Force on Contested Election, hearing on Seventh Congressional District of North Carolina, 1 p.m., 1310 Longworth.

Committee on International Relations, hearing on H. Con. Res. 63, relating to the Republic of China (Taiwan's) participation in the United Nations, 10 a.m., 2172 Rayburn.

Committee on National Security, Subcommittee on Military Personnel, hearing on the friendly fire shootdown of Army helicopters over Northern Iraq in April 1994, 10 a.m., 2118 Rayburn.

Subcommittee on Military Research and Development, hearing on technology for safety and survivability, 2 p.m., 2212 Rayburn.

Committee on Resources, hearing regarding leasing of the 1002 study area of the Arctic Coastal Plain to oil exploration and development, 11 a.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, to mark up the following: H.R. 1253, to rename the San Francisco Bay National Wildlife Refuge as the Don Edwards San Francisco Bay National Wildlife Refuge; H.R. 2005, to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System; and Cooperative Fisheries Management Act (Anadromous Fish Convention Act; and Interjurisdictional Fisheries Act), 4 p.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 2107, to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program; and H.R. 2025, Park Renewal Fund Act, 10 a.m., 1334 Longworth.

Subcommittee on Native American and Insular Affairs, hearing on the American Samoa White-Collar Crime Assessment, 1 p.m., 1100 Longworth.

Committee on Small Business, to continue hearings regarding the implementation of PL 103–355, Federal Acquisition Streamlining Act of 1994, 10:30 a.m., 2359 Rayburn.

Committee on Standards of Official Conduct, executive, to consider pending business, 4 p.m., HT–2M Capitol.

Committee on Ways and Means, Subcommittee on Social Security, to continue hearings to examine malfunctions in the disability program, 9 a.m., B–318 Rayburn.

Next Meeting of the SENATE

9 a.m., Thursday, August 3

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1026, Department of Defense Authorizations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, August 3

House Chamber

Program for Thursday and Friday: Complete consideration of H.R. 2127, Labor–HHS–Education Appropriations for Fiscal Year 1996;

H.R. 1555, Communications Act of 1995; and

H.R. 2126, Defense Appropriations for fiscal year 1996.

Extensions of Remarks, as inserted in this issue

HOUSE

Ackerman, Gary L., N.Y., E1593
Baldacci, John Elias, Maine, E1594, E1598
Barcia, James A., Mich., E1579, E1583
Berman, Howard L., Calif., E1580
Bilbray, Brian P., Calif., E1583
Boehner, John A., Ohio, E1597
Bonilla, Henry, Tex., E1579
Bonior, David E., Mich., E1593
Camp, Dave, Mich., E1591
Combest, Larry, Tex., E1592
Cunningham, Randy ''Duke'', Calif., E1584
DeLauro, Rosa L., Conn., E1594
Deutsch, Peter, Fla., E1583
Farr, Sam, Calif., E1595
Fazio, Vic, Calif., E1583
Fields, Jack, Tex., E1588, E1592
Filner, Bob, Calif., E1600
Hamilton, Lee H., Ind., E1579, E1591
Hansen, James V., Utah, E1586
Johnson, Tim, S. Dak., E1595
Kim, Jay, Calif., E1582
Kleczka, Gerald D., Wis., E1585
LaFalce, John J., N.Y., E1582
Manton, Thomas J., N.Y., E1596
Morella, Constance A., Md., E1599
Neal, Richard E., Mass., E1589
Pomeroy, Earl, N. Dak., E1584, E1587
Quinn, Jack, N.Y., E1596
Romero-Barceló, Carlos A., Puerto Rico, E1593
Rose, Charlie, N.C., E1595
Roth, Toby, Wis., E1598
Roukema, Marge, N.J., E1591
Sanders, Bernard, Vt., E1596
Solomon, Gerald B.H., N.Y., E1588
Spence, Floyd, S.C., E1590
Stark, Fortney Pete, Calif., E1588, E1592, E1595
Stokes, Louis, Ohio, E1587
Studds, Gerry E., Mass., E1585
Taylor, Charles H., N.C., E1579
Torkildsen, Peter G., Mass., E1592
Underwood, Robert A., Guam, E1597
Weldon, Dave, Fla., E1590
Williams, Pat, Mont., E1594

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.